

November 8, 2018, 3:00 p.m. – 4:30 p.m.
Academic Center, Room 303, KTD

TOPIC	DESCRIPTION	Information/ Discussion Action
1. Agenda	Review/Revise/Approve	Action
2. Minutes	Approve Minutes from 10/11/2018	Action
3. President's Report	Capital Projects Update (Isidro) Educational Master Plan Update (Christina)	Information Information
4. Board Policies/Procedures	<u>From August Review for Action</u> BP/AP 3410 Nondiscrimination BP/AP 3518 Child Abuse Reporting BP/AP 4111 Posthumous Degrees (10 + 1) AP 7120 Employment Recruitment (10 + 1)	Action
	<u>From Sept Review for Action</u> BP/AP 7150 Evaluation AP 7216 Academic Employees –Grievance Procedure for Contract Decisions (10+1)	Action
	<u>From October Review for Action</u> AP 2712 Conflict of Interest Code AP 7235 Probationary Period – Confidential, Supervisory & Management	Action
5. Chapter 2 Board Policies/Procedures	BP 2315 Closed Session BP 2330 Quorum and Voting BP 2720 Communications Among Board Members BP 2740 Board Education	Information
6. Board of Trustees	Review November 13, 2018 Board Agenda	Information
7. Constituent Reports	Reports from senates and other constituent updates	Information
8. Meeting Wrap Up	Review/confirm actions made at meeting/ identify items for next meeting.	Discussion
9. Meeting Schedule	November 29, 2018 Spring TBD (Thurs before Board Meetings as scheduled)	Information
10. Adjourn Meeting		



College Council Agenda

Members:

David Wain Coon, Chair

Faculty:

Meg Pasquel

Peggy Dodge

Karen Robinson

Classified:

Kim Foulger

Maridel Barr

Monica Applegate

Students:

Liam Campbell, ASCOM President

Hellen Sigaran, ASCOM Vice President

Luanne Mullin, ESCOM Representative

Managers:

Jonathan Eldridge

Greg Nelson

Christina Leimer

Resources:

Cabinet Members

Isidro Farias

Staff Support:

Kathy Joyner

Ex-Officio for CSEA

Keli Gaffney, CSEA Pres.

October 11, 2018

Academic Center, Room 303, KTD

Present: David Wain Coon; Christina Leimer; Meg Pasquel; Karen Robinson; Peggy Dodge;
Maridel Barr; Luanne Mullin, Isidro Farias, Hellen Sigaran; Kathy Joyner

Absent: Jonathan Eldridge; Greg Nelson; Kim Foulger; Monica Applegate; Anne Pearson; Liam
Campbell

Guests: Marian Mermel

1. **Agenda** –The agenda was revised to remove AP 7235 Probationary Period Confidential, Supervisory & Management for further clarification with Human Resources. The revised agenda was approved by consensus.
2. **Minutes** - The minutes of the September 6, 2018 meeting were approved by consensus.

3. **President's Report**

Housing: Dr. Coon updated the committee on a recent article in the Marin IJ about the potential for employee housing at COM. In September 2017, the Board authorized staff to engage in a feasibility study to address the potential for housing at both campuses due to the lack of affordable housing in Marin. The College is in the process of purchasing a property on Sir Francis Drake Boulevard which will house the district print and copy department and potentially housing for employees in two apartments on the upper level of the property. The college is also in negotiation for two additional properties in the same general location. The initial purchase will be funded by the bond because the facilities will be used for the print/copy department. Additional purchases would be funded from revenue bonds using the income from the rental properties to pay down the debt service. Comments included not losing focus on the need for student and senior housing in the county and a comment that the EPC has raised a concern that student housing is an issue and that students are either living at home or going to other community colleges that provide housing in order to experience dorm life.

Capital Projects Update: Isidro provided an update on the status and timelines of the current Measure B projects at the Kentfield and Indian Valley campuses. He also shared information about the LRC/SS project noting that a draft programming document will be presented to the Board in November. There were questions about process and the need to have campus-wide input. Isidro also reviewed the plan to hire capital projects staff to work on capital outlay projects. Work on capital projects has been a significant burden for district staff in addition to maintaining the current facilities. These positions

will be funded by the bond and will allow for quicker response and reduced cost, with the work being handled in-house rather than by outside contractor.

Educational Master Plan: Christina updated the group on the planning process for the new Educational Master Plan. She noted that there have been several meetings on campus and with external communities to gather feedback which will be used, with the 2018 environmental scan, to develop the new 6-year master plan. Additional forums are scheduled on October 17 (KTD) and 18 (IVC) for the internal community and external forums are scheduled on October 30 (KTD) and November 1 (IVC). The information and feedback from these meetings is being compiled to determine what rises to the top for priorities for the next six years.

LRC/SS: This topic was covered in the Capital Projects update.

- **Board Policies & Procedures**

Kathy pulled AP 7235 Probationary Period Confidential, Supervisory & Management for further clarification with HR.

The council approved the following BP/APs for forwarding to the Board of Trustees for review/approval and information:

- BP 7100 Commitment to Diversity
- AP 7126 Applicant Background Checks
- BP 7140 Collective Bargaining
- BP 7155 Commendation of District Employees
- AP 7233 Claims for Work Out of Classification
- BP/AP 7240 Confidential Employees

The following BP/APs will be held for further review by the academic senate. The classified and student senates have approved these BP/APs.

(From August 2018)

- BP/AP 3410 Nondiscrimination
- BP/AP 3518 Child Abuse Reporting
- BP/AP 4111 Posthumous Degrees (10 + 1)
- AP 7120 Employment Recruitment (10 + 1)

(From September 2018)

- BP/AP 7150 Evaluation
- AP 7216 Academic Employees – Grievance procedure for Contract Decisions (10 + 1)

The committee received the following Chapter 2 BP/APs for information. It was noted that BP 2015 Student Trustee was reviewed with administration to clarify parking permit information and that the Board Policy Committee has recommended creating an

administrative procedure based on the BP/AP review process guideline for BP 2410 Board Policies and Administration procedures. Kathy will create the AP for review.

- BP 2015 Student Trustee
- BP 2330 Quorum and Voting
- BP 2365 Recording
- BP 2410 Board Policies and Administrative Procedures
- BP 2710 Conflict of Interest
- BP 2715 Code of Ethics/Standards of Practice
- BP 2716 Political Activity
- BP 2735 Board Member Travel
- BP 2750 Board Member Absence from State

4. **Board of Trustees**

Dr. Coon reviewed the agenda for the October 16, 2018 Board of Trustees meeting which will be held at the Kentfield Campus. The study session starts at 2:30 p.m. and will cover the Board Self Evaluation, Amended Assembly Bill 705, contract discussions related to an agreement with Branson School, and an update on Measure B capital projects. During the regular meeting, new faculty members will be introduced and there will be a brief presentation by Sadika about Undocumented Student Week of Action.

6. **Constituent Reports**

Academic Senate: Meg Pasquel noted that the committee will be reviewing the BP/APs discussed at the meeting and there seems to be some confusion about which BP/APs fall under 10 + 1. She commented that there are some concerns with the new schedule format noting that it while it makes sense to reduce printed content which can quickly become outdated, it is critical that students are able to access the information by Wi-Fi on campus, which typically does not work. She also noted that there are some issues related to the accelerated registration process. Mid-terms have not been entered yet and students will not know what they need to take yet. There also were questions about drop dates and the need to disseminate that information in a timely manner.

ESCOM: Luanne provided an update on ESCOM activities noting that they had hosted League of Women Voter events on ballot measures and candidates which were very well attended and interesting. They will be hosting a table with community education at the Senior Fair on October 24 and have committed funds to continue with the author series with Book Passage. The fall journal is out in paper and on-line. She encouraged participation in weekly meetings every Thursday from 10 – 12 and noted that they have two council seats available and are in need of a recording secretary. The winter solstice gathering is scheduled for December 1 at St. Johns in Ross.

ASCOM: Hellen reported that students are trying to balance their student and ASCOM lives during mid-term. They are reviewing their goals and strategizing on ways to increase community collaboration on campus. Club Fest was a great success with 220 attending day one and 250 on day two and there were over 100 in attendance at the Domestic Violence Awareness event. Clubs are expanding and they are distributing club brochures to increase awareness of the clubs and activities available for students. ASCOM is trying to incorporate social media into their messaging and are looking at purchasing tablets or pcs for student use for surveys. Hellen also noted that they are looking at ways to control materials that are posted on community boards to avoid scams, assure posted materials are approved and that materials are removed when outdated.

Classified Senate: Maridel reported that the senate reviewed and approved the BP/APs listed. Jon Greene from Sonoma State attended the most recent meeting to provide information about the Business Administration 4-year degree. The annual Halloween fund raiser will be held on October 31. There will be a costume contest, food, raffle and a dessert table. Always a fun event! The senate is also inviting members of participatory governance groups to report at meetings and will be updating the website to the new format.

7. Meeting Wrap Up -
 - As requested by academic senate specific BP/APs were be pulled for review.
- Meeting Schedule
 - Next meeting is November 8, 2018
9. Adjourn Meeting – Meeting was adjourned.

General Institution

Admin/HR/Gen Counsel Review July 2018

CCLC Update 29 (October 2016) to add citation related to US Dept of Fair Employment and Housing regulations governing discrimination in employment
CCLC Update 32 (April 2018) to add legal citation re equal pay act.

BP 3410 NONDISCRIMINATION**References:**

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Sections 422.55 et seq;
Government Code Sections 12926, 12926.1, and 12940 et seq.;
Title 2 Sections 10500 et.seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, family and medical care leave, 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, age, ancestry, color, religious creed (including religious dress and grooming practices), family and medical care leave, disability (mental and physical including HIV and AIDS), marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation,~~ or because he/she 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.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, family and medical care leave, 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, age, ancestry, color, religious creed (including religious dress and grooming practices), family and medical care leave, disability (mental and physical), including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, or because he or she is perceived to have one or more of the foregoing characteristics, or based on because of his/her association with a person or group with one or more of these actual or perceived characteristics.~~

Also see: AP 3410 Nondiscrimination

Date Adopted: July 27, 2010

Date Revised: February 26, 2013

Date Revised: October 20, 2015

Updated in accordance with CCLC update 29. To Human Resources for review 12/19/2016

Updated in accordance with CCLC update 32. To Human Resources for review 6/1/2018

August 2018 – Protected categories have been listed in the as CCLC template. All categories reviewed and revised by HR and legal counsel.

General Institution

Reviewed/edited by HR/legal counsel

CCLC Update 29 (October 2016) to specific that unpaid interns may not be discriminated against based on a protected status and to add a citation to DFEH regulations governing discrimination in employment.
CCLC Update 32 (April 2018) to add labor code reference.

AP 3410 NONDISCRIMINATION

References:

Education Code Sections 200 et seq., 66250 et seq., and 72010 et seq.; 87100 et seq.;
Penal Code Sections 422.55 et seq.;
Government Code Sections 11135 et seq., 12926, and 12940 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Title 2 Sections 10500 et seq.;
Labor Code Section 1197.5
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

Education Programs

The District shall provide access to its services, classes, and programs without regard to, national origin, religion, age, family and medical care leave, 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. ~~age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation or because he/she 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.~~

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors, and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race or ethnicity, religious creed, family and medical care leave, color, national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), gender, gender identity, gender expression, age, sexual orientation, military or veteran status ~~age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation.~~ or because he/she 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 ore perceived characteristics.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of equity and diversity and inclusion in accordance with the District Equal Opportunity Employment (EEO) Plan and Board Policy 3420 Equal Employment Opportunity.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race or ethnicity, religious creed, family and medical care leave, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. (Update 29)

Office of Primary Responsibility: Human Resources

Date Approved: June 22, 2010

Date Revised: January 15, 2013

Date Revised: September 15, 2015 BOT Meeting

Updated in accordance with CCLC Update 29. To HR for review 12/19/2016

Updated in accordance with CCLC Update 32. To HR for review 6/1/2018

Updated to follow CCLC category order. Categories reviewed/edited by HR/legal

General Institution

Reviewed against CCLC template

Reviewed by Administration

CCLC Update 32 (April 2018) to update legal citation to the Family Code

BP 3518 CHILD ABUSE REPORTING

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;
Welfare and Institutions Code Sections 300, [and 318](#), 600-~~and 15630~~;
Family Code Sections 7802, 7807, 7808, 7820-782~~79~~, 7890, and 7892

The Superintendent/President shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

The Superintendent/President shall ensure that all employees are informed of their reporting responsibilities and indicate their willingness to comply with these codes.

Date Adopted: May 18, 2010

(Replaces College of Marin Policy 5.0033)

7/5/2018 Reviewed/edited by M Robertshaw/C Torres/J Marozick
For Governance Review via CC Fall 2018

General Institution

Reviewed against CCLC Template

Administrative Review June 2018

Update 32 (April 2018) to update legal citation to the Family Code

AP 3518 CHILD ABUSE REPORTING**References:**

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;

Welfare and Institutions Code Sections 300, 318, [and 600](#); ~~and 15630~~Family Code Sections 7802, 7807, 7808, 7820-7827~~9~~, 7890, and 7892

The Superintendent/President recognizes the responsibility of employees to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty members, educational [and classified](#) administrators, and classified staff members. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his/her training and experience, to suspect child abuse” (Penal Code Section 11166 [subdivision \(a\)](#)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. District Police departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172 [subdivision \(a\)](#)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her identity to the employer (Penal Code Section 11166 [subdivision \(h\)](#)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section 11172 [subdivision \(e\)](#)).

Mandated reporters must report immediately any reasonable suspicion of child abuse to local law enforcement and/or the Marin County Child Protective Services Department and follow up with a written

report within 36 hours. The follow-up report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available from the Marin County Child Protective Services Department.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false (Penal Code Section 11172 [subdivision \(a\)](#)).

When the [Senior Vice President of Student Learning and Student Services](#) or designee releases a minor to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code Section 11165, or pursuant to Welfare and Institutions Code Section 305. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167 [subdivision \(b\)](#)).

The District shall provide a mandated reporter with a statement informing the employee that he/she is a mandated reporter and inform the employee of his/her reporting obligations under Penal Code Section 11166 and of his/her confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his/her employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

The District will distribute this procedure to all employees.

Offices of Primary Responsibility: District Police Department, Child Development Center and Human Resources

Date Approved: April 20, 2010

7/5/2018 – Reviewed/edited by M Robertshaw/C Torres/J Marozick
For Governance Review via CC Aug 2018

BP 4111 POSTHUMOUS DEGREES

References:

The purpose of this policy is to recognize the academic achievement of the deceased student, and to extend to the college community, family, and friends of the student an opportunity to share in his/her academic success at College of Marin.

Posthumous degrees may be awarded at commencement or some other equally appropriate time. The names of persons receiving posthumous degrees must be approved by the Board of Trustees upon recommendation by the Superintendent/President.

The Superintendent/President shall develop procedures for the implementation of this policy that comply with the Title 5 requirements.

Date Adopted: Insert Date

AP 4111 POSTHUMOUS DEGREES**References:**

The posthumous degree is conferred on students who, at the time of death, have completed at least the current residency requirement for an Associate Degree at College of Marin and minimum cumulative GPA of 2.0.

Procedure

The process for identifying and considering candidates for the award of posthumous Associate degrees shall be:

1. A formal request may be initiated by any of the following: a family member, a faculty/staff member, a dean, or a fellow student. If the request is not made by a family member, the family must be contacted and found to be receptive to the possible award.
2. The request must be submitted in writing within two semesters following the student's death and must be accompanied by a copy of the student's death notification (i.e., death certificate, newspaper article, funeral service program).
3. The request must be submitted to the Senior Vice President for Student Learning and Student Services or designee.

The Senior Vice President for Student Learning and Student Services or designee will be responsible for reviewing the student's academic record, whether the specified criteria are met, and forwarding the request to the Superintendent/President.

The Superintendent/President will then recommend to the Board of Trustees that the student receive the posthumous Associate degree. This must be completed no later than March of every year to ensure that the student will have their name appear in the upcoming commencement program.

The Senior Vice President for Student Learning and Student Services or designee notifies the individual who made the request of the Board of Trustees decision. If approved, an invitation will be made to the family to attend the College's commencement ceremony held at the end of the spring semester each year.

Upon Board of Trustees approval, the Senior Vice President for Student Learning and Student Services or designee completes an Application for Graduation and sends the application, the student death notification and request to the Enrollment Services for processing.

Degrees awarded posthumously will be noted on the commencement programs as "Associate Degree Awarded Posthumously".

The student's diploma or certificate will be released or mailed to the person legally authorized to manage the deceased student's affairs. The posthumous nature of the award will be indicated on the diploma and in the student's official transcript. Any fees associated with the administration of the posthumous degree or certificate of attendance shall be waived

Date Adopted:

Human Resources

No CCLC Updates thru #32 April 2018

Revised by HR 8-2018

Categories modified to match BP/AP 3410 for this AP

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

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 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

Human Resources
No CCLC Template
HR Review 9-2018

BP 7150 EVALUATION

References:

Education Code Sections 70902, 87626, and 87663-87683;
Accreditation Standard III.A.1.b

The Superintendent/President will develop and maintain an evaluation tool for each employee category. Personnel shall be evaluated regularly and systematically, and are provided opportunities for professional development.

Faculty members and classified employees shall be evaluated in accordance with their respective negotiated labor agreements.

Date Adopted: March 17, 2009

(Replaces current College of Marin Policy 5.0016)

Human Resources

Reviewed/revised HR 9/18/2018

AP 7150 EVALUATION**References:**

ACCJC Accreditation Standard III.A.5 (formerly III.A.1.b)

The District assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The District establishes written criteria for evaluating all personnel. The evaluation process assesses the effectiveness of personnel and encourages improvement. Actions taken following evaluations are formal, timely and documented.

The Human Resources Department maintains current forms and procedures for evaluation. These forms and processes are maintained on the Human Resources website. Further information regarding evaluation of represented employees can be found in the respective collective bargaining agreements.

Management employees will be evaluated annually or more frequently at the discretion of the District. Step advancement on the management salary schedule is not automatic and is based on serving a minimum of one year in the position, merit as determined by the annual employee evaluation, and upon recommendation of the President/Superintendent. Step advancements are granted on the first day of the month immediately following the anniversary date of hire or promotion if the employee received an evaluation of satisfactory or better.

Supervisory and Confidential employees will be evaluated annually after successfully completing a one-year probationary period or more frequently at the discretion of the District.

See also BP 7150 titled Evaluation.

Office of Primary Responsibility: Human Resources

Date Approved: May 17, 2016

Human Resources

No CCLC Updates/Reviewed w/HR 9/18/2018

AP 7216 ACADEMIC EMPLOYEES – GRIEVANCE PROCEDURE FOR CONTRACT DECISIONS

Reference:

Education Code Section 87610.1

This procedure is addressed in the faculty collective bargaining agreement.

Date Approved: July 19, 2011

Board of Trustees

BOT Comm 7/12/2018

Admin Review/Edits 9/2018

CCLC Update 31 (Oct 2017) to update increase in prohibited gift value to \$470 in a calendar year from a single source.

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.¹ 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 statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she 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 foreseeably can affect materially through the conduct of his/her 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.²

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

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 did not make or participate in the making of, or use his/her position to

¹ 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.

² 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.

influence any decision and did not receive or become entitled to receive any form of payment as a result of his/her 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 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 property³ is required to be reported,⁴ the statement shall contain the following:
 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

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

⁴ 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 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.

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,⁵ 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,⁶ 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 is a director, officer, partner, trustee, employee, or in which he/she holds any position of management, a description of the business activity in which the 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

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

⁶ 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.

- 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 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 ~~\$470 460~~

- 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 ~~\$470 460~~ 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 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 election to office through the date that he/she 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 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 election to office through the date that he/she 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 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 election to office through the date he/she 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 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) Except as set forth in subdivision (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) 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) 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 official position to influence the making of any governmental decision which he/she 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 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 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 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 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 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 should not make a governmental decision because he/she 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 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 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.

~~Note: The following designated positions are intended to be representative only. The job titles of the individual institution should be used.~~

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 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	Categories 4,5
Assistant Deans	Category 6
Assistant Directors	Category 6
Assistant Vice President, Instructional Support	Category 6
Associate Directors (All)	Category 6
Chief Instructional Officer	Categories 5,6 (Moved to Section 13.1)
Chief Student Services Officer	Categories 5,6 (Moved to Section 13.1)
Chief Information Officer/Director of IT	Category 6
Deans	Category 6
Directors (All Other)	Category 6
Director of Bookstore	Category 6
Director of Capital Outlay	Categories 2,3,4,5
Director of Fiscal Services Budget	Categories 4,5
Buyer Director of Purchasing	Categories 1 ,4,5

Director of Facilities <u>Planning, Maint & Operations</u>	Categories 1,2,3,4, <u>5</u>
<u>Asst</u> Director of Maintenance & Oper.	Category 2,3,6
Chief Human Resources Officer <u>Director of Human Resources</u>	Category 6
<u>Executive Directors</u>	<u>Category 5</u>
<u>Facilities Rental Supervisor</u>	<u>Category 6</u>
<u>Manager, Employee & Labor Relations</u>	<u>Category 6</u>
<u>Manager, Organic Farm & Garden</u>	<u>Category 6</u>
<u>Manager, Environmental Health, Safety, Risk</u>	<u>Category 6</u>
<u>Chief of Police</u> Chief	<u>Categories 5,6</u>
<u>Police Lieutenant</u>	<u>Category 6</u>
<u>Program Administrators</u>	<u>Category 6</u>
Consultant	Categories 1,2,3,4,5,6

*Position titles are subject to change. ~~Not all positions and/or titles are applicable to the Marin Community College District.~~

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.

Date Approved: August 24, 2010

(Replaces College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020)

Date (s) Revised:

November 18, 2011

February 26, 2013

October 14, 2014

October 18, 2016

Human Resources
HR/Legal Review/ Edits 9/2018

**AP 7235 PROBATIONARY PERIOD – CONFIDENTIAL, AND SUPERVISORY, ~~AND CLASSIFIED~~
~~MANAGEMENT~~ EMPLOYEES**

Reference:

Education Code Section 88013

As permitted by statute, the probationary period is one year for confidential, and supervisory, ~~and classified management~~ employees.

This Administrative Procedure also shall apply to classified managers whose employment is not held by an employment agreement under Education Code section 72411 or pursuant to Title 5 as an interim employee.

Date Approved: January 18, 2011

Board of Trustees

CCLC Update 33 (October 2018) to add a Government Code citation

BP 2315 CLOSED SESSIONS**References:**

Education Code Section 72122;

Government Code Sections 54956.8, 54956.9, 54957, 54957.1, 54957.6, and 11125.4

Closed sessions of the Board of Trustees shall only be held as permitted by applicable legal provisions including but not limited to the Brown Act, California Government Code, and California Education Code. Matters discussed in closed session may include:

- the appointment, employment, evaluation of performance, discipline or dismissal of a public employee;
- charges or complaints brought against a public employee by another person or employee, unless the accused public employee requests that the complaints or charges be heard in an open session. The employee shall be given at least twenty-four (24) hours written notice of the closed session;
- advice of counsel on pending litigation, as defined by law;
- consideration of tort liability claims as part of the District's membership in any joint powers agency formed for purposes of insurance pooling;
- real property transactions;
- threats to public security;
- review of the District's position regarding labor negotiations and giving instructions to the District's designated negotiator;
- discussion of student disciplinary action, with final action taken in public;
- conferring of honorary degrees;
- consideration of gifts from a donor who wishes to remain anonymous; and/or
- to consider its response to a confidential final draft audit report from the Bureau of State Audits.

The agenda for each regular or special meeting shall contain information regarding whether a closed session will be held and shall identify the topics to be discussed in any closed session in the manner required by law.

After any closed session, the Board of Trustees shall reconvene in open session before adjourning and shall announce any actions taken in closed session and the vote or abstention of every member present.

All matters discussed or disclosed during a lawfully held closed session and all notes, minutes, records or recordings made of such a closed session are confidential and shall remain confidential unless and until required to be disclosed by action of the Board of Trustees or by law.

If any person requests an opportunity to present complaints to the Board about a specific employee, such complaints shall first be presented to the Superintendent/President. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board of Trustees. The

employee shall be given at least twenty-four (24) hours written notice of the closed session, and shall be given the opportunity to request that the complaints be heard in an open meeting of the Board.

Also see BP 2715 titled Code of Ethics/Standards of Practice

Date Adopted: June 9, 2009

(Replaces College of Marin Policies 1.5060 and 1.2050)

Date Revised: CCLC Update 24 April 2014/BOT 11/18/2014

Board of Trustees

First Read at 10/16/2018 Board Meeting prior to this edit

CCLC Update 33 (October 2018) to add Ed Code 15266 requirement of 2/3 majority vote for resolutions to pursue authorization and issuance of bonds.

BP 2330 QUORUM AND VOTING

References:

Education Code Sections [15266](#), 72000 [subdivision](#) (d)(3), 81310 et seq., 81365, 81432, and 81511;
Government Code Sections 53094 and 54950 et seq.;
Code of Civil Procedure Section 1245.240

A quorum of the Board shall consist of four members.

The Board of Trustees shall act by majority vote of all of the membership of the Board, except as noted below.

No action shall be taken by secret ballot. The Board will publicly report any action taken in open session and the vote or abstention of each individual member present.

The following actions require a two-thirds majority of all members of the Board of Trustees:

- Resolution of intention to sell or lease real property (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.
- [Resolution to pursue the authorization and issuance of bonds pursuant to paragraph \(3\) of subdivision \(b\) of Section 1 of Article XIII A of the California Constitution and subdivision \(b\) of Section 18 or Article XVI of the California Constitution.](#)

The following actions require a unanimous vote of all members of the Board of Trustees:

- Resolution authorizing a sale or lease of District real property to the state, any county, city, or to any other school or community college district;
- Resolution authorizing lease of District property under a lease for the production of gas.

[In all matters of process not otherwise indicated, parliamentary procedure governs.](#)

Date Adopted: March 16, 2010

(Replaces current College of Marin Policies 1.5100, 1.5200, 1.5300, and 1.5310)

Date Revised: CCLC Update April 2014/BOT 11-18-2014

Board of Trustees

CCLC Update 33 (October 2018) to reflect Govt Code 54952.2 the prohibits Board members from using any form of communication to discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the Board.

BP 2720 COMMUNICATIONS AMONG BOARD MEMBERS**Reference:**

Government Code Section 54952.2

A majority of the members of the Board of Trustees shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to hear, discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Date Adopted: July 19, 2011

Revised: July 18, 2018

CCLC language for reference below:

Members of the Board shall not communicate among themselves by the use of any form of communication (e.g., personal intermediaries, e-mail, or other technological device) in order to ~~reach a collective concurrence~~ hear, discuss, deliberate, or take action on regarding any item that is within the subject matter jurisdiction of the Board. In addition, no other person shall make serial communications to Board Members.

NOTE: *The following is alternative language that may be used in this policy:*

A majority of the members of the Governing Board shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board. This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

Revised 2/10, 10/18

Board of Trustees

BOT Review/Edits 7/12/2018

CCLC Update 31 (10/2017) to include a government code section which was enacted by AB 1887. A usage note is also included.

BP 2735 BOARD MEMBER TRAVEL**References:**

Education Code Sections 72423 and 87032; [Government Code Section 11139.8](#)

Members of the Board of Trustees may have travel and/or conference expenses paid when they travel as representatives of and perform services directed by the Board. The Board is expected to travel in the most economically prudent manner possible.

Board of Trustee Travel Allocation

District paid travel shall be limited to the amount adopted in the Annual Budget, ~~divided equally among members of the Board of Trustees. Any request for reimbursement for travel, in state or out of state, that exceeds the approved annual individual allocation must be reviewed and approved by the full Board of Trustees at a regular meeting.~~

Approval for Out of State Travel

~~Each fall, the Board will review the known schedule of conferences and trainings to determine individual Trustee interest.~~

Out-of-state travel is approved in advance by a majority of the Board at a meeting of the Board of Trustees.

Reimbursement for Travel

~~Reimbursements for Trustee travel shall only be made if their travel is approved as outlined in the section above.~~ Reimbursement for Trustee travel expenses shall follow the District administrative procedures. (See BP/AP 7400 titled Travel)

~~Any unexpended travel funds remaining in the Board of Trustees' budget at the end of the fiscal year will be returned to the General Fund. Board Members shall not donate, transfer, or share any portion of any Trustee's annual travel allocation with any other Trustee.~~

Report on Conference Participation

1. Newly elected Trustees in their first year of service are expected to participate in the Community College League of California's (CCLC) Effective Trustee Workshop. The cost of the Effective Trustee Workshop will be borne by the District. *(moved from above)*
2. ~~Encourage all trustees to achieve certification in CCLC's Excellence in Trusteeship program.~~
3. Trustees are expected to provide a report on conference participation at a meeting of the Board of Trustees, within 60 days following conference attendance.

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

NOTE only (not part of procedure): Government Code Section 11139.8 prohibits a state agency from requiring its employees, officers, or members to travel to, or approving a request for state-funded or sponsored travel to, any state that, after June 26, 2015, has eliminated protections against discrimination on the basis of sexual orientation, gender identity, or gender expression. This prohibition also applies to any state that has enacted a law that authorizes or requires discrimination against same-sex couples or their family or on the basis of sexual orientation, gender identity, or gender expression, subject to certain exceptions. The California Community Colleges Chancellor's Office has indicated it will not approve requests from local community college districts to travel to a restricted state. The California Community Colleges Chancellor's Office has also opined that Government Code Section 11139.8 does not apply to local community college districts. However, California law has recognized local community college districts as state agencies for certain purposes, among those is the community college funding mechanism. Thus, districts should consult with legal counsel in implementing Government Code Section 11139.8.

Date Adopted: March 16, 2010

(Replaces current College of Marin Policy 1.2061)

Date Revised: February 26, 2013

Board of Trustees

Added in this BP rather than travel BP

BP 2740 BOARD EDUCATION

Reference:

ACCJC Accreditation Standard IV.C.9. (*formerly* IV.B.1.f)

The Board of Trustees is committed to its ongoing professional development as a Board and to ~~an~~ educational programs, including orientation for new Board members.

The Board of Trustees will also engage in internal and external professional development opportunities, access to reading materials, support conference attendance, training, and other activities that foster Board member education. All trustees are encouraged to achieve certification in CCLC's Excellence in Trusteeship program.

Date Adopted: March 16, 2010

Reviewed/Revised: November 11, 2017