

## **Board Policy Review Committee: Policy and Procedure Review**

12-1-2021

[BP 2310 Regular Meetings of the Board](#) - The Service updated this policy to reflect new Brown Act provisions allowing Governing Boards to conduct virtual meetings during proclaimed states of emergency. (Government Code Section 54953, as amended by Assembly Bill 361).

[BP 2710 Conflict of Interest](#) - This policy is legally required. For review in conjunction with AP 2710 Conflict of Interest and AP 2712 Conflict of Interest Code, to align review cycle.

[AP 2710 Conflict of Interest](#) - This procedure is legally required. Last revised and reviewed by the CCLC in 2011 (legal update) and 2016.

[AP 2712 Conflict of Interest Code](#) - Strongly legally advised. No legal updates but on a 2-year review cycle so this procedure is due for review. This procedure is essentially verbatim from Title 2 Sections 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering. The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act.

[BP 3310 Records Retention and Destruction](#) - Legally required. This policy is due for review as part of the regular review cycle.

[AP 3310 Records Retention and Destruction](#) - Legally required. This procedure is due for review as part of regular review cycle.

[AP 3433 Prohibition of Sexual Harassment under Title IX \(NEW\)](#) - Originally a new CCLC Special Title IX procedure that is legally required. This procedure was created to address only sexual harassment as defined in Title IX. The latest CCLC 39 update to this new and yet to be adopted procedure deletes language that limited a decision maker's reliance on evidence from parties or witnesses who are not subject to cross-examination. (*Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-111104, 2021 WL 3185743 (D. Mass. July 28, 2021)) The U.S. Department of Education has confirmed that it will not enforce this provision of the Federal Code of Regulations. The Service also clarified language regarding supportive services, confidentiality, and training procedures, in accordance with provisions of the Education Code and Title IX.

[AP 3434 Responding to Harassment Based on Sex under Title IX \(NEW\)](#) – CCLC Title IX Update – Legally Required procedure. This procedure was created to address the requirements of the new Title IX regulations.

[BP 3500 Emergency Preparedness](#) - This policy is legally required. This policy review is part of regular review process cycle.

[AP 5210 Communicable Diseases](#) - Legally advised. This procedure addresses compliance with any immunization program required by State Department of Health Services regulations.

For current Board Policies and Administrative Procedures that are posted online please see [Policies & Procedures](#).

**Status Update - Currently Under Review**

AP 3435 Discrimination and Harassment Complaints and Investigations - Administrative review

AP 4023 Course Approval REV 3-9-2021 to Academic Senate 9-21-2021

BP 4250 Academic Probation Dismissal and Readmission to Academic Senate 9-22-21

BP 4260 Prerequisites and Co-Requisites and Advisories to Academic Senate 9-21-21

AP 4400 Community Service Courses to Academic Senate 9-24-21

BP/AP 5010 Admissions to Academic Senate 9-21-21

AP 5015 Residence Determination to Academic Senate 9-12-21

AP 5017 Responding Inquiries of Immigration Status NEW to Academic Senate 9-21-21

AP 5040 Student Records and Directory Information to Academic Senate 9-21-21

BP/AP 5050 Student Success and Support - Academic Senate

BP/AP 5130 Financial Aid - to Academic Senate 9-24-21

AP 5530 Student Grievances – Administrative review

**Board of Trustees**

**CCLC 39 Update** to reflect new Brown Act provisions allowing governing boards to conduct virtual meetings during proclaimed states of emergency. Mici B. 11-9-21

**BP 2310      REGULAR MEETINGS OF THE BOARD****References:**

Education Code Section 72000(d);  
Government Code Sections 54950, 54952.2, 54953 et seq., and 54961;  
Robert's Rules of Order

Regular meetings of the Board shall be held at least monthly on a day, time, and place to be determined at the Organizational Meeting. A regular meeting may, however, be set for another date and time by action of the Board at any previous meeting.

A notice identifying the location, date, and time of each regular meeting of the Board of Trustees shall be posted at least ten (10) days prior to the meeting and shall remain posted until the day and time of the meeting. All regular meetings of the Board of Trustees shall be held within the boundaries of the District except in cases where the Board is meeting with another local agency or is meeting with its attorney to discuss pending litigation if the attorney's office is outside the District, or is meeting during a proclaimed state of emergency.

All regular and special Board meetings shall be open to the public, except as provided by law. Public votes and public records shall be open to the public for inspection and duplication.

All regular meetings of the Board of Trustees shall be open to the public, be accessible to persons with disabilities, and comply with Brown Act provisions, except as required or permitted by law.

**Meetings During Proclaimed States of Emergency**

Prior to January 1, 2024, the Board may hold a regular meeting, or special or emergency meetings as defined in BP 2320 Special and Emergency Meetings, virtually through voice or video teleconferencing services during a proclaimed state of emergency under the provisions of the Brown Act.

In order for the Board to meet virtually during a proclaimed state of emergency, the Board will make findings by majority vote, as required by the Brown Act or by way of a Board resolution.

If the Board elects to meet virtually during a proclaimed state of emergency, the District will comply with relevant provisions of the Brown Act regarding the posting of agendas, public access to meetings through call-in or internet-based service options, public participation, and limits on

Board action in the event of a meeting disruption due to interruption of teleconferencing services.

During proclaimed states of emergency, the Board is not required to provide a physical location from which members of the public may attend or provide public comment.

Also see BP 2340 ~~titled~~ Agendas

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Date Adopted: April 21, 2009 (*Replaces* ~~ds~~ *College of Marin Policies 1.5020, 1.5050, 1.5080, and 1.6030*)

Revised: March 16, 2010; July 18, 2017

**Revised:**

**Board of Trustees**

**Legally required.** For review in conjunction with AP 2710 Conflict of Interest and AP 2712 Conflict of Interest Code, to align review cycle. Mici 10-19-2021

**BP 2710      CONFLICT OF INTEREST****References:**

Government Code Sections 1090 et seq., 1126, and 87200 et seq.;  
Title 2 Sections 18730 et seq.

Board members and employees shall not be financially interested in any contract made by them in their official capacity or in any body or board of which they are members.

A Board member shall not be considered to be financially interested in a contract if his/her/their interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her/their interest during a Board meeting and have the disclosure noted in the official Board minutes. The interested Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her/their duties as an officer of the District.

In compliance with law and regulation, the Superintendent/President shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

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Date Adopted: January 19, 2010

Date Reviewed/Revised: July 18, 2017, November 13, 2018

**Date Reviewed:**

**Board of Trustees**

**This procedure is legally required.** Last revised and reviewed by the league in 2011 (legal update) and 2016. Mici 9-21-2021

Mia 9-21-2021

Outside Counsel approved 10-6-2021

**AP 2710 CONFLICT OF INTEREST****References:**

Government Code Sections 87105 and 87200-87210;  
Title 2 Sections 18700 et seq.; ~~and as listed below~~  
2 Code of Federal Regulations Part 200.318 subdivision (c)(1); and  
other citations as listed below

**Incompatible Activities (Government Code Sections 1126 and 1099)**

Board members shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

**Financial Interest (Government Code Sections 1090 et seq.)**

Board members and designated employees shall not be financially interested in any contract made by the Board of Trustees or in any contract they make in their capacity as members of the Board of Trustees or as designated employees.

A Board member shall not be considered to be financially interested in a contract if his/her their interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/she they has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her their minor child.

**No Employment Allowed (Education Code Section 72103(b))**

An employee of the District may not be sworn in as an elected or appointed member of the Board of Trustees unless and until he/she they resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

**Financial Interest in a Decision (Government Code Sections 87100 et seq.)**

If a Board member or designated employee determines that he/she they has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of a designated employee, this announcement shall be made in writing and submitted to the Board of Trustees. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself/herself themselves from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

**Gifts (Government Code Section 89503)**

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her their statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her their statement of economic interests. The term "honorarium" does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.
- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes.

### **Representation (Government Code Section 87406.3)**

Elected officials shall not, for a period of one-year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

### **Contracts Supported by Federal Funds (2 Code of Federal Regulations Part 200.318 subdivision (c)(1))**

No employee, Board member, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he/she/they has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, Board member, or agent, any member of his/her/their immediate family, his/her/their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The Board members, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts except as specifically allowed by this Board Policy and its implementing Administrative Procedure. Disciplinary action or other enforcement action as appropriate will be taken for violations of such standards by Board members, employees, or agents of the District.

### **Office of Primary Responsibility: President's Office**

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Date Approved: December 8, 2009 (Replaced College of Marin Policy 6.0007 and Procedure 6.0007)

**Date Reviewed/Revised:**



**Strongly legally advised.** No legal updates. 2-year review cycle due for review. This procedure is essentially verbatim from Title 2 Sections 18730 et seq. The number system reflects the system used in the code and includes gaps in numbering. The first paragraph states that if an agency adopts the verbatim text of that regulation, the agency will be presumed to have adopted a code that complies with the Political Reform Act. Mici 9-21-2021

**AP 2712      CONFLICT OF INTEREST CODE****References:**

Government Code Sections 87103(e), 87300-87302, 89501, 89502, and 89503;  
Title 2 Section 18730

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

**Section 1 – Definitions**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 California Code of Regulations Sections 18100 et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

**Section 2 – Designated Employees**

The persons holding positions listed in Section 13 are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

**Section 3 – Disclosure Categories**

This code does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200 et seq. In

addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- A. The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- B. The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and
- C. The filing officer is the same for both agencies.<sup>1</sup> Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her their statement of economic interests those economic interests he/she they has which are of the kind described in the disclosure categories to which he/she they is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she they foreseeably can affect materially through the conduct of his/her their office.

#### **Section 4 – Statements of Economic Interests**

##### **Place of Filing**

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

#### **Section 5 – Statements of Economic Interests**

##### **Time of Filing**

- A. Initial Statements: All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.
- B. Assuming Office Statements: All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.
- C. Annual Statements: All designated employees shall file statements no later than April 1.
- D. Leaving Office Statements: All persons who leave designated positions shall file statements within 30 days after leaving office.

#### **Section 5.5 – Statements for Persons Who Resign Prior to Assuming Office**

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<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code, Section 81004.

<sup>2</sup> See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she/they did not make or participate in the making of, or use his/her/their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her/their appointment. Such persons shall not file either an assuming or leaving office statement.

Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

- (1) File a written resignation with the appointing power; and
- (2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he/she/they did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

## **Section 6 – Contents of and Period Covered by Statements of Economic Interests**

- A. Contents of Initial Statements: Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.
- B. Contents of Assuming Office Statements: Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.
- C. Contents of Annual Statements: Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.
- D. Contents of Leaving Office Statements: Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

## **Section 7 – Manner of Reporting**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

- A. Investments and Real Property Disclosure. When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

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<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principle residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro

1. A statement of the nature of the investment or interest;
  2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
  3. The address or other precise location of the real property; and
  4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).
- B. Personal Income Disclosure: When personal income is required to be reported,<sup>5</sup> the statement shall contain:
1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
  2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
  3. A description of the consideration, if any, for which the income was received;
  4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received; and
  5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- C. Business Entity Income Disclosure: When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:
1. The name, address, and a general description of the business activity of the business entity and
  2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- D. Business Position Disclosure: When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she/they is a director, officer, partner, trustee, employee, or in which he/she/they holds any position of management, a description of the business activity in which the

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rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his/her/their community property interest in the income of his/her/their spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

business entity is engaged, and the designated employee's position with the business entity.

- E. Acquisition or Disposal during Reporting Period: In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

## **Section 8 – Prohibition on Receipt of Honoraria**

- A. No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her/their statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.
- B. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

## **Section 8.1 – Prohibition on Receipt of Gifts in Excess of \$470**

- A. No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$470 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her/their statement of economic interests. ~~This section shall not apply to any part time member of the governing board of any public institution of higher education, unless the member is also an elected official.~~
- B. Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

## **Section 8.2 – Loans to Public Officials**

- A. No elected officer of a local or state government agency shall, from the date of his/her/their election to office through the date that he/she/they vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- B. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she/they holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- C. No elected officer of a state or local government agency shall, from the date of his/her/their election to office through the date that he/she/they vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's

agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

- D. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she/they holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- E. This section shall not apply to the following:
1. Loans made to the campaign committee of an elected officer or candidate for elective office.
  2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
  3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
  4. Loans made, or offered in writing, before January 1, 1998.

### **Section 8.3 – Loan Terms**

- A. Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his/her/their election to office through the date he/she/they vacates office, receive a personal loan of five hundred dollars (\$500) or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.
- B. This section shall not apply to the following types of loans:
1. Loans made to the campaign committee of the elected officer.
  2. Loans made to the elected officer by his/her/their spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
  3. Loans made, or offered in writing, before January 1, 1998.
- C. Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

## Section 8.4 – Personal Loans

~~(A)~~ A. Except as set forth in subdivision ~~(B)~~B., a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
  - a. The date the loan was made.
  - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
  - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

~~(B)~~ B. This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

~~(C)~~ C. Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

## Section 9 – Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his/her/their official position to influence the making of any governmental decision which he/she/they knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his/her/their immediate family or on:

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;



- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$460 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

### **Section 9.3 – Legally Required Participation**

No designated employee shall be prevented from making or participating in the making of any decision to the extent his/her/their participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his/her/their participation legally required for purposes of this section.

### **Section 9.5 – Disqualification of State Officers and Employees**

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his/her/their official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his/her/their immediate family has, within 12 months prior to the time when the official action is to be taken:

- A. Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or
- B. Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

### **Section 10 – Disclosure of Disqualifying Interest**

When a designated employee determines that he/she/they should not make a governmental decision because he/she/they has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

### **Section 11 – Assistance of the Commission and Counsel**

Any designated employee who is unsure of his/her/their duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his/her/their agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

### **Section 12 – Violations**

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

### **Section 13 – Designated Positions and Disclosure Requirements**



1. The persons occupying following positions manage public investments. They shall file a full statement of economic interests pursuant to Government Code Sections 87200 et seq.:

Board Members

Chief Executive Officer (Superintendent/President)

Chief Business Officer (Assistant Superintendent/Vice President of Administrative Services)

Chief Instructional Officer (Assistant Superintendent/Vice President of Student Learning and Success)

General Counsel

2. Disclosure Categories: The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the designated employees must disclose for each disclosure category to which he/she they is assigned.

**Category 1:** All investments and business positions and sources of income from, business entities that do business with the District or own real property within the boundaries of the District, plan to do business or own real property within in the boundaries of the District within the next year, or have done business with or owned real property within the boundaries of the District within the past two (2) years.

**Category 2:** All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.

**Category 3:** All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.

**Category 4:** All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

**Category 5:** All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

**Category 6:** All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

Designated Positions or functions, and the Disclosure Categories assigned to them, are as follows\*:

Accountants/Senior Accountants

Assistant Deans

Assistant Directors

Categories 4,5

Category 6

Category 6

Assistant Vice President, Instructional Support	Category 6
Associate Directors (All)	Category 6
Chief Information Officer/Director of IT	Category 6
Deans	Category 6
Directors (All Other)	Category 6
Director of Capital Outlay	Categories 2,3,4,5
Director of Fiscal Services	Categories 4,5
Buyer	Categories 4,5
Director of Facilities Planning, Maint. & Operations	Categories 1,2,3,4, 5
Asst. Director of Maintenance & Oper.	Category 2,3,6
<del>Director of Human Resources</del>	<del>Category 6</del>
Executive Directors	Category 5
Facilities Rental Supervisor	Category 6
Manager, Employee & Labor Relations	Category 6
Manager, Organic Farm & Garden	Category 6
Manager, Environmental Health, Safety, Risk	Category 6
Chief of Police	Category 6
Police Lieutenant	Category 6
Program Administrators	Category 6
Consultant	Categories 1,2,3,4,5,6

\*Position titles are subject to change.

Consultants must be included in the list of designated employees and must disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The Superintendent/President or designee may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus is not required to comply fully with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based on that description, a statement of the extent of disclosure requirements. The Superintendent/President’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

#### Offices of Primary Responsibility: Human Resources

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Date Approved: August 24, 2010 (*Replaced College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020*)

Dates Revised: November 18, 2011, February 26, 2013, October 14, 2014, October 18, 2016, November 13, 2018

**Date Reviewed/Revised:**

**General Institution**

**Legally required.** This policy is due for review as part of the regular review cycle.  
Mici 10-19-2021

**BP 3310      RECORDS RETENTION AND DESTRUCTION**

**References:**

Title 5 Sections 59020 et seq.;  
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

The Superintendent/President shall establish administrative procedures to assure the retention and destruction of all District records—including electronically stored information (ESI) as defined by the Federal Rules of Civil Procedure—in compliance with Title 5. Such records shall include but not be limited to student records, employment records, and financial records.

[See AP 3310 Records Retention and Destruction](#)

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Date Adopted: May 18, 2010 (*Replaced College of Marin Policy 4.0032*)

**Date Reviewed:**

## General Institution

Legally required. Due for review as part of regular review cycle. Mici 10-19-2021

**AP 3310 RECORDS RETENTION AND DESTRUCTION****References:**

Title 5 Sections 59020 et seq.;  
Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45

The District shall adhere to the following in carrying out its records retention and destruction responsibilities:

- “Records” means all records, maps, books, papers, data processing output, and documents of the District required by Title 5 to be retained, including but not limited to records created originally by computer and “electronically stored information” (“ESI”), as that term is defined by the Federal Rules of Civil Procedure.
- The Superintendent/President or designee shall supervise the classification and destruction of records and ESI. An annual report shall be made to the Governing Board regarding the classification and destruction of records and ESI.
- Records shall be classified as required by Title 5 and other applicable statutes, state, and federal regulations.
- Records shall annually be reviewed to determine whether they should be classified as Class 1 – Permanent, Class 2 – Optional, or Class 3 – Disposable (as defined in Title 5).
- Class 3 – disposable records shall be maintained for the period required by applicable law or regulation, but in any event shall be retained for at least three college years after the year in which they were originally created.
- Destruction is by any method that assures the record is permanently destroyed, e.g. shredding, and/or pulping, ~~etc.~~

Each office involved in records retention will develop operational processes to ensure that these records are properly maintained or destroyed according to the law.

Office of Primary Responsibility: Superintendent/President

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Date Approved: April 20, 2010

**Date Reviewed:**

**General Institution**

**CCLC Special Title IX Update** – Legally required. New: Created on 1/8/2021 Mici  
Legal, HR review completed 9/30/2021

**AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX (NEW)****References:**

Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

**Definitions**

**Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape (except Statutory Rape).** The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without

the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
  - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating Violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
  - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Office of Primary Responsibility: Human Resources; Student Services – Activities and Advocacy

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**Date Adopted:**

**General Institution**

**CCLC Title IX Update – Legally Required procedure. Created 1/12/2021 Mici**

Mia 9/30/2021

To Nikki, Jeff M. rev, Sadika SH 10/07/2021

**CCLC 39 Update** deleted language that limits a decision maker's reliance on evidence from parties or witnesses who are not subject to cross-examination. Mici 11/9/2021

**AP 3434      RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX (NEW)**

**References:**

20 U.S. Code Sections 1681 et seq.;

34 Code of Federal Regulations Parts 106.1 et seq.;

Education Code Sections 67380 et seq.;

Office for Civil Rights Letter dated August 24, 2021

**Introduction**

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable federal regulations and that meet Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

**Title IX Coordinator**

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

The District's Title IX Coordinator is Nekoda Harris, Executive Director of Human Resources, and the Title IX Coordinator's contact information is:

Address:

Indian Valley Campus

Building 11, Second Floor

1800 Ignacio Boulevard

Novato, CA 94949

Phone number: (415) 485-9520

Email: NHarris@marin.edu

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

### **Title IX Harassment Complaints, Investigations, and Hearings**

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

### **Jurisdictional Requirements – Application of Procedures**

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

### **Definitions**

**Advisor:** Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of its choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

**Complainant:** A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

**Consent:** Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.



The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - asleep or unconscious;
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - unable to communicate due to a mental or physical condition.

**Decision-Maker:** The person or persons who will oversee the live hearing and make a determination of responsibility. At its discretion, the District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

**Formal Complaint:** A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

**Parties:** As used in this procedure, this means the Complainant and Respondent.

**Respondent:** A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of

his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
  - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating Violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
  - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

### **Reporting Options**

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide

variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus and BP/AP 3515 Reporting of Crimes.)

### **District Employees and Officials with Authority**

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority: all managers, supervisors, [campus police officers](#), and the student conduct and community standards coordinator.

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

All other employees are strongly encouraged to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

## **Intake and Processing of Report**

### **Receipt of Report**

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

### **Timeframe for Reporting**

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

### **Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with written notice of options for, available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will not disclose that the District is providing supportive measures except to only make disclosures to those with a need to know to enable the District to provide the service. Supportive measures may include changes to academic, living, transportation, and working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### **Removal of Respondent Pending Final Determination**

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

### **Emergency Removal**

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's Title IX Coordinator or designee, the Chief of Police or designee, or the Superintendent/President will conduct the individualized safety and risk analysis. The Title IX Coordinator is an authorized designee of the President for purposes of Withdrawal of Consent to be on Campus under AP 5520 Student Discipline and Due Process.

If the District's Title IX Coordinator or designee, the Chief of Police or designee, or the Superintendent/President determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis. ~~with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal.~~ Please refer to the procedure for withdrawal of consent to be on campus under AP

## 5520 Student Discipline and Due Process, or as an interim suspension or other student conduct measure under AP 5520.

The District's Title IX Coordinator or designee, the Chief of Police or designee, or the Superintendent/President will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal. The Title IX Coordinator is an authorized designee of the President for purposes of Withdrawal of Consent to be on Campus under AP 5520.

### **Administrative Leave**

The District may place an ~~a non-student~~ employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

### **Formal Complaint Grievance Process**

#### **Notice to Parties**

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

#### **Dismissal of Formal Complaint**

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District's education program or activity;
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismisses the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

### **Consolidation of Formal Complaints**

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **Equitable Treatment of the Parties**

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent for sexual harassment unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

### **Statement of Presumption of Non-Responsibility**

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

### **Bias or Conflict of Interest**

The District's Title IX Coordinator, Decision-Maker, an investigator, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor

of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

### **Timeline for Completion**

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 210 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend 210-calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

### **Role of Advisor**

The role of the Advisor is to provide support and assistance in understanding and navigating the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

### **Confidentiality Agreements**

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

### **Use of Privileged Information**

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

### **Investigations**

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting **with the Party** described in this section.

### **Trained investigators**

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

### **Gathering Evidence and Burden of Proof**

The District, not the Parties, has the responsibility to gather information and interview witnesses. When the investigator evaluates the evidence, he/she/they will do so using the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that reported conduct occurred.

### **Notice of Investigative Interview**

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

### **Evidence Review**

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.



Prior to the investigator preparing an investigative report, the District will send to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

### **Investigative Report**

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- ~~A table of contents if the report exceeds ten pages; and~~
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing or other time of determination regarding responsibility, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten days to submit a written response.

### **Hearing**

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

### **Notice**

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate.

### **Hearing Format**

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

### **Decision-Maker**

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. If the Complainant or Respondent believes the Decision-Maker has a conflict of interest, the Party shall inform the Title IX Coordinator in writing as soon as possible and within five business days after being notified of the Decision-Maker. The Title IX Coordinator will evaluate the information and determine whether to proceed with the Decision-Maker or select a different Decision-Maker.

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

### **Presenting Witnesses**

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

### **Cross-Examination**

The District will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

Advisors may only ask relevant cross-examination and other questions of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy

or complicated explanation in support of a relevance determination. If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility. A Party or witness may also decline to answer a question, and the Decision Maker cannot rely on any statement on which that Party or witness has declined to answer cross-examination questions. A Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Decision-Maker may consider statements made by Parties or witnesses that are otherwise permitted under the Title IX regulations, even if those Parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility in the Title IX grievance process. For example, the Decision-Maker may consider statements made by the Parties and witnesses during the investigation, emails or text exchanges between the Parties leading up to the alleged sexual harassment, and statements about the alleged sexual harassment that satisfy the regulation's relevance rules, regardless of whether the Parties or witnesses submit to cross-examination at the live hearing. The Decision-Maker may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

### **Determinations of Responsibility**

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 30 business days after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and

how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;

- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

### **Disciplinary Sanctions and Remedies**

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge, in accordance with any applicable collective bargaining agreement or Board Policies and Administrative Procedures.

### **Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility**

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within 5 business days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

### **Grounds for Appeal**

The District will appoint one or more persons to serve as the Decision-Maker on Appeal. The Decision-Maker on Appeal may not be the original Decision-Maker who made the decision the appellant is challenging, nor the Title IX Coordinator or investigator. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

### **Appeal Procedure**

If the Complainant or Respondent submit an appeal to the District, the District will:

- Notify the other Party in writing within ten (10) business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten (10) business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 days business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

### **Informal Resolution**

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

The District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

### **Retaliation Prohibited**

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

### **Dissemination of Policy and Procedures**

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

### **Training**

The District will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **File Retention**

The District will retain on file for a period of at least seven years after closing the case copies of:

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

See AP 5520 Student Discipline and Due Process

Office of Primary Responsibility: Human Resources, Campus Police, Student Services – Activities and Advocacy

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**Date Adopted:**

General Institution

**Legally required.** This review is part of the required cycle of the review process. Mici 10-19-2021

Chief Marozick, Greg Nelson approved 11-16-2021

## **BP 3500 EMERGENCY PREPAREDNESS**

### **Reference:**

Education Code Section 67380(a)(4)

The Board of Trustees is committed to a safe and secure District work and learning environment. To that end, the Superintendent/President shall establish a District Safety Plan with minimum disruption to the educational program and ensure that it is posted or otherwise made available to students. The District Safety Plan shall include availability and location of security personnel, methods for summoning assistance of District Police, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

The Superintendent/President and/or designee is authorized to close District facilities, including the campuses, delay the opening of the campuses, or dismiss classes early for emergency reasons and to protect the health and safety of the campus community.

The Superintendent/President shall develop procedures for responding to District emergencies and shall ensure that:

1. District employees maintain a standard of care for supervision, control and protection of students commensurate with assigned duties and responsibilities.
2. District employees immediately report to the Superintendent/President or designee an accident or a safety hazard.
3. Students are not required to perform work or services which may be detrimental to their health.

Date Adopted: March 17, 2009 (*Replaces* ~~sg~~ *College of Marin Policy 7.0009 and Policy 5.0021*)

Date Revised/Reviewed: June 22, 2010, August 31, 2015

**Date Reviewed:**



**Student Services**

**No CCLC Update – Legally advised.** Procedures for compliance with any immunization program required by State Department of Health Services regulations. Reviewed Mici 2-10-2021

Nicole C.5-13-2021

Mia Reviewed 10-6-2021

To Jon E., Greg N., and Sadika SH 10-7-2021

**AP 5210      COMMUNICABLE DISEASES**

**Reference:**

Education Code Section 76403

The District recognizes that response protocols for communicable diseases will vary according to the nature and type of pathogen, known modes of transmission, best practices for prevention, and established treatments.

In the event of the identification of a reportable communicable disease, appropriate District officials will coordinate required responses at District-owned or operated facilities and with Department of Health officials.

When a potential communicable disease case comes to the attention of a District employee, the employee's first step is to immediately contact their direct supervisor. The supervisor will inform the appropriate District designee, in accordance with established District protocols and procedures.

Office of Primary Responsibility: Office of Student Learning and Success, Student Services, Administrative Services

See also BP/AP 3507 COVID-19 Vaccination Requirements and BP/AP 7330 Communicable Diseases

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Date Approved: April 21, 2009

Date Reviewed: