

**February 7, 2019**

Academic Center, Room 303, KTD

Present: David Wain Coon, Jonathan Eldridge, Greg Nelson; Christina Leimer; Karen Robinson, Becky Brown; Kim Foulger, Hellen Sigaran, Luanne Mullen, Kathy Joyner

Absent: Monica Applegate; Meg Pasquel; Maridel Barr, Liam Campbell; Isidro Farias

Guests: Marian Mermel; Yolanda Bellisimo; Gabby Hojilla

1. **Agenda** –The agenda was approved by consensus.
2. **Minutes** - The minutes of the November 29, 2018 meeting were approved by consensus.

3. **President's Report**

Capital Projects Update: Greg provided an update on projects including current progress, timetables and expected completion dates. A copy of the information is attached to the minutes. There was discussion about construction impacts on parking and wayfinding and a request that meetings be scheduled with staff to discuss the impacts of moves related to LRC.

Strong Workforce Action Committee (SWAC): Jonathan reviewed the charge of the Strong Workforce Action Committee (SWAC) which was approved by the Planning, Resource and Allocation Committee (PRAC) in October. The committee is a subcommittee of PRAC and will ensure participation by all constituents in recommendations for Strong Workforce grant funding for CTE programs. The Governance review council approved the charge with one minor edit. Jon will send a copy of the revised charge to Yolanda Bellisimo. The committee had its first meeting last Friday.

Student Participation Certificates: Yolanda Bellisimo and Gabby Hojilla reported on a proposal by the Governance Review Council (GRC) to issue certificates of participation to acknowledge students who sit on governance committees. Students will be responsible to report activities of their committee back to ASCOM. GRC will ask each committee chair to provide the names of the students who serve on committees and participate regularly starting this semester. Students who receive a certificate will get a transcript note on their file to recognize their service on a governance committee.

Discontinued/Restructured Governance Committees: Yolanda also reported that GRC has proposed adding language to the Participatory Governance Plan to define how committees are added, discontinued or restructured. The intent of the additional language is to assure that the information comes to GRC first who will then help guide

the process and inform the college. College Council members were asked to review the document with their constituents and report back at the next meeting. With agreement, the language will be added to the Participatory Governance Plan.

- **Board Policies & Procedures**

Kathy provided details of the listed BP/APs and asked for approval and/or comments. She noted that the new BP/AP (3415) and updates to three APs in response to the State regulations around immigration will go to the Board in February as they must be in place by March 1, 2019. If there are any questions or concerns raised by constituent review, please forward them to Kathy. The council approved the following BP/APs for forwarding to the Board of Trustees for review/approval and information:

- BP/AP 3415 District Response to Immigration Enforcement Activities
- AP 3518 Child Abuse Reporting
- AP 3050 Institutional Code of Ethics
- AP 3501 Campus Security and Access
- BP/AP 3505 Emergency Operations Plan
- AP 5015 Residence Determination
- AP 5040 Student Records, Directory Information and Privacy
- BP/AP 5300 Student Equity
- AP 6307 Debt Issuance and Management
- BP 6330 Purchasing
- BP/AP 6340 Bids and Contracts
- AP 6345 Bids and Contracts – UPCCAA
- AP 6400 Audits
- AP 6500 Property Management
- BP/AP 6550 Disposal of District Personal Property
- BP/AP 6750 Parking

The following BP/APs are pending review with the Academic Senate:

- AP 7120 Employment Recruitment (Aug)
- AP 6350 Contracts – Construction (Nov)

4. **Board of Trustees** - Dr. Coon reviewed the draft agenda for the February 12, 2019 meeting. The afternoon study session will include updates on Measure B and the Education Master Plan and Strategic Plan processes and timelines. A roundtable discussion on Bolinas is scheduled at 4:00 p.m. to allow open dialog with the public and the Board. During the regular meeting there will be an update on Community Education, Lifelong Learning and International Education programs.

6. **Constituent Reports**

Academic Senate – Karen noted that the senate reviewed the EMP document, provided feedback and feel they now have a better understanding of the process. They have been working with Yolanda Bellissimo and Sara McKinnon on minimum qualifications and equivalencies so the District will meet the state levels. The District can be audited if we don't have documentation and a process in place. The senate is working added language related to consensus on interview committees for AP 7120.

ASCOM – Hellen reported that ASCOM held a retreat to evaluate their progress on the creating more community involvement and social life for students. They gave themselves a B (up from a C). Students are hosting *Ask Me* tables once a month to inform students of resources available on campus. An event called *Love is Love* is scheduled for February 14. A twist on Valentine's Day, students will be provided with information about self-care, empowerment, positivity and community. Tea and snacks will be served. Upcoming events include Club Fest and a Women in History screening. Students have complaints about campus Wi-Fi. Greg Nelson will provide an update at the next meeting.

ESCOM – A copy of the ESCOM report is attached to the minutes.

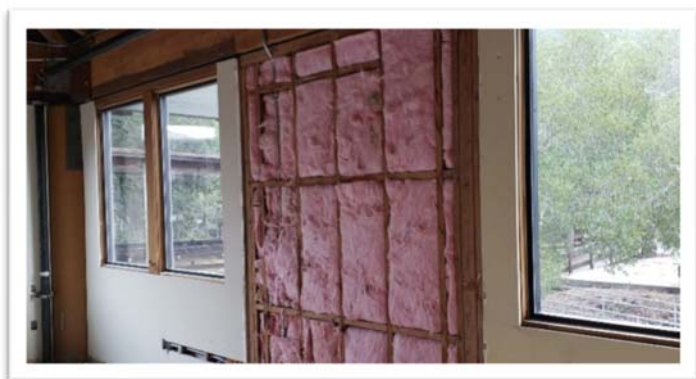
Classified Senate: Kim reported that the senate did not meet in December or January. They are currently working on the welcome back breakfast for classified staff which will be held in March. The senate is also working on updating their website and employee handbook and are looking for someone to sit on the CPLC committee to fill the vacancy left by Vickie Lamke. They plan to invite Dr. Coon to a future meeting for a question/answer session and will also be inviting Greg Nelson to discuss LRC moves. They have asked that members of participatory governance committees report back to the senate on committee activities and actions.

7. Meeting Wrap Up -
  - AP 6350 Contracts Construction & AP 7120 Employment Recruitment (March)
  - College Hour Update (March)
  - Report back on results of constituent review re: discontinued/restructured governance committees (March)
  - Report back – any feedback on immigration related changes to BP/APs
  - Update on wireless (Patrick)
8. Meeting Schedule: Next Meeting March 7, 2019
9. Adjourn Meeting – Meeting was adjourned.

## MEASURE B BOND PROGRAM SUMMARY UPDATE

WEDNESDAY, FEBRUARY 5, 2019

Project	Scope	Schedule	Status
<b>PROJECTS UNDER CONSTRUCTION WINTER 2019:</b>			
<b>Athletic Turf Fields (Phase II)</b>	Baseball Field	Completion: March 2019	<ul style="list-style-type: none"> <li>• <i>Site Work: paving, bleacher installation, turf installation</i></li> </ul>
<b>Pomo Cluster Phase II</b>	Interior Renovations	Completion: Summer 2019	<ul style="list-style-type: none"> <li>• <i>Interior framing complete, MEP systems installation ongoing, furniture selections</i></li> </ul>
<b>Miwok Center</b>	New Construction	Completion: Summer 2020	<ul style="list-style-type: none"> <li>• <i>Removal of site utilities, installation of water line, ongoing grading activities</i></li> </ul>
<b>Admin Center Roof Replacement</b>	Roof Replacement	Completion: March 2019	<ul style="list-style-type: none"> <li>• <i>Sloped roofing demolition complete, roofing construction in progress</i></li> </ul>
<b>Building 27 Painting</b>	Exterior Painting	Completion: Spring 2019	<ul style="list-style-type: none"> <li>• <i>Contract awarded, pending NTP, scheduling project to begin</i></li> </ul>
<b>PROJECTS BIDDING SPRING &amp; SUMMER OF 2019:</b>			
<b>Site Improvements</b>	Widening Fire Lane at PE Complex	Rebidding	<ul style="list-style-type: none"> <li>• <i>Prior bid was high, preparing project for rebidding</i></li> </ul>
<b>Admin Cluster 9 &amp; 12 Design</b>	Tenant Improvements	Request for Proposal from A&E Firms	<ul style="list-style-type: none"> <li>• <i>Scope will involve abatement, MEP upgrades, tenant improvements</i></li> </ul>
<b>Maintenance &amp; Operations</b>	New Construction	Bidding: Spring 2019	<ul style="list-style-type: none"> <li>• <i>DSA Approval pending within a week</i></li> </ul>
<b>PROJECTS IN DESIGN WINTER 2019:</b>			
<b>Performing Arts</b>	AV System Upgrades	Construction: Summer 2019	<ul style="list-style-type: none"> <li>• <i>Project currently in the Design Phase</i></li> </ul>
<b>Jonas Center &amp; Building 18</b>	Repurposing and New Construction	Construction: Spring 2019	<ul style="list-style-type: none"> <li>• <i>DSA Review Pending and finalizing Rotary Design Changes</i></li> </ul>
<b>Fusselman Hall</b>	Structural and Waterproofing Improvements	Design-Bid-Build Construction: Fall 2019	<ul style="list-style-type: none"> <li>• <i>Project currently in the Design Phase</i></li> </ul>
<b>Learning Resource Center</b>	New Construction / Replacement Building for LRC	<u>Prequals Due:</u> February 19, 2019 <u>Proposals Due:</u> April 5, 2019	<ul style="list-style-type: none"> <li>• <i>RFP/Q currently advertised, addressing questions via Addendums posted on PlanetBids</i></li> </ul>



**Pomo Cluster Phase II - Construction**

**Athletic Turf Fields - (Phase II) Construction**



**Miwok Center - Site Improvements**

**Admin Cluster – Roofing Replacement**

## ***College Council***

***1. Hand out Book Passage newsletter***

***It goes out to 20,000 people worldwide. Great publicity for the College.***

***2. The Emeritus Council has two new members and will continue to look for new members to join.***

***3. We will have another new members coffee on March 8<sup>th</sup> in Deedy Lounge at 10am.***

***4. Beth Hampson the community ed. Program***

***Administrator will be leaving. Her last day is tomorrow.***

***5. Emeritus members participated in the Mini Medical event helping with registration and having an information table greeting people.***

***6. Emeritus would like to know how to receive funds that have been donated to our organization that are not Trusts or Scholarships. What is the process, how are they informed and how does the money go into their account.***

**DRAFT: January, 2019**

**To be added to the Participatory Governance System Plan:**

## **DISCONTINUED OR RESTRUCTURED GOVERNANCE COMMITTEES**

In the event of the need to restructure or discontinue a governance committee or subcommittee, the following procedure shall be followed:

- Determination to restructure or discontinue a governance committee or subcommittee shall be brought forward by PRAC or by consent of the members of the committee or subcommittee
- Recommendation to discontinue shall be presented to the Governance Review Council (GRC) in writing and will include
  - Reasons for discontinuance
  - Activities or work that will need to be taken on by other committees or subcommittees
  - Timeline for phasing out the committee or subcommittee
- Recommendation to restructure shall be presented to the Governance Review Council (GRC) in writing and will include
  - Reasons for restructuring
  - Rewritten committee charge intended to replace charge published in the Participatory Governance System Plan (PGS)
- GRC may request in-person meetings with the initiating party or parties
- GRC may request follow-up materials from the initiating party or parties and/or from college constituent groups affected by the restructuring or discontinuance of the committee or subcommittee
- GRC shall offer constituent groups, including the Classified Senate, the Academic Senate, and ASCOM, an opportunity to provide input regarding the restructuring or discontinuance of the committee or subcommittee
- If the committee is a subcommittee of PRAC, GRC shall consult with PRAC prior to presenting its recommendation
- Within one semester of the request for restructure or discontinuance, GRC shall present a recommendation to College Council
- The College Council decision regarding restructuring or discontinuance shall be communicated to GRC
- GRC shall be responsible for updating the PGS plan with a new or revised committee charge and/or removal of the discontinued committee or subcommittee.



## Human Resources

No CCLC Updates thru #32 April 2018

Revised by HR 8-2018

Categories modified to match BP/AP 3410 for this AP

Revision from Classified Senate at CC Mtg 11/29/2018

**AP 7120 EMPLOYMENT RECRUITMENT****References:**

Education Code Sections 87100 et seq., 87360, 87400, 87408-87408.6, 88003, and 88021;  
Title 5 Code Sections 53021-53024;  
ACCJC Accreditation Standard III.A.1. (*formerly III.A.*)

**I. General Provisions**

- A. Equal Employment Opportunity (EEO) – Commitment to Diversity:** In all phases of recruitment and hiring, equal opportunity shall be afforded to all employees and applicants for employment without discrimination on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status ~~national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, genetic information~~, or because the employee or applicant is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Equal employment opportunity issues are addressed in BP/AP 3420 titled Equal Employment Opportunity and the District's EEO Plan.

**B. Permanent Academic, Management, and Classified Employees**

Human Resources will have primary responsibility for implementing Administrative Procedures for the employment of permanent academic and classified employees. Such procedures for employment include provisions for assuring adequate candidate screening by a screening committee, including faculty, administration, and staff participation as appropriate; equal employment opportunity review; and necessary forms and guidelines.

**II. Recruitment Methods for Management and Classified Positions****A. Position Authorization**

Recommendations for the creation and/or filling of positions shall be made in accordance with District governance or administrative processes. Approval for the filling of an authorized position that is vacant will be made by the Superintendent/President.

**B. Search/Screening Committee Structure**

1. The Superintendent/President or designee may appoint the manager(s) for the committee and committee members. Classified employees will be appointed by the



~~Classified Senate through the Classified Professionals Liaison Committee, official classified staff appointing body (Classified Senate edit)-~~ Academic employees will be appointed by the Academic Senate.

2. Training: All members of the screening committee shall be trained in the relevant State and Federal provisions for equal employment opportunity, and the search/screening process.
3. The committee will have District-wide representation for the purpose of screening, interviewing, and recommending candidates to the Superintendent/President or designee (See Human Resources Screening Committee Composition Guidelines).
4. The Superintendent/President or designee may appoint other than District employees to participate in the recruitment process.
5. Members of the screening committee are acting as agents for the District and are participating in a confidential process. Committee members are prohibited from releasing any information which relates to the recruitment process. Committee members may be held personally responsible for any unauthorized disclosure of information.

#### **C. Position Announcement**

1. The position announcement will describe the duties and responsibilities of the position based upon the approved job description. The announcement shall be reviewed by the appropriate administrator.
2. The recruiting efforts will include, as appropriate, regional and national advertising as well as outreach efforts in accordance with the District's EEO Plan.

#### **D. Applications**

Applications for positions will be submitted using the District's website. Applicable materials shall be submitted with all completed applications. Human Resources will conduct the initial review of the applications to ensure minimum qualifications for the position are met.

#### **E. Screening Process**

1. Screening Criteria: Criteria may be formulated by the committee for the purpose of reducing the applicant pool to those best qualified. At the same time, the committee will formulate questions and other assessments to be used during the interview process.
2. Screening criteria must identify job-related qualifications that enhance equity, diversity, inclusion and reinforce the Knowledge, Skills and Abilities (KSAs) needed for the position.
3. Human Resources will provide the screening committee with access to view the application and applicable materials for all candidates who meet the minimum qualifications for the position. The screening committee will then select candidates to be interviewed.
4. Every effort should be made to interview ~~at least~~ three (3) or more candidates for each position.
5. Pre-selection Activities, Assessments, Demonstrations and Presentations: The District at its discretion may require pre-screening activities and/or assessments, as well as demonstrations or presentations of the candidate's effectiveness as appropriate to the position.
6. Applicant Screening: Members of the screening committee shall individually review each qualified applicant's application materials using the previously agreed upon screening criteria. Following the screening, the committee shall develop consensus regarding the pool of applicants to be invited to interview. The hiring administrator/designee or Human

Resources ~~or the hiring administrator/designee~~ will schedule the selected candidates' interview and make necessary arrangements.

7. Interview Process: Interviews will be conducted using the previously agreed upon interview questions, and at least two (2) diversity questions must be included when developing interview questions. ~~and~~ Screening committee members shall individually evaluate each candidate based on his/her responses to the questions, the demonstration/presentation, and/or other type of performance indicator exercise(s), if applicable. Following the last interview, the screening committee will deliberate the candidates' strengths and areas for growth, reach a consensus on a finalist(s), and prepare written documentation of these conclusions to Human Resources. If the committee cannot reach a consensus on a finalist(s), the position may be reposted and the screening process restarted. At the conclusion of the interview process, all application and interview materials used and completed by screening committee shall be returned and retained by Human Resources.
8. Notification of Candidates: Human Resources will notify applicants not moved forward to interview or as finalists of their status.
9. Recommendations and Finalization of Selection
  - a. Management Positions
    - i. Finalists will be recommended to the Superintendent/President or designee. The committee may send comments or a statement of reservation about the candidates along with their recommendation.
    - ii. At the discretion of the Superintendent/President or designee, the finalists will be invited for an interview with the Superintendent/President and/or designees.
    - iii. If the Superintendent/President or designee does not agree with the committee's recommendations, he/she will request that the search be extended or suspended.
    - iv. The finalist(s) name(s) will be forwarded to the appropriate administrator or Human Resources for reference checking.
    - v. The Superintendent/President or designee will extend an offer of employment.
    - vi. Upon acceptance of the offer of employment, the finalist's name will be submitted to the Board of Trustees for approval.
    - vii. Notification of Candidates: The Superintendent/President or designee or Human Resources will notify the finalists not selected for the position of their status.
  - b. Classified Positions
    - i. The screening committee, in conjunction with the committee chairperson (e.g. hiring manager), will recommend a finalist(s). Second interviews are appropriate in the event the supervisor or manager is unable to participate in the initial interview.
    - ii. The finalist(s') name(s) will be forwarded to the appropriate administrator or Human Resources for reference checking.
    - iii. The appropriate administrator or Human Resources will extend an offer of employment.
    - iv. If there is not an acceptable candidate, the supervisor or manager will request the search be extended or suspended.
    - v. Upon acceptance of the offer of employment, the finalist's name will be submitted to the Board of Trustees for approval.

8. The action of the Board of Trustees will be communicated to the candidates. If for any reason the person approved refuses the offer, the matter may be referred back to the screening committee by Human Resources.

### **III. Recruitment Methods for Full-Time Faculty Positions**

**A. Vacancy:** Recruitment for a permanent faculty position will be conducted whenever the District determines that a permanent faculty position will meet the need of the District or the mandates of the State Chancellor's Office, or to comply with the MCCD-UPM/AFT Collective Bargaining Agreement.

**B. Screening Committees Structure:** A screening committee will be formed.

1. The Superintendent/President or designee may appoint the chairperson for the committee and committee members. Classified employees will be appointed by the official classified staff appointing body. Academic employees will be appointed by the Academic Senate.
2. Training: All members of the screening committee shall be trained in the relevant State and Federal provisions for equal employment opportunity, and the search/screening process.
3. The committee will have District-wide representation for the purpose of screening, interviewing, and recommending candidates to the Superintendent/President (see Human Resources Screening Committee Composition Guidelines).
4. The Superintendent/President or designee may appoint other than District employees to participate in the recruitment process.
5. Members of the screening committee are acting as agents for the District and are participating in a confidential process. Committee members are prohibited from releasing any information which relates to the recruitment process. Committee members may be held personally responsible for any unauthorized disclosure of information.

**C. Position Announcement:**

1. In collaboration with the appropriate administrator and department chair, Human Resources will develop the position announcement to include:
  - a. a description of the teaching/counseling/librarian/nursing, or other non-teaching responsibilities;
  - b. representative courses to be taught, if applicable;
  - c. minimum qualifications that:
    - i. conform to the California Community College Chancellor's Office's Minimum Qualifications for Faculty and Administrators in California Community Colleges;
    - ii. include "Demonstrated sensitivity to and an understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds and learning styles of community college students and staff;
    - iii. include desirable "Knowledge, Skills and Abilities" which shall serve as the basis for the screening criteria, in conjunction with other required application materials.
2. The recruiting efforts will include, as appropriate, regional and national advertising, as well as outreach efforts in accordance with the District's EEO Plan.

**D. Minimum Qualifications:** Human Resources will conduct the initial review of the applications to ensure minimum qualifications for the position are met. If the applicant has applied for a minimum qualification equivalency or Human Resources is unable to determine if a candidate

meets the minimum qualifications for a position, the application materials will be sent to the Academic Senate's designee(s). An Equivalence Committee, made up of the Academic Senate president or designee(s) and two discipline faculty, will review applications to determine equivalency. (see AP 7211 titled Faculty Service Areas, Minimum Qualifications, and Equivalencies)

**E. Screening Process:**

1. Screening Criteria: Criteria may be formulated by the committee for the purpose of reducing the applicant pool to those best qualified.
2. Pre-selection Activities, Assessments, Teaching Demonstrations and Presentations: The screening committee will formulate questions to be used during the interview process. The committee at its discretion may require pre-screening activities and/or assessments, as well as demonstrations or presentations of the candidate's effectiveness as appropriate to the position.
3. Human Resources will provide the screening committee with access to view the application and applicable materials for all candidates who meet the minimum qualifications for the position. The screening committee will then select candidates to be interviewed.
4. Applicant Screening: Members of the screening committee shall individually review each qualified applicant's application materials using the previously agreed upon screening criteria. Following the screening, the committee shall develop consensus regarding the pool of applicants to be invited to interview. The hiring administrator/designee or Human Resources ~~or the hiring administrator/designee~~ will schedule the selected candidates' interviews and make all necessary arrangements.
5. Interview Process: Interviews will be conducted using the previously agreed upon interview questions, and screening committee members shall individually evaluate each candidate based on his/her responses to the questions, the teaching demonstration, presentation, and/or other type of performance indicator exercise(s), if applicable. Following the last interview, the screening committee will deliberate the candidates' strengths and areas for growth to determine a finalist(s) and will prepare written documentation to Human Resources. If the committee cannot identify a finalist(s), the position may be reposted and the screening process restarted. At the conclusion of the interview process, all application and interview materials used and completed by the screening committee shall be returned to and retained by Human Resources.
6. Notification of Candidates: The hiring administrator/designee or Human Resources ~~or designee~~ will notify all applicants of their status.
7. Recommendations and Finalization of Selection:
  - a. Finalists will be recommended to the Superintendent/President ~~or~~ designee. The committee may send comments or a statement of reservation about the candidates along with their recommendation.
  - b. At the discretion of the Superintendent/President or designee, the finalists will be invited for an interview with the Superintendent/President or designees.
  - c. If the Superintendent/President or designee does not agree with the committee's recommendations, he/she will request that the search be extended or suspended.
  - d. The successful candidate's s(s') name(s) will be forwarded to the appropriate administrator or Human Resources for reference checking.
  - e. The Superintendent/President or designee will extend an offer of employment.

- f. Upon acceptance of the offer of employment the candidate's name will be submitted to the Board of Trustees for official approval.
- g. Notification of Candidates: The Superintendent/President or designee or Human Resources or designee will notify the finalists not selected for the position of their status.

**F. Reference Check:**

1. Reference checks must be conducted on all finalist's, including internal and external candidates, for all recruited and interim positions.
2. Before calling the references, obtain permission from the candidate so they may properly inform current employers/managers as indicated on the application.
3. At least one (1) diversity-inclusion question must be included when checking references (template provided by Human Resources).
4. Every effort should be made to complete reference checks on at least three (3) of the candidate's provided references.

For Temp Pools recruitment methods see AP 7212 titled Temporary Faculty

Also see AP 7126 titled Applicant Background Checks and AP 7210 titled Academic Employees and AP 7230 titled Classified Employees

---

Date Approved: June 28, 2011

*(Replaces College of Marin Policy 5.0013 and Procedures 5.0005 DP.1 and 5.0006.1 DP.2)*

**Date Reviewed/Revised:** May 16, 2017

## AP 6350      CONTRACTS – CONSTRUCTION

**References:**

Education Code Sections 81800 and 81147;  
Public Contract Code Sections 20650 et seq. and 22000 et seq.

**Limits**

~~The District shall enter into construction contracts as necessary to the efficient operation of the District in accordance with Board Policies, state laws, and other pertinent regulations, with limits as follows:~~

- ~~• Informal procurement (\$15,000 or less or as revised in Public Contract Code): The District shall solicit bids from at least three independent vendors and the Chief Business Officer may sign the contract.~~
- ~~• Formal bids (more than \$15,000 or as revised in Public Contract Code): The District shall require the solicitation of formal bids (Public Contract Code Section 20651), as described below.~~

~~(Above paragraph not in template – review)~~

The Chief Business Officer or designee shall be responsible for the planning and programming of new construction, alterations and repairs of existing plants, and leasing of facilities that require state approval. This includes the planning and programming of District-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The Chief Business Officer or designee shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations, and improvements of buildings and grounds together with estimates of costs.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Board of Trustees for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications, and revised cost estimates, if any, will be submitted for approval to the [Department of General Services](#) (Division of the State Architect) and the [California Community College State Chancellor's Office](#), if applicable and as required by statute in the name of the Board of Trustees.

The final working drawings and specifications, approved by the [Department of General Services](#) (Division of the State Architect) and the [California Community College State Chancellor's Office](#), if applicable together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

The letting of contracts for construction shall comply with the procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding (See AP 6340 Titled Bids and Contracts)

The District has elected to become subject to the California Uniform Public Construction Cost Accounting Act which provides for an alternative set of bidding procedures. (See AP 6345 Bids and Contracts – UPCCAA)

### **~~Bid Specifications~~**

~~Bid specifications shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified.~~

### **~~Notice Calling for Formal Advertised Bids~~**

~~The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post the information on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.~~

~~Bid and contract forms shall be prepared and maintained by the Chief Business Officer or designee. All applicable statutory provisions and board policies shall be observed in preparation of the forms.~~

~~The Chief Business Officer or designee shall be responsible for insuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.~~

~~All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.~~

~~When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.~~

~~The Chief Business Officer or designee shall make available to the prospective bidders bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and material personnel may examine the specifications and drawings.~~

~~A deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.~~

### **~~Awarding of Contracts~~**

~~The awarding of contracts shall be subject to the following conditions:~~

- ~~• Any and all bids may be rejected by the District for any reason.~~
- ~~• All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.~~
- ~~• Contract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail.~~



Contract awards shall be made to the lowest responsible, responsive bidder meeting the requirements of the specifications.

#### **~~Kindergarten-University Public Education Bond Act Projects~~**

~~For projects funded by State Bond Funds, the Chief Business Officer or designee will initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program for that project under Labor Code Section 1771.7. The program will include:~~

- ~~• Appropriate language concerning the wage requirements of Labor Code Sections 1720 et seq. in all bid invitations and public works contracts.~~
- ~~• A pre-job conference with the contractor and subcontractors to discuss applicable state and federal labor law requirements.~~
- ~~• Project contractors and subcontractors shall be required to maintain and, at designated times, furnish certified copies of weekly payroll containing a statement of compliance signed under penalty of perjury.~~
- ~~• The District shall review, and if appropriate audit, the payroll records of the employees of the contractor and/or subcontractor. The review and audit shall be conducted by the Chief Business Officer, designee, or an independent third party (but not the third party with whom the District contracts to initiate and enforce a labor compliance program under Labor Code Section 1771.7).~~
- ~~• If an investigation establishes that an underpayment of wages has occurred, the District shall withhold any contract payments, equal to the amount of underpayment and any applicable penalties.~~
- ~~• The Chief Business Officer or designee shall transmit a written finding that the District has initiated and enforced, or has contracted with a third party to initiate and enforce, the required labor compliance program, to the Director of the Department of Industrial Relations, or any successor agency that is responsible for the oversight of employee wage and work hour laws.~~

#### **~~Unlawful to Split Bids~~**

~~It is unlawful to split or separate into smaller contracts any construction project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.~~

Also see BP/AP 6340 Bids and Contracts; AP 6345 Bids and Contracts – UPCCAA)

Office of Primary Responsibility: College Operations

---

**Date Approved:** December 9, 2008

*(Replaces College of Marin Policies 8.0022 and  
8.0023)*

**Date Revised:** March 12, 2009 (Revised by College Council)

**General Institution**  
No Changes from CCLC  
Admin Review

**BP 3300      PUBLIC RECORDS**

**References:**

Government Code Sections 6250 et seq.

The Superintendent/President shall establish procedures for records management, including access by the public, which comply with the requirements of the California Public Records Act.

Also see BP/AP 5040 titled Students Records and Directory Information.

---

**Date Adopted:** December 14, 2010

## General Institution

Admin Review 2/27/2019

CCLC Update 30 (April 2017) Updated to add information that is exempt for disclosure under the CA Public Records Act. Also adds new exemption applicable to identifier codes that an agency uses to identify vendors or contractors and their affiliates.

CCLC Update 31 (October 2017) to reflect that personal e-mail addresses are not public records in certain circumstances.

**AP 3300 PUBLIC RECORDS****References:**

Government Code Sections 6250 et seq. (Public Records Act) and 6275 et seq.; (per admin)  
~~5 United States Code, Section 552 (Freedom of Information Act) (per admin)~~

Members of the public may request to inspect or copy public records. A request by a member of the public may be delivered by mail or in person to the Superintendent/President's Office.

Any request shall identify with reasonable specificity the records that are sought. If additional information is needed, the Superintendent/President's Office may request it be provided in writing.

Any request to inspect records shall be made sufficiently in advance of the date of inspection to allow staff members time to assemble the records and identify any records that may be exempt from disclosure.

Records that are exempt from disclosure under the Public Records Act or any other provision of law may not be inspected or copied by members of the public. Social Security numbers must be redacted from records before they are disclosed to the public.

Members of the public shall be assisted in identifying records or information that may respond to their request. Assistance that will be provided includes: the information technology and physical location in which the records exist; practical suggestions for overcoming denial of access to the records or information; and the estimated date and time when the records will be made available.

Within ten days, the Superintendent/President's Office or designee will determine whether or not the records can be produced and will communicate the determination to the member of the public requesting the record(s) and the cost to duplicate such records. School districts, city, county, state and federal agencies are exempt from this duplication fee. At the same time, the requesting party will also be advised as to the approximate date when the records will be ready.

The most common exemptions for community colleges include:

- Student records (Education Code Section 76243).
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, provided that the public interest in withholding

the records clearly outweighs the public interest in disclosure (Government Code Section 6254(a)).

- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled (Government Code Section 6254(b)).
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section 6254(c)).
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination (except for standardized tests provided for by Education Code Sections 99150 et seq.) (Government Code Section 6254(g)).
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code Section 6254(h)).
- Internet posting of home address or telephone numbers of locally elected officials (Government Code Section 6254.21).
- Home addresses, ~~and~~ home telephone number(s), cellular phone number(s), and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) (Government Code Section 6254.3).
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business or necessary to identify a person in an otherwise disclosable communication. (Government Code Section 6254.3(b)).
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company, or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information. *(paragraph format change to follow template)*
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency (Government Code Section 6254.33).

~~Records that are exempt from disclosure under the Public Records Act or any other provision of the law may not be inspected or copied by members of the public. Social security numbers must be redacted from records before they are disclosed to the public.~~ *(NOTE: This paragraph is identical to Paragraph 4 above.*

Also see BP/AP 5040 titled Students Records and Directory Information

Office of Primary Responsibility: Superintendent/President's Office

---

**Date Approved:** November 16, 2010

## General Institution

CCLC Update 26 (April 2015) to reflect updated accreditation standards in references.

**BP 3420      EQUAL EMPLOYMENT OPPORTUNITY****References:**

Education Code Sections 87100 et seq.;  
Title 5 Sections 51010 and 53000 et seq.  
[ACCJC Accreditation Standard III.A.12.](#)

The Marin Community College District shall assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. The District agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. Therefore, the District is committed to promoting equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

---

**Date Adopted:** August 18, 2012

*(Replaces College of Marin Policy 7.0001 and Procedure 7.0001 DP.1)*

CCLC Update 26 incorporated

To HR for review – 4/1/2016 and 1/5/2018 and 2/26/2019



**General Institution**

No CCLC changes thru update 33  
Admin Review/GN 2/26/2019

**BP 3810 CLAIMS AGAINST THE DISTRICT**

**References:**

Education Code Section 72502;  
Government Code Sections 900 et seq., 905, 910 - 915.2, 935, and 945.4

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title I, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy and related procedures as a prerequisite to filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities: claims by the state or by a state department or agency or by another public entity
- Claims for fees, wages, and allowances: claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place(s) for service of claims, lawsuits or other types of legal process upon the District is/are:

- Office of Superintendent/President
- ~~Chief Business Officer~~ [Assistant Superintendent/Vice President of Administrative Services](#)
- [General Counsel](#)
- ~~Chief Human Resources Officer~~ [Director of Human Resources](#)

[Also see AP 3810 Claims Against the District](#); BP 6330 titled Purchasing, BP 7130 titled Compensation and BP/AP 7400 titled Travel

---

**Date Adopted:** January 17, 2012  
(Replaces College of Marin Policy 7.0052)

## General Institution

Review/Revise by Admin 2/26/2019

**AP 3810 CLAIMS AGAINST THE DISTRICT****References:**

Education Code Section 72502;

Government Code Sections 900 et seq., 905, 910 - 915.2, 935, and 945.4

Claims for money or damages shall be submitted on the designated form to the Office of the [Assistant Superintendent](#)/Vice President of [Administrative Services](#) ~~College Operations~~.

Claim forms may be obtained from [Administrative Services](#) ~~College Operations~~. If a claim is not submitted on the designated form, it will be returned. Any claim returned to a person may be resubmitted using the appropriate form.

Within 45 days after the claim has been presented (on the designated form) to the [Assistant Superintendent](#)/Vice President of [Administrative Services](#) ~~College Operations~~, the Board of Trustees may take action to allow the claim in whole or in part, or the Board may take action to reject the claim. If the Board takes no action, the claim is rejected by operation of law on the 45th day after it was presented to the Superintendent/President.

The Superintendent/President or his/her designee shall serve notice to the claimant of the Board's action allowing or rejecting the claim. The claimant shall be notified that the claim is rejected, allowed in full, allowed in a certain amount with the balance rejected, or rejected by operation of law. Said notice shall also inform the claimant of the six-month time limit pertaining to filing court action pursuant to Government Code Section 913.

If the District decides to allow the claim or offer a compromise in an attempt to settle the dispute, the District shall require the claimant to sign a release or waiver agreeing to payment as full and complete settlement of the claim.

Office of Primary Responsibility: [Administrative Services](#) ~~College Operations~~

---

**Date Approved:** December 13, 2011

Reviewed by C Torres/Jon E 2/26/2019

CCLC Update 26 (April 2015) to reflect revised accreditation standards)

**BP 5110 COUNSELING**

**References:**

Education Code Sections 72620, 87355, and 87356;

Title 5 Section 51018

[ACCJC Accreditation Standard II.C.5.](#)

Comprehensive counseling services are an essential part of the educational mission of the District.

The Superintendent/President shall assure the provision of counseling services including academic, career, and personal counseling that is related to the student's education.

In accordance with Title 5 Section 51018(c), counseling shall be provided to all new, continuing and returning students.

A person performing counseling services to students shall be qualified as a counselor pursuant to Education Code Sections 87355 and 87356.

---

**Date Adopted:** February 15, 2011

## Student Services

Admin Review 2/26/2019

CCLC Update 26 (April 2015) to reflect accreditation standards.

**AP 5110 COUNSELING****References:**

Education Code Section 72620, 72621, 87355, and 87356;

Title 5 Section 51018

[ACCJC Accreditation Standard II.C.5.](#)

The primary counseling services available in the District's counseling program are as follows:

- Academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;
- Career counseling, in which the student is assisted in assessing his or her abilities and interests resulting in informed career decisions; trends;
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;
- Coordination with the counseling aspects of other services for students which exist on campus, including but not limited to those services provided in programs for students with special needs, financial assistance programs, and job placement services

**Confidentiality of Counseling Information**

Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential and shall not become part of the student official record without the written consent of the person who disclosed the confidential information.

However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the [Director of Student Services - Activities and Advocacy](#) ~~Dean of Student Development~~ or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons in the college community; reporting information to the [Director of Student Services - Activities and Advocacy](#) ~~Dean of Student Development~~ or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

Office of Primary Responsibility: Office of Student Learning

---

**Date Approved:** January 18, 2011

**Date Revised:** June 28, 2011

Business and Fiscal Affairs  
IT/Fiscal Review Nov 2018

**AP 6360      CONTRACTS – ELECTRONIC SYSTEMS AND MATERIALS**

**References:**

Education Code Sections 81641 et seq. and 81651;  
Public Contract Code Sections 20651 et seq.

The District may contract with any vendor who has submitted one of the three lowest responsible competitive proposals or competitive bids [on the basis of best value](#) for the purchase or maintenance of electronic data-processing systems and equipment (hardware), electronic telecommunication equipment, [supporting](#) software, and related materials, goods, and [supplies services](#)—in support of the District’s electronic communications, data processing, and multimedia needs.

Except as otherwise stated here, bids shall be solicited and contracts shall be awarded in accordance with AP 6340 titled [Bids and](#) Contracts.

Criteria to determine what constitutes a responsive bid shall be established by the [Information Technology Department](#) College Operations.

Supplemental ~~instructional~~ software packages [or Single Source materials](#) may be purchased without taking estimates or advertising for bids.

~~Sale and leaseback of data-processing equipment or another major item of equipment is permissible if the purchaser agrees to lease the item back to the District for use by the District following the sale. The Board of Trustees shall first adopt a resolution finding that the sale or leaseback is the most economical means for providing electronic data-processing equipment or other major items of equipment to the District.~~

Office of Primary Responsibility: College Operations

---

**Date Approved:** April 21, 2009

Human Resources

Admin Review & to JB & NH & MR 9/4/2018

CCLC Update 30 (April 2017) to add clarification regarding the limitation on hiring and recruiting US citizens and other legally authorized to be employed

**AP 7125 VERIFICATION OF ELIGIBILITY FOR EMPLOYMENT**

**Reference:**

8 U.S. Code Section 1324a

The District will ~~only hire or recruit United States citizens or people legally authorized to be employed~~ not hire or recruit a person for employment if it knows that the person is not authorized to be employed in the United States.

Reliable documentation of eligibility is required for employment ~~will be verified as required by federal rules and regulations.~~ from all persons hired. "Reliable documentation" as set out in federal law includes one or more of the following:

- United States passport or a resident alien card or alien registration card containing a photograph of the prospective employee, that indicates the person is authorized to work in the United States, or
- A social security card or other documentation issued by the United States government showing authorization to work in the United States AND a driver's license or similar identification document containing a photograph of the prospective employee.

~~For each new employee, the District will complete~~ The District will complete, for each new employee the verification form or forms required by the United States government. The District will retain such forms for at least three years for persons it does not hire. For persons it does hire, the District will retain such forms for at least three years or until one year after the persons leaves the District's employment, whichever is later.

The District will protect the privacy of the information it collects pursuant to this procedure.

---

**Date Approved:** July 19, 2011

## Human Resources

No CCLC Updates through Update 33

Admin Review 2/27/2019

**BP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES****References:**

Education Code Section 88013;  
Government Coded Sections 3300 et seq.

The Superintendent/President shall enact procedures for the disciplinary proceedings applicable to permanent classified employees of the District. Such procedures shall conform to the requirements of the Education Code and applicable collective bargaining agreements.

The Board's determination of the sufficiency of the cause for disciplinary action of a classified employee shall be conclusive.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arises more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

A permanent member of the classified service shall be subject to disciplinary action, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, suspension, or discharge, for any of the following grounds:

- Fraud in securing employment or making a false statement on an application for employment.
- Incompetence, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
- Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee in the position.
- Willful disobedience and insubordination, a willful failure to submit to duly appointed and acting supervision, conform to duly established orders or directions, or insulting or demeaning the authority of a supervisor or manager.
- Dishonesty involving employment.
- Being impaired by or under the influence of alcohol or illegal drugs or narcotics while on duty, which could impact the ability to do the job.
- Excessive absenteeism.
- Unexcused absence without leave.
- Abuse or misuse of sick leave.
- The conviction of either a misdemeanor or a felony involving moral turpitude shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. A plea or verdict of guilty, or a conviction showing a plea



of *nolo contendere* made to charge a felony or any offense involving moral turpitude, is deemed to be a conviction within the meaning of this section.

- Discourteous treatment of the public or other employees.
- Improper or unauthorized use of District property.
- Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
- Any willful act of conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
- Inattention to duty, tardiness, indolence, carelessness, or negligence in the care and handling of District property.
- Mental or physical impairment which renders the employee unable to perform the essential functions of the job without reasonable accommodation or without presenting a direct threat to the health and safety of self or others.
- Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation to an employee for the performance of his or her official duties.
- The refusal of any officer or employee of the District to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any then pending cause of inquiry in which the District is involved. Violation of this provision may constitute of itself sufficient ground for the immediate discharge of such officer or employee.
- Willful violation of policies, procedures and other rules which may be prescribed by the District, college(s) or departments.
- Working overtime without authorization.

[See Also: AP 7365 Discipline and Dismissal - Classified Employees](#)

---

**Date Adopted:** January 17, 2012

## Human Resources

Admin Review 2/27/2019

CCLC Update 32 (April 2018) updated to clarify the citations pertaining to conducting background checks as part of a disciplinary or harassment investigation.

**AP 7365 DISCIPLINE AND DISMISSAL – CLASSIFIED EMPLOYEES****References:**

Education Code Section 88013;  
Government Coded Sections 3300 et seq.

**The following three sections apply to all classified employees:****1. Grounds for Discipline**

The grounds for discipline are outlined in BP 7365 titled Discipline and Dismissal – Classified Employees.

**2. Background Checks**

Background checks may be conducted as part of disciplinary or harassment investigations. (Civil Code Sections 1786 et seq. [\(Investigative Consumer Reporting Agencies Act; 15 U.S. Code Sections 1681 et seq. \(Fair Credit Reporting Act\).\)](#)

Advanced notice of discipline/harassment investigations shall be provided to those under investigation. If the investigation results in action that adversely affects the employee, the employee shall receive oral, written, or electronic notice of:

- the adverse action;
- the name, address, and telephone number of the third party agency that furnished the report;
- the employee's right to obtain a free copy of the report; and
- the employee's right to dispute the accuracy or completeness of any of the information in the report.

**3. Disciplinary Actions**

Disciplinary action taken by the District against a permanent member of the classified service may include, but not be limited to oral reprimand, written reprimand, and the following:

- **Reduction in pay or demotion** -- The District may reduce the pay or demote an employee whose performance of the required duties falls below standard, or for misconduct.
- **Suspension** -- An employee may be suspended for disciplinary purposes without pay.
- **Discharge** -- A permanent member of the classified service may be discharged for just cause at any time. Formal written notice of discharge may be made after considered action during a period of suspension.

**Procedure for Disciplinary Action and Appeal**

The District may, for disciplinary purposes, suspend, demote, or terminate any employee holding a position in the classified service. Demotion shall include reduction in pay from a step within the class to one or more lower steps.

**The following procedures apply to unrepresented classified employees. For CSEA and SEIU employees, see the applicable collective bargaining agreement.**

For unrepresented classified employees suspended, demoted, or discharged, the District shall follow a pre-disciplinary procedure.

**Notice of Intent** -- Whenever the District intends to suspend an employee, demote the employee, or dismiss the employee, the employee shall be given a written notice of discipline which sets forth the following:

- The disciplinary action intended;
- The specific charges upon which the action is based;
- A factual summary of the grounds upon which the charges are based;
- A copy of all written materials, reports, or documents upon which the discipline is based;
- Notice of the employee's right to respond to the charges either orally or in writing to the appropriate manager;
- The date, time and person before whom the employee may respond in no less than five working days;
- Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

**Response by Employee** -- The employee shall have the right to respond to the appropriate manager orally or in writing. The employee shall have a right to be represented at any meeting set to hear the employee's response. In cases of suspensions, demotions, or dismissal, the employee's response will be considered before final action is taken.

**Final Notice** -- After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: 1) dismiss the notice of intent and take no disciplinary action against the employee; or 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- The disciplinary action taken;
- The effective date of the disciplinary action taken;
- Specific charges upon which the action is based;
- A factual summary of the facts upon which the charges are based;
- The written materials reports and documents upon which the disciplinary action is based;
- The employee's right to appeal.

**Appeal and Request for Hearing** -- If an unrepresented classified employee, having been issued the final notice of disciplinary action, wants to appeal the action, he/she shall within ten calendar days from the date of receipt of the notice, appeal to the Board of Trustees by filing a written answer to the charges and a request for hearing with the Chief Human Resources Officer.

#### **Alternative/Informal Hearing**

As an alternative to the type of hearing described below, the employee may request that the hearing be conducted informally by so stating in his/her demand for hearing. In the event the employee requests and informal hearing, the Superintendent/President or designee shall arrange with the employee for the type of informal hearing to be conducted. The parties may agree in writing upon what person shall hear the matter and how the hearing shall be conducted. In the event the parties fail to agree in writing within five working days after filing of the notice of Demand for Hearing upon who shall hear the matter and how it shall be conducted, the hearing shall be conducted as provided below. The findings of the alternative/informal hearing shall be submitted to the Board of Trustees and in all cases, the Board's decision shall be final.

**Time for Hearing** -- The Board of Trustees shall, within a reasonable time from the filing of the appeal, commence the hearing. The Board of Trustees may conduct the hearing itself, or it may secure the services of an experienced hearing officer or Administrative Law Judge, to conduct a hearing and render a proposed decision for consideration by the Board. However, in every case, the decision of the Board of Trustees itself shall be final. The Board of Trustees may affirm, modify, or revoke the discipline. Any employee, having filed an appeal with the Board of Trustees and having been notified of the time and place of the hearing, who fails to make an appearance before the Board, may be deemed to have abandoned his/her appeal. In this event, the Board may dismiss the appeal.

**Record of Proceedings and Costs** -- All disciplinary appeal hearings may, at the discretion of either party or the Board of Trustees, be recorded by a court reporter. Any hearing which does not utilize a court reporter shall be recorded by audio tapes. If a court reporter is requested by either party, that party shall pay the cost of the court reporter.

**Conduct of the Hearing:**

- The hearing need not be conducted in accordance with technical rules relating to evidence and witnesses but hearings shall be conducted in a manner most conducive to determination of the truth.
- Any relevant evidence may be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rules which might make improper the admission of such evidence over objection in civil actions.
- Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence that shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
- The rules dealing with privileges shall be effective to the same extent that they are now or hereafter may be recognized in civil actions.
- Irrelevant and unduly repetitious evidence may be excluded.
- The Board of Trustees shall determine relevancy, weight, and credibility of testimony and evidence. Decisions made by the Board of Trustees shall not be invalidated by any informality in the proceedings.
- During examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

**Burden of Proof** -- In a disciplinary appeal the District has the burden of proof by preponderance of the evidence.

**Proceed with Hearing or Request for Continuance** -- Each side should be asked if it is ready to proceed. If either side is not ready and wishes a continuance, good cause must be stated.

**Testimony under Oath** -- All witnesses shall be sworn in for the record prior to offering testimony at the hearing. The chairperson will request the witnesses to raise their right hand and respond to the following:

“Do you swear that the testimony you are about to give at this hearing is the truth, the whole truth and nothing but the truth?”

**Presentation of the Case** -- The hearing shall proceed in the following order unless the Board of Trustees, for special reason, directs otherwise:

- The party imposing discipline (District) shall be permitted to make an opening statement.
- The appealing party (employee) shall be permitted to make an opening statement.
- The District shall produce its evidence.
- The party appealing from such disciplinary action (employee) may then offer their evidence.
- The District followed by the appealing party (employee) may offer rebutting evidence.
- Closing arguments shall be permitted at the discretion of the Board of Trustees. The party with the burden of proof shall have the right to go first and to close the hearing by making the last argument. The Board of Trustees may place a time limit on closing arguments. The Board of Trustees or the parties may request the submission of written briefs. After the request for submittal of written briefs, the Board of Trustees will determine whether to allow the parties to submit written briefs and determine the number of pages of briefs.

**Procedure for the Parties** -- The District representative and the employee representative will address their remarks, including objections, to the President of the Board of Trustees. Objections may be ruled upon summarily or argument may be permitted. The Board of Trustees reserves the right to terminate argument at any time and issue a ruling regarding an objection or any other matter, and thereafter the representative shall continue with the presentation of their case.

**Right to Control Proceedings** -- While the parties are generally free to present their case in the order that they prefer, the Board of Trustees reserves the right to control the proceedings, including, but not limited to, altering the order of witnesses, limiting redundant or irrelevant testimony, or by the direct questioning of witnesses.

**Hearing Demeanor and Behavior** -- All parties and their attorneys or representatives shall not, by written submission or oral presentation, disparage the intelligence, ethics, morals, integrity, or personal behavior of their adversaries or members of the Board of Trustees.

**Deliberation Upon the Case** -- The Board of Trustees should consider all oral and documentary evidence, the credibility of witnesses, and other appropriate factors in reaching their decision. The Board of Trustees may deliberate at the close of the hearing or at a later fixed date and time. In those cases where the Board of Trustees has received a proposed decision from a hearing officer or Administrative Law Judge, the proposed decision, the record of the hearing, and all documentary evidence shall be available for review by the Board when it deliberates.

**Written Findings, Conclusion, and Decision** -- The Board of Trustees shall render its findings, conclusions, and decision as soon after the conclusion of the hearing as possible. A finding must be made by the Board of Trustees on each material issue. The Board of Trustees may sustain or reject any or all of the charges filed against the employee. The Board may sustain, reject, or modify the disciplinary action invoked against the employee. In those cases where the Board of Trustees has received a proposed decision from a hearing officer or Administrative Law Judge, the Board may adopt the proposed decision, modify the proposed decision, or render a new decision. if the ~~The~~ Board of Trustees recommends reinstatement of the terminated employee, the employee is only entitled to back pay minus the sum the employee has earned during the period of absence.

**Decision of the Board of Trustees to be Final** -- The decision of the Board of Trustees in all cases shall be final.

**Emergency Suspension** -- If an employee's conduct presents an immediate threat to the health and safety of the employee or others, the employee may be suspended without compliance with the provisions this procedure. However, as soon as possible after suspension, the employee shall be given notice as set forth herein.

**Record Filed** -- When final action is taken, the documents shall be placed in the employee's personnel file.

---

**Date Approved:** December 13, 2011

Human Resources

To HR for review 9/13/2018

No CCLC Updates

**BP 7510 DOMESTIC PARTNERS**

**References:**

Family Code Sections 297, 297.5, 298, 298.5, 299, 299.2, and 299.3;  
Internal Revenue Code Section 152

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

The District utilizes an expanded definition of domestic partnership. Definitions and eligibility for domestic partners for District employees shall be outlined in applicable collective bargaining agreement. Board members and unrepresented employee groups shall be afforded similar rights to those covered by collective bargaining agreements.

Also see BP/AP 7310 titled Nepotism

---

**Date Adopted:** August 23, 2011



## Board of Trustees

General Counsel edits per CalPers Guide 2/27/2019

**BP 2730 BOARD MEMBER HEALTH BENEFITS****Reference:**

Government Code Section 53201

Members of the Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Board through the District's health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District. Any amount beyond that shall be borne by the individual member. The Board member is bound by the District's open enrollment schedule/requirements.

Former members of the Board of Trustees may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis. Medical coverage will be in effect until age seventy (70), or to date of death, whichever is earlier.

Board members elected continuously since before July 1, 1994 may join the Public Employees Retirement System (PERS) as long as they are elected officials and receive District compensation. Board members elected after July 1, 1994 are not eligible to participate in PERS. Membership in PERS may be current or retroactive.

*Also see BP 7510 titled Domestic Partners*

---

**Date Adopted: February 26, 2013***(Replaces College of Marin Policies 1.2060 and 1.2070)*