

February 7, 2019, 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 11/29/2018	Action
3. President's Report	Capital Projects Update/LRC-SS (Isidro) Strong Workforce Action Committee (SWAC) (Jonathan/Meg) Student Participation Certificates (Yolanda) Discontinued/Restructured Governance Committees (Yolanda B)	Information/Discussion
4. Board Policies/Procedures	<p><u>From August Review for Action</u> AP 3518 Child Abuse Reporting AP 7120 Employment Recruitment (10 + 1)</p> <p><u>From November Review for Action</u> AP 3050 Institutional Code of Ethics BP/AP 3505 Emergency Operations Plan BP/AP 5300 Student Equity (10 + 1) BP 6330 Purchasing BP/AP 6340 Bids and Contracts AP 6350 Contracts - Construction AP 6400 Audits AP 6500 Property Management BP/AP 6550 Disposal of District Personal Property</p> <p><u>February Review</u> BP/AP 3415 District Response to Immigration Enforcement Actions (NEW) AP 3501 Campus Security and Access AP 5015 Residence Determination AP 5040 Student Records, Directory Information and Privacy AP 6307 Debt Issuance and Management AP 6345 Bids and Contracts - UPCCAA BP/AP 6750 Parking</p>	<p>Action</p> <p>Action</p> <p>Discussion/Action</p>
5. Board of Trustees	Review Feb 12, 2019 Board Agenda	Information
6. Constituent Reports	Reports from senates and other constituent updates	Information
7. Meeting Wrap Up	College Hour Update (March) Review/confirm actions made at meeting/ identify items for next meeting.	Discussion
8. Meeting Schedule	March 7, 2019; April 11, 2019; May 9, 2019 September 12, 2019; October 10, 2019; November 14, 2019; December 12, 2019	Information

9. Adjourn Meeting		
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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.

November 29, 2018

Academic Center, Room 303, KTD

Present: David Wain Coon, Meg Pasquel, Peggy Dodge, Karen Robinson, Kim Foulger, Maridel Barr, Liam Campbell, Hellen Sigaran, Luanne Mullen, Christina Leimer, Isidro Farias, Kathy Joyner

Absent: Jonathan Eldridge, Greg Nelson, Monica Applegate

Guests: Marian Mermel

1. **Agenda** –The agenda was approved by consensus. BP 6330 Purchasing was sent to senates for review, but inadvertently left off the agenda.
2. **Minutes** - The minutes of the November 8, 2018 meeting approved by consensus.

3. **President's Report**

Capital Projects Update: Isidro provided an update on the Measure B current and upcoming projects reviewing which projects were currently under construction, those in design and anticipated start and completion dates. The trailers at IVC will be moved to Kentfield for the LRC project staging after the Pomo project is completed. Planning meetings with core staff will be scheduled in January to discuss the LRC staging process and schedule. Delays with the roofing and field projects occurred as a result of the smoke issues and rain. There were questions and discussion about the Pomo labs and a request to be informed of which groups/faculty members were engaged in the space development discussions related to those labs.

Fire Closures: Dr. Coon noted that he will be meeting with his staff to debrief on recent closure due to air quality and to discuss some of the concerns he received from students and others. He noted that the College was in communication with MCOE, K-12 districts, Dominican, the sheriff's department and the health department, receiving updates and information throughout the day leading up to the closure as well as over the weekend prior to re-opening, and throughout the day on Monday. The decision to close the campus was made when the air quality numbers were very high and projected to increase the following day. There was discussion about the symptoms and fatigue experienced by employees and students; the need to develop a policy that defines the level of air quality that would prompt a closure; that individuals should always make their own decisions based on their specific health needs and/or symptoms; reporting issues such as fans bringing smoke into buildings; whether there are state regulations related to closures; and the differences between K-12 and colleges in these situations. Dr. Coon shared the website where air quality can be monitored per area (AIRNOW.gov).

- **Board Policies & Procedures**

Kathy reported that she had sent a number of Board Policies/Administrative procedures earlier in the week and that there was not much time for review. Members also were notified earlier in the week that additional revisions were made to AP 3518 Child Abuse reporting and the revised document provided via the website. BP/AP 4111 Posthumous Degrees was approved by the Academic Senate and will move on the Board of Trustees. Classified senate made a change to AP 7120 Employment Recruitment. Kathy will update and sent out those revisions with any other revisions when the AP is ready for approval. No action was taken on the remaining items.

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

- BP/AP 4111 Posthumous Degrees (10 + 1)

The following BP/APs will be reviewed and will be on the next agenda for discussion and/or action.

- AP 3518 Child Abuse Reporting (Aug)
- AP 7120 Employment Recruitment (10 + 1) (Aug)
- AP 3050 Institutional Code of Ethics (Nov)
- BP/AP 3505 Emergency Operations Plan (Nov)
- BP/AP 5300 Student Equity (10 + 1) (Nov)
- AP 6330 Purchasing (Nov)
- BP/AP 6340 Bids and Contracts (Nov)
- AP 6350 Contracts – Construction (Nov)
- AP 6400 Audits (Nov)
- AP 6500 Property Management (Nov)
- BP/AP 6550 Disposal of District Personal Property

4. **Board of Trustees**

Dr. Coon reviewed the draft agenda for the December meeting noting that the meeting scheduled for December 4 will be “continued” to December 11 because the election has not yet been certified. A short study session will take place at 5:30 p.m. to finalize the Board Self-Evaluation. The annual organizational meeting will begin at 6:30 p.m. with the elected trustees taking the oath of office, rotation of Board officers, and review/approval of the 2019 meeting schedule. After a short reception, the regular meeting will begin.

6. **Constituent Reports**

ESCOM – Luanne reported that the end of year party will be held on December 1 at St. Johns. She noted that they have 2 more council members, but they are still in need of a recording secretary. They are very excited about the upcoming author series and have

selected the authors. Marian thanked Dr. Coon for updating them on the funds and bequests left to the College by emeritus members. A copy of her comments is attached to the minutes.

ASCOM – Hellen reported on recent student events including recycling day, the Not in Our Town walkout against hate, and a film screening of Walking in Oak Creek. The events were informative and well attended. Students are being encouraged to take care of themselves and practice stress-relieving techniques during finals. The library has opened for extended hours and ASCOM will be hosting a hot cocoa day, as well as providing supplies and snacks for students. There was a discussion about “dead week” and comments from faculty that there is not a dead week and perhaps it could be called “study week.”

Academic Senate – Meg reported that they continue to work on BP/APs. Curriculum committee will be chaired by Gina Cullen and they are discussing changes to the committee. Meg encouraged students to take advantage of the late library hours and resources available in the transfer center and during faculty office hours to help them prepare for finals. She requested clarification on which faculty members were part of the IVC lab discussions.

Classified Senate: Kim reported that Klaus Christensen will be speaking to them next week about zero Marin. They are planning a breakfast for enrollment services for winning the best group costume contest at the Halloween party. They are also working with Shook to update their website.

7. Meeting Wrap Up -

- Meg noted that Lisa Morse is giving the HUM 101 students first crack at the TedX tickets for the food-oriented event.
- Dr. Coon reminded everyone of the employee holiday party on Dec 12
- BP/AP 4111 Posthumous Degree approved. All others on agenda will be reviewed for the next meeting.
- Meeting Schedule
 - The meetings will be scheduled based on the approval of the 2019 Board meeting schedule.

9. Adjourn Meeting – Meeting was adjourned.

Strong Workforce Action Committee (SWAC)
Charge
APPROVED BY PRAC 10/23/18

Background

The California Community College Chancellor's Office allocates Strong Workforce grant funding for CTE programs to each college district based on a legislatively-determined formula. The purpose of the Strong Workforce funding is to improve CTE program outcomes including increased completions of certificates and transfers, increased employment opportunities including increased earnings, and increased access to programs for economically disadvantaged students. Each institution is required to utilize these funds according to legislatively-determined criteria.

Charge

The Strong Workforce Action Committee (SWAC) operates as a subcommittee of the Planning and Resource Allocation Committee (PRAC), to ensure faculty, staff, and student involvement in recommending Strong Workforce grant funding and resources for all eligible CTE programs. SWAC makes recommendations to PRAC regarding all grant proposals and funding allocations for Regional and Local Strong Workforce Applications. The committee also provides timely and transparent updates to the college community.

Responsibilities

1. Build awareness of the Strong Workforce program and provide transparent updates on all Strong Workforce projects, including student success metrics.
2. Convene CTE faculty to identify funding opportunities that are in alignment with the Strong Workforce mission, formula, criteria, and local and regional labor market needs.
3. Develop, review, and communicate timeline, guides, forms, and recommendations.
4. Establish appropriate timelines and processes to complete local and regional applications for recommended projects.
5. Make recommendations to PRAC for proposal funding while working collaboratively with Union District Workload Committee (UDWC) on any grant proposal involving faculty workload.
6. In coordination with the Workforce Department, review the stated project goals and ensure they are being met.
7. Annually evaluate performance of all Strong Workforce projects and make recommendations to PRAC based on findings.

Members

Six faculty: Four faculty members from CTE disciplines; one counseling faculty; and one non-CTE faculty appointed by the Academic Senate (one representative of CTE faculty from every CTE Division including Career Education, Business, Early Childhood Education, and Allied Health).

Two classified professionals appointed by the Classified Professional Liaison Committee (CPLC).

Two students appointed by the Student Senate.

Two administrators: Director of Workforce Programs and one at large Administrator appointed by the Superintendent/President.

Dean of Career & Technical Education/Workforce Development and Workforce Specialist serve as non-voting resources.

DATE: ()

TO: (Participatory Governance Committee Chair/s)

FROM: Governance Review Committee (GRC)

SUBJECT: Certificates for Student Committee Members

As a way to honor and encourage students serving on participatory governance committees, GRC, with the approval of College Council, will be awarding certificates to students who participate on governance committees. These certificates will be given out each semester and will become a part of the student's transfer file.

As chair of (committee) we are asking that you inform GRC of the names of the students who serve on your committee and who attend committee meetings regularly. Please forward the names to the GRC chairs, Yolanda Bellisimo and Shawn Purcell.

Thank you for helping us recognize the volunteer work students perform as members of our governance committees.

Sincerely,

Governance Review Committee Members:

Eileen Acker	Angela Olmanson
Yolanda Bellisimo	Shawn Purcell
Jon Gudmundsson	David Snyder
Gabby Hojilla	

CC: David Wain Coon, Superintendent/President
College Council

DRAFT: January, 2019

To be added to the Participatory Governance System Plan:

DISCONTINUED OR RESTRUCTURED GOVERNANCE COMMITTEES

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

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

General Institution

Reviewed against CCLC Template

Administrative Review June 2018

Updates related to mandated reporting by ECE/MR 11/26/2018

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, 7890, and 7892
[Health and Safety Code Section 1596.866 and 1596.8662](#)

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).

Pursuant to California State licensing requirements for child day care facilities, any person whose duties bring them into direct contact and supervision of children is required to complete the online Mandatory Child Abuse Reporting Training (and provide a Certificate of Completion) within 90 days of accepting a position or student teacher placement at the District and prior to any work conducted at the District's Child Development Program facility, and to renew the training every two years.

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

Human Resources

No CCLC Updates thru #32 April 2018

Revised by HR 8-2018

Categories modified to match BP/AP 3410 for this AP

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

AP 7120 EMPLOYMENT RECRUITMENT**References:**

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

I. General Provisions

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

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

B. Permanent Academic, Management, and Classified Employees

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

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

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

B. Search/Screening Committee Structure

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

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

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

C. Position Announcement

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

D. Applications

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

E. Screening Process

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

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

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

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

III. Recruitment Methods for Full-Time Faculty Positions

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

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

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

C. Position Announcement:

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

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

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

E. Screening Process:

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

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

F. Reference Check:

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

For Temp Pools recruitment methods see AP 7212 titled Temporary Faculty

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

Date Approved: June 28, 2011

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

Date Reviewed/Revised: May 16, 2017

General Institution

[BOT Comm Review 7/12/2018 – Recommend adding a Definition of Equity to this procedure](#)[Admin Review/edits 11/2108](#)

AP 3050 INSTITUTIONAL CODE OF ETHICS

Reference:

ACCJC Accreditation Standard III.A.13 (formerly III.A.1.d);
ACCCA Statement of Ethics

Definition of Ethics

Ethical behavior is often defined as “right” or “good” behavior as measured against commonly accepted rules of conduct for a society or for a profession. The ethical person is often described in absolute terms as one who is fair, honest, straightforward, trustworthy, dispassionate, and unprejudiced. If, however, one is inconsistently fair or honest, one loses credibility and is perceived to be unethical. The ethical person must be conspicuously consistent in the exercise of integrity to sustain the credibility that is an expectation of office.

Importance of Ethics

The credibility of the District’s employees depends upon whether they are perceived as honest individuals. If integrity contributes to credibility, then ethical behavior is a singular prerequisite to successful performance. When people are convinced that public institutions employ honest individuals, questions of credibility and demands for public accountability rarely arise.

Statements of ethical standards do not necessarily ensure ethical behavior. Yet public statements of intent surely create an expectation that public officials will indeed act with integrity in the public interest.

Expectations for Ethical Behavior

Employees of the District shall be committed to the principles of honesty and equity. Equity means recognizing the historical and systematic disparities in opportunity and outcomes and providing the resources necessary to address those disparities (Definition from The Education Trust-West.) They shall not seek to abridge for any purpose the freedoms of other employees or students. At the same time, they shall not willingly permit the right and privileges of any members of the college community to override the best interests of the public served by the District.

Employees shall exercise judgments that are fair, consistent, and equitable. They shall exhibit openness and reliability in what they say and do as educational leaders. They shall confront issues and people without prejudice. They shall do everything they can to demonstrate a commitment to excellence in education and without compromise to the principles of ethical behavior.

Similarly, students are expected to abide by ethical behavior and decision-making in their treatment of District employees, other students, and members of the public.

Employee Responsibilities

The following statements are intended as guidelines:

1. With respect to students:
 - a. Remain continuously informed of characteristics, preferences, and educational needs of the local community.
 - b. Provide and protect student access to educational resources of the District.
 - c. Protect human dignity and individual freedom, and assure that students are respected as individuals, as learners, and as independent decision-makers.
 - d. Invite students to contribute to the District decisions and directions.
 - e. Protect students from disparagement, embarrassment, or capricious judgment.
 - f. Keep foremost in mind at all times that the District exists to serve students.
2. With respect to colleagues and staff:
 - a. Develop a climate of trust and mutual support through the governance process characterized by participation of the people affected; focus on objectives rather than personalities; respect for reason, freedom of expression, and right to dissent.
 - b. Foster openness by encouraging and maintaining two-way communication.
 - c. Encourage, support, and abide by written policies and procedures and to communicate clearly to new staff members the conditions of employment, work expectations, and evaluation procedures.
 - d. Provide opportunities for professional growth.
 - e. Provide due process with opportunity for appeal and review of employee evaluation.
3. With respect to the Board of Trustees:
 - a. Keep the Board of Trustees informed so it can act in the best interests of the District and the public.
 - b. Act in the best interest of the District even when that action conflicts with an interest of an administrator or individual colleagues.
 - c. Be guided by the principles and policies established by the Board of Trustees.

Office of Primary Responsibility: President's Office

Date Approved: March 16, 2010

Date Revised: April 18, 2017

General Institution

No CCLC Updates through #33 – follows template with one noted difference
To BOT Policy Committee 11/8/2018
To Jeff Marozick 11/1/2018

BP 3505 EMERGENCY OPERATIONS PLAN**References:**

Education Code Sections 32280 et seq. and 71095;
Government Code Sections 3100 and 8607(a);
19 California Code of Regulations (CCR) Sections 2400-2450;
National Fire Protection Association 1600;
Homeland Security Act of 2002;
Homeland Security Presidential Directive-5;
Executive Order S-2-05;
34 Code of Federal Regulations Part 668.46(g)

The District shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The Superintendent/President shall establish procedures that ensure that the District implements a plan to be activated in the event of an emergency, or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
 - Training requirements vary based on job titles or assigned roles within the emergency management plan

District personnel must be informed that as public employees, they are also disaster service workers during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker oath requirements.

The Superintendent/ President should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response, and recovery. The District must ensure that its disaster plan is updated regularly and must comply with NIMS and SEMS to receive state or federal funding.

Date Adopted: May 15, 2012

General Institution

No CCLC Updates through #33
To BOT Policy Committee 11/8/2018
Reviewed by Chief Marozick 11/2018

AP 3505 EMERGENCY OPERATIONS PLAN**References:**

Education Code Sections 32280 et seq. and 71095;
Government Code Sections 3100 et seq., 8558, 8559, 8600, 8605, and 8607(a);
Homeland Security Act of 2002;
National Fire Protection Association 1600;
Homeland Security Presidential Directive-5;
Executive Order S-2-05;
19 California Code of Regulations (CCR) Sections 2400-2450;
34 Code of Federal Regulations Part 668.46(b)(13) and (g)

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

General information about the emergency response and evacuation procedures for the District are publicized each year as part of the District's Clery Act compliance efforts and that information is available on the District web site via the Police Department link.

All members of the campus community are notified on an annual basis that they are required to notify the District Police Department of any incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and employees on campus. District Police Department has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, District Police Department has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If so, federal law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Upon confirmation or verification by the District that a legitimate emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the District will determine the content of the message and will use some or all of the systems described below to communicate the threat to the campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. The District will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to the District Police Department, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages that can be sent to a cell phone (individuals can sign up for this service on the District web site), public address system in specific buildings, District website. The District will post updates during a critical incident on the District web site at www.marin.edu. Individuals can call the District's recorded information telephone line at 415-457-8811 for updates.

The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community through cell phone alerts to parents/guardians, radio, TV alerts.

TESTING EMERGENCY RESPONSE AND EVACUATION PROCEDURES

An evacuation drill is coordinated by the District Police Department once per year for campus facilities. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The District Police Department has established primary evacuation locations in advance. However, these locations may be subject to change due to time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. The District Police Department and District staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

Evacuation drills are monitored by the District Police Department and District administration to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments and offices for consideration.

The District conducts numerous announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. District Police Department and District administration coordinate announced and unannounced evacuation drills once per year, as described above, to test the emergency response and evacuation procedures, and to assess and evaluate the emergency evacuation plans and capabilities. For each test conducted, District Chief of Police or Designee will document a description of the exercise, the date, time, and whether it was announced or unannounced. The District will ~~publish~~ [create](#) a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

In the event of an emergency, natural disaster or the occurrence of a hazardous condition the District must ensure the activation of a plan or procedures to protect and govern employees, students, visitors and children in childcare programs on its campuses and facilities. The District should implement a campus emergency management team to aid in creation and implementation of its emergency procedures or plan.

The District's Emergency Operations Plan ~~should adopt~~ [shall meet](#) California's Standardized Management System (SEMS) and the National Incident Management System (NIMS) [standards](#). The purpose of SEMS is to provide a standardized response to emergencies involving multiple jurisdictions or multiple agencies. Compliance with requirements includes the use of the basic principles and components of emergency management which include the Incident Command System (ICS), multi-agency or inter-agency coordination, the operational area concept and established mutual aid systems. SEMS and NIMS both

utilize ICS. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure that is responsible for the management of resources to effectively accomplish the District's stated objectives in response to an incident.

For major incidents NIMS provides a consistent nationwide template to ensure that local, state, and federal agencies work together to prepare for, prevent, respond to, and recover from incidents. The following are criteria and areas that should be included in the District's Emergency Response Plan.

Compliant emergency response plans provide information on preparedness, prevention, response, recovery, and mitigation policies and procedures.

Compliant emergency response plans also provide information on coordinating with the appropriate local, state, and federal government authorities, and nongovernmental entities on comprehensive emergency management and preparedness activities.

SEMS

Below is information that specifically relates to SEMS and compliance with SEMS. State agencies are required by law to use SEMS. There are five designated levels in the SEMS organization: field response, local government, operational areas, regions, and state. Each level is activated as needed.

- **"Field response level"** commands emergency response personnel and resources to carry out tactical decisions and activities in direct response to an incident or threat.
- **"Local government level"** manages and coordinates the overall emergency response and recovery activities within their jurisdiction.
- **"Operational area level"** manages and/or coordinates information, resources, and priorities among local governments within the operational area and serves as the coordination and communication link between the local government level and the regional level.
- **"Regional level"** manages and coordinates information and resources among operational areas within the mutual aid region designated pursuant to Government Code Section 8600 and between the operational areas and the state level. This level along with the state level coordinates overall state agency support for emergency response activities.
- **"State level"** manages state resources in response to the emergency needs of the other levels, manages and coordinates mutual aid among the mutual aid regions and between the regional level and state level, and serves as the coordination and communication link with the federal disaster response system.

The local government level, operational area level, regional level, and the state level shall include the following functions:

- Management,
- Operations,
- Planning/intelligence,
- Logistics, and
- Finance/Administration.

Training

The District shall determine the appropriate level(s) of SEMS training for each of its employees. This determination is dependent upon the employee's potential assignment during an emergency response situation. The District should ensure that its emergency response personnel can demonstrate and maintain, the minimum SEMS performance objectives, at the appropriate level, as required by the District's training programs.

Compliance with SEMS

To be compliant with SEMS requirements the District must include the five essential SEMS functions in its Emergency Response Plan. To be in compliance with SEMS, the Emergency Response Plan must at minimum, address the following functions:

- Management,
- Operations,
- Logistics,
- Planning/Intelligence, and
- Finance/Administration.

Local government must use SEMS in order to be eligible for state funding for response-related personnel costs which occur in response to an incident. The District shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

In the event that a local emergency occurs and the Governor declares a state of emergency, if the District responds to said emergency, the District shall complete and transmit an after action report to the California Office of Emergency Services (OES) within 90 days of the close of the incident period. The after action report shall at a minimum include a review of the response actions taken, the application of SEMS, the identified training needs, suggested modifications to SEMS, necessary modifications to the SEMS plans and procedures and an up to date recall of the recovery actions.

NIMS

The District must also be in compliance with the federal requirements for emergency preparedness or NIMS.

The components of NIMS are:

- Command and Management including ICS,
- Preparedness,
- Resource Management,
- Communications and Information Management,
- Supporting Technologies, and
- NIMS Management and Maintenance.

Compliance with NIMS

To comply with NIMS requirements, the District must ensure that its employees receive the appropriate NIMS training. NIMS compliance is measured by a performance-based "metrics" system. In addition to the training requirements, the District must also comply with state and federal preparedness laws for public institutions.

The District can work with the Disaster Resistant California Community Colleges (DRCCC) program to ensure it's in compliance with state and federal requirements.

Definitions

The following definitions may be relevant to the implementation of the Emergency Response Plan:

Emergency: a condition of disaster or of extreme peril to the safety of persons and property caused by such conditions as air pollution, fire, flood, hazardous material incident, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestations or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake or other conditions, other than conditions resulting from a labor controversy.

Incident: an occurrence or event, either human-caused or by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources.

Incident Command System (ICS): the nationally used standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, with responsibility for the management of resources to effectively accomplish stated objectives pertinent to an incident.

Office of Primary Responsibility: College Operations

Date Approved: April 17, 2012

Student Services

No CCLC Updates thru #32

Admin Review 11/2018

BP 5300 STUDENT EQUITY

References:

Education Code Sections 66030, 66250 et seq., and 72010 et seq.;
Title 5 Section 54220

The Board of Trustees is committed to assuring student equity in educational programs and college services. The Superintendent/President shall establish and implement a Student Equity Plan that meets the Title 5 standards and ensures that all students, especially underrepresented students, have the opportunity to achieve their academic goals.

Date Adopted: June 23, 2009

(Replaces College of Marin Policy 4.0035)

Student Services

[Admin Review/Edits 11/6/2018](#)

AP 5300 STUDENT EQUITY

References:

Education Code Sections 66030, 66250 et seq. and 72010 et seq.;
Title 5 Section 54220

The District has a Student Equity Plan. The Plan is filed as required to the California Community Colleges Chancellor's Office, following approval by the Board of Trustees.

The plan addresses:

- active involvement of the groups on campus through governance committees, and instructional and student development departments, and through the program review process
- involvement by appropriate people from the community who can articulate the perspective and concerns of historically underrepresented groups
- campus-based research as to the extent of student equity
- institutional barriers to equity
- goals for access, retention, degree and certificate completion, English as a Second Language (ESL) and basic skills completion, and transfer for each historically underrepresented group
- activities most likely to be effective to attain the goals, including coordination of existing student equity related programs
- sources of funds for the activities in the plan
- a schedule and process for evaluation of progress toward the goals
- an executive summary that describes the groups for whom goals have been set, the goals, the initiatives that the District will undertake to achieve the goals, the resources budgeted for that purpose, and the District officer or employee who can be contacted for further information

The Student Equity Plan shall be developed, maintained, and updated under the supervision of the [Director of Student Affairs](#) [Dean of Educational Success Programs](#).

Office of Primary Responsibility: [Student Affairs](#) [Student Services and Student Learning](#)

Date Approved: April 19, 2009

Business and Fiscal Affairs

Admin Review against CCLC template

Fiscal Review Nov 2018

BP 6330 PURCHASING

References:

Education Code Section 81656;
Public Contract Code Sections 20650 and 20651

The Board of Trustees delegates to the Superintendent/President the authority to purchase supplies, materials, apparatus, equipment, and services as necessary to the efficient operation of the District. No purchase shall exceed the amounts specified by Public Contract Code Section 20651 as amended from time to time, without Board approval.

All such transactions shall be reviewed by the Board every 60 days.

Date Adopted: May 12, 2009

(Replaces College of Marin Policy 6.0015)

Business and Fiscal Affairs

Admin Review Against CCLC Template

Fiscal Review Nov 2018

CCLC Update 26 (April 2015) to change title for added specificity and to update revised accreditation standards in references.

CCLC Update 24 (April 2014) to update legal references

CCLC Update 29 (October 2016) to include citation regarding the EDGAR second edition requirements re: governing procurement standards

BP 6340 BIDS AND CONTRACTS**References:**

Education Code Sections 81641 et seq.;

Public Contract Code Sections 20650 et seq.

Government Code Section 53060;

ACCJC Accreditation Standard III.D.16;

2 Code of Federal Regulations, Part 200.318

The Board of Trustees delegates to the Superintendent/President the authority to enter into contracts on behalf of the District for goods (supplies, materials, apparatus, equipment), work to be done, or services to be performed on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following:

- Contracts for work to be done, services to be performed or for goods, equipment or supplies to be furnished or sold to the District that exceed the amounts specified in Public Contract Code Section 20651 shall require prior approval by the Board.
- Contracts are not enforceable obligations until they are ratified by the Board.
- When bids are required according to Public Contract Code Section 20651, the Board of Trustees shall award each such contract to the lowest responsible, responsive bidder who meets the specifications published by the District and who shall give such security as the Board requires. The Board may reject all bids.
- The amounts specified in Public Contract Code Section 20651 shall not apply to contracts for public projects falling within the limits for informal bidding under the California Uniform Public Construction Cost Accounting Act.

If the Superintendent/President concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may ~~shall~~ be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

If the best interests of the District will be served by a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Superintendent/President is authorized to proceed with a contract.

Unlawful to Split Bids

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

Office of Primary Responsibility: College Operations

Date Adopted: January 20, 2009

(Replaces College of Marin Policies 6.0013 and 6.0018)

Business and Fiscal Affairs

Fiscal Review Nov 2018

- CCLC Update 26 (April 2015) to reflect revised accreditation standards in references.
- CCLC Update 24 (April 2014) to update legal references and the types of purchases which do not require advertising for bids.
- CCLC Update 22 (June 2013) to update section re: awarding of bids and contracts as discussed in new Section 20651.7 of Public Contract Code.
- CCLC Update 29 (Oct 2016) updated to include additional items under EDGAR Second Edition related to procurement standards, including the requirement that districts avoid acquisition of unnecessary or duplicative items and record retention requirements.

AP 6340 **BIDS AND CONTRACTS —GOODS**

References:

Education Code Sections 81641 et seq.;

Public Contract Code Sections [20103.7](#) 20112, 20650 et seq., and 22000 et seq.;

Labor Code Sections 1770 et seq.;

[Government Code Section 53060](#)

[ACCJC Accreditation Standard III.D.16](#)

[2 Code of Federal Regulations Part 200.318](#)

Limits

The District shall enter into contracts for purchase of goods (supplies, materials, apparatus, and equipment) or services except construction (?) as necessary for to the efficient operation of the District in accordance with Board policies, state laws, and other pertinent regulations, with limits as follows:

- Informal procurement (typically, less than \$30,000 or in accordance with Public Contract Code limits): The Chief Business Officer may sign contracts;
- Written quotes (in accordance with typically, \$30,000 to the Public Contract Code limits): The District shall solicit formal written quotations from at least three independent vendors; and
- Formal bids (above the Public Contract Code limit): The District shall solicit formal bids per Public Contract Code Section 20651, as described below.

(Note: replacing above with CCLC template language)

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- Purchase of goods or services up to the limits set out in the Public Contract Code will require documented quotes
- Purchase of goods or services in excess of the limits set out in the Public Contract Code will require formal advertised bids.

In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that require competitive bidding require approval by the Board of Trustees prior to award.

Bid Specifications

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

Notice Calling for Formal Advertised Bids

The District shall publish at least once a week for two weeks in a newspaper of general circulation circulated within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, and may post the information on the District's web site or through an electronic portal, a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished ~~goods~~ to be furnished and the time and place when bids will be opened. Mailing shall be completed at least thirty (30) days before the date of bid opening. The District may accept a bid that was submitted either electronically or on paper.

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

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

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

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

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

The Chief Business Officer or designee shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.

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

Awarding of Bids and Contracts

The awarding of bids and contracts ~~for goods~~ shall be subject to the following conditions:

- Any and all bids may be rejected by the District for any reason.
- All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.

- Bid and cContract award recommendations to the Board of Trustees shall show a tabulation of the bids received in reasonable detail.
- Bid and cContract awards shall be made to the lowest responsible, responsive bidder substantially meeting the requirements of the specifications. The District reserves the right to make its selection of materials or services goods purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.
- For the purposes of bid evaluation and selection when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and material, and reduced administrative costs, the District may provide for the selection of the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board-Board of Trustees in accordance with this section.
- “Best value” means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board of Trustees, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.

Unlawful to Split Bids

~~It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.~~ *(Note: moved to later in the document per CCLC template)*

Purchase without Advertising for Bids

The Chief Business Officer or designee is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so.

The Chief Business Officer or designee may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.

The Chief Business Officer or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services.

The Chief Business Officer or designee is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.

Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services goods furnished to the District are not to exceed five ~~three~~ years. Contracts for materials and supplies are not to exceed three years.

Note: Below added from CCLD template language per Fiscal Review

Emergency Repair Contracts without Bid

When emergency repairs or alterations are necessary to continue existing classes or to avoid danger of life or property, the Chief Business Officer may make a contract on behalf of the District for labor, materials and supplies without advertising for or inviting bids, subject to ratification by the Board.

Unlawful to Split Bids

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding. (Moved from above)

Record Retention

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

Office of Primary Responsibility: College Operations

Date Approved: December 9, 2008

AP 6350 CONTRACTS – CONSTRUCTION**References:**

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

Limits

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

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

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

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

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

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

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

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

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

~~Bid Specifications~~

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

~~Notice Calling for Formal Advertised Bids~~

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

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

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

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

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

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

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

~~Awarding of Contracts~~

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

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

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

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

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

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

~~Unlawful to Split Bids~~

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

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

Office of Primary Responsibility: College Operations

Date Approved: December 9, 2008

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

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

CCLC Update 31 (October 2017) to include references to Ed Code and Title 5

AP 6400 FINANCIAL AUDITS

References:

Education Code Sections 84040(b), 84040.5 and 81644;
Title 5 Section 59102;
ACCJC Accreditation Standard III.D.7.

On or before April 1 of the fiscal year, the Board of Trustees shall approve the selection of an auditor who shall be a certified public accountant licensed by the California State Board of Accountancy.

An auditing firm's contract shall be for no longer than five years. The audit shall include all funds under the control or jurisdiction of the District. The audit shall identify all expenditures by source of funds and shall contain:

- A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Education Code Section 84040.5 and
- a summary of audit exceptions and management recommendations.

Audit reports for the preceding fiscal year must be presented to the Board of Trustees and submitted to the California Community Colleges Chancellor's Office by December 31.

The audit shall cover the general financial operations of the District, Associated Student Body Fund operations and the Federal Aid Program operation.

Also see BP/AP 6740 titled Citizens' Bond Oversight Committee

Office of Primary Responsibility: College Operations

Date Approved: May 23, 2008
*Replaces sections of Board Policy 6.0004 titled
Annual Audit.*
Date Reviewed/Revised: June 20, 2017

Business and Fiscal Affairs
Fiscal Services Revise 11-2018

AP 6500 PROPERTY MANAGEMENT**References:**

Education Code Sections 70902 and 81300 et seq.

The Chief Business Officer shall be responsible for supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

According to Sections 81360-81380 of the California Education Code, the Board of Trustees of the District has the power to acquire, buy, sell, or lease real property belonging to the District. Before an action is taken by the Board of Trustees on the lease or sale of College-owned land, the following criteria must be met:

1. No obvious academic, athletic, or administrative need must exist for the property under consideration;
2. The proposed lease or sale must generate positive educational and/or financial benefits for the College, or make possible improvements to its physical facilities;
3. The proposed use of the leased or sold property must be supportive or at least compatible with the activities of the College;
4. The proposed use must comply with all applicable statutes and regulations;
5. The principal leasing or purchasing the property must identify itself;
6. The process must allow for a full public hearing or workshop before any action is taken by the Board of Trustees.

The Board may sell or lease real property belonging to the District under the following conditions:

- If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board of Trustees, the Board may (by majority vote) delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.

Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board of Trustees has determined that the District has no anticipated need for additional

sites or building construction for the five-year period following the sale or lease. *(NOTE: This text was removed from AP 6550 Disposal of District Personal Property.)*

The Board shall review and consider all final Environmental Impact Reports and Negative Declarations prior to approving any project not exempt from the requirements of the California Environmental Quality Act, and shall make such findings as are required by law.

Office of Primary Responsibility: College Operations

Date Approved: December 9, 2008

(Replaces current College of Marin Policies 8.0026 and 8.0028)

Date Reviewed: July 18, 2017

Business and Fiscal Affairs
[Reviewed by Fiscal 11-2018](#)

BP 6550 DISPOSAL OF DISTRICT PERSONAL PROPERTY

References:

Education Code Sections 70902(b)(6), 81360 et seq. and 81450 et seq.

The Superintendent/President is delegated authority by the Board of Trustees to declare surplus such personal property of the District that is no longer useful for District purposes. The Superintendent/President shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis.

[This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.](#)

This policy applies to District personal property only.

Date Adopted: May 12, 2009

Date Revised: December 11, 2012

Business and Fiscal Affairs
Admin Review w/CCLC Template
Fiscal Review 11/2018

AP 6550 DISPOSAL OF DISTRICT PERSONAL PROPERTY**References:**

Education Code Sections 70902(b)(6), 81360 et seq., ~~81380, 81390 et seq., 81440 et seq.,~~ and 81450 et seq.;
OMB Circular A-110

The Chief Business Officer shall maintain an inventory of all District capital assets valued at more than \$5,000, which shall be depreciated in accordance with Generally Accepted Accounting Principles and the California Budget and Accounting Manual.

District Personal Property

The District may sell for cash any District personal property if the property is not required for District purposes or if it should be disposed of for the purpose of replacement, or if it is unsatisfactory or not suitable for use.

Property cannot be sold until notice has been given. Notice must be posted in at least three public places in the District for not less than two weeks; notice can also be by publication for at least once a week for a period of not less than two weeks in a newspaper published in the District and having a general circulation.

The Chief Business Officer shall sell the property to the highest responsible bidder, or shall reject all bids.

Personal property authorized for sale as surplus may also be disposed of by means of a public auction conducted by employees of the District, or by other public agencies, or by contract with a private auction firm. The personal property shall be sold or transferred to the highest responsible bidder upon completion of the auction and after payment has been received by the District.

The District can also exchange for value, sell for cash, or donate any personal property belonging to the District without complying with the preceding procedures if all of the following criteria are met:

- a) The District determines that the property is not required for District purposes, that it should be disposed of for the purpose of replacement, or that it is unsatisfactory or not suitable for school use.
- b) The property is exchanged with, or sold or donated to, a school district, community college district, or other public entity that has had an opportunity to examine the property proposed to be exchanged, sold, or donated.
- c) The receipt of the property by a school district or community college district will not be inconsistent with any applicable District wide or school site technology plan of the recipient district.

Any item or items of property having previously been offered for sale as provided above, but for which no qualified bid was received, may be sold by the Chief Business Officer at private sale without advertising.

The Chief Business Officer shall determine whether an article to be replaced should be traded in for the new item or be declared surplus property. District employees must have approval of the Chief Business Officer before discarding or selling any item they consider surplus. The Chief Business Officer shall determine when there is a sufficient volume of surplus property to require that a sales event be conducted to dispose of the property.

If the Board of Trustees, by a unanimous vote of those members present, finds that the property, whether one or more items, does not exceed in value the sum of five thousand dollars (\$5,000), the property may be sold by the Chief Business Officer at private sale without advertising.

~~In addition, the Board may sell or lease real property belonging to the District under the following conditions:~~

- ~~• If the District has received only one sealed proposal from a responsible bidder that conforms with the standard rate or rates for the lease of its real property established by a majority vote of the Board of Trustees, the Board may (by majority vote) delegate to an officer or employee the power to enter into leases, for and in behalf of the District, of any real property of the District.~~

~~Generally, the funds derived from the sale or from a lease with an option to purchase shall be used for capital outlay or deferred maintenance. However, the proceeds of property sold or leased that was first offered for park or recreational purposes where applicable and then offered for sale or lease with an option to purchase at fair market value may be deposited in the general fund of the District if, prior to the sale or lease, the Board of Trustees has determined that the District has no anticipated need for additional sites or building construction for the five year period following the sale or lease. (NOTE: Crossed out paragraphs moved to AP 6500 Property Management as it relates to real property vs. personal property)~~

Any of the duties in this section can be assigned to a designee by the Chief Business Officer.

The Chief Business Officer shall report all sales proceeds to the Board of Trustees at least once annually.

Real Property

The District can sell or lease real property belonging to the District if the provisions of the Education Code relating to such sale or lease are met. ([See BP/AP 6500 Property Management](#))

Abandoned Property

The District may dispose, sell, or lease any abandoned property found within District if any of the following conditions are met:

- Notice to the apparent owner is reasonably attempted and no response was received.
- The property is reasonably deemed lost, neglected, or pose a safety concern.
- There is clearly no intention to recover the property by the apparent owner.

Property Purchased with Federal Funds

The federal definition of equipment is: tangible nonexpendable personal property, including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

All property acquired by the District from federal funds must be inventoried, maintained, and disposed of in accordance with federal provisions.

Procedures for managing equipment purchased with federal funds, until transfer or disposition takes place, shall meet the following requirements:

- The recipient's property management standards for equipment acquired with federal funds and for federally owned equipment should include all of the following:
 - A description of the equipment
 - Manufacturer's serial number, model number, federal stock number, national stock number, or other identification number
 - Source of the equipment, including the award number
 - Whether title vests in the recipient of the federal government
 - The information needed to calculate the federal share of the equipment
 - Acquisition date and unit acquisition cost.
 - Location, use, and condition of the equipment and the date the information was recorded
 - Ultimate disposition data, including date of disposal and sales price or the method used to determine the current fair market value where a recipient compensates the federal awarding agency for its share
- A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current use and continued need for the equipment. Any differences between physical inventory and accounting records shall be investigated to determine the cause of difference. A statistical sampling basis is acceptable.

A control system shall be in effect to insure adequate safeguards against loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented. Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

Disposal of Surplus Property

District Personal Property

Material accumulated which has no further value to the District shall from time to time be disposed of in such a manner as to provide maximum benefit to the District. If the sale value of the material is \$1,000.00 or less as determined by the unanimous vote of the Board of Trustees, it may be sold pursuant to provisions of Education Code Section 81452(a).

If the Board of Trustees, by unanimous vote of those members present, finds the material to be of insufficient value to defray the costs of sale, it may be disposed of pursuant to the provisions of Education Code Section 81452(b).

If the sale value is more than \$1,000.00 as determined by the Superintendent/President, the material to be disposed as surplus property shall be sold pursuant to the provisions of Education Code Section 81450.

District employees directly involved in recommending the disposal of specific pieces of personal property may not purchase such property.

Real Property

The sale, lease, or rental of real property shall be in accordance with the provisions of Education Code Section 81360-80. [See AP 6500 Property Management.](#)

Surplus Non-Fixed Equipment

The orderly disposal of District surplus non-fixed equipment is essential for the maintenance of an accurate District equipment inventory. Maintenance of inventory records and the purchasing and disposal of District equipment are functions of Administrative Services. For purposes of this procedure, equipment is defined as tangible property of more or less permanent nature other than building, improvements, or books. Such items as machinery, instruments, vehicles, and furniture are equipment.

Factors to be taken into consideration when contemplating disposal include the following:

- age of equipment
- cost of maintenance
- cost of repair
- remaining useful life
- condition
- availability of replacement funds
- cost of replacement
- cost of disposal
- other deciding factors

Once the department decides to recommend disposal, the department will submit a fully completed Disposal of Non-Fixed Equipment Request form to the designated position in Administrative Services.

If approved for disposal, equipment will be gathered to a central location. Method of disposal will depend upon the greatest net financial gain to the District and must comply with Board Policy.

Proceeds from the sale will go into the General Fund unless restricted by original funding source.

Office of Primary Responsibility: College Operations

Also see BP/AP 6500 Property Management

Date Approved: April 21, 2009

(Replaces current College of Marin Policy 6.0008 and Procedure 6.0008 DP.1)

Date Revised: November 13, 2012

General Institution

BP 3415 DISTRICT RESPONSE TO IMMIGRATION ENFORCEMENT ACTIONS (NEW)**References:**

Education Code Section 66093.3

The Superintendent/President shall **ensure** that procedures defining the District's response to federal immigration enforcement activities are in place and shall be followed to the extent possible consistent with state and federal law. Procedures will define processes for: gathering and handling student information; responding to requests by law enforcement for campus access for immigration enforcement purposes; responding to requests by law enforcement for access to student records for immigration enforcement purposes; and responding to immigration actions against students or their family members.

This policy and its implementing procedures shall be posted on the District's website in a conspicuous location. Each semester, the District shall provide via email to all students, faculty, and staff: 1) a copy of this policy and its implementing procedures; and 2) guidance informing students, faculty, and staff of their rights under state and federal immigration laws and how to respond to a federal immigration action or order.

Also see AP 3415 District Response to Immigration Enforcement Actions **(New)**; BP/AP 3501 Campus Security and Access; BP/AP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy,

Date Adopted: Insert Date

General Institution

AP 3415 DISTRICT RESPONSE TO IMMIGRATION ENFORCEMENT ACTIONS (NEW)**References:**

Education Code Section 66093.3

If there is reason to suspect that a student, faculty member, or staff person has been taken into custody as the result of an immigration action, District personnel shall notify the person's emergency contact that the person may have been taken into custody.

District personnel shall designate a staff person as a point of contact for any student, faculty member, or staff person who may or could be subject to an immigration order or inquiry.

District personnel shall not discuss the personal information, including immigration status information, of any student, faculty member, or staff person with anyone, or reveal the personal information to anyone, unless disclosing this information is permitted by federal and state law.

District personnel shall maintain a contact list of legal service providers who provide legal immigration representation and provide this list free of charge to any student who requests it. At minimum, the list shall include the legal service provider's name and contact number, e-mail address, and office address.

If a student is detained or deported, or is unable to attend to his or her academic requirements because of an immigration order, District personnel shall make all reasonable efforts to assist the student in retaining any eligibility for financial aid, fellowship stipends, exemption from nonresident tuition fees, funding for research or other educational projects, housing stipends or services, or other benefits the student has been awarded or received subject to and in compliance with its policy.

District personnel shall permit a student who is subject to an immigration order to reenroll if and when the student is able to return to the District, subject to and in compliance with its policy and will make reasonable and good-faith efforts to provide for a seamless transition in the student's reenrollment and reacquisition of campus services and support.

District personnel shall be available to assist any student, faculty, and staff who may be subject to an immigration order or inquiry, or who may face similar issues, and whose education or employment is at risk because of immigration enforcement actions.

Also see BP 3415 District Response to Immigration Enforcement Actions (**New**); BP/AP 3501 Campus Security and Access; BP/AP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy,

Office of Responsibility: Superintendent/President

Date Adopted:

General Institution

Admin Review w/CCLC Template

Immigration Regulation Revisions Jan 2019

AP 3501 CAMPUS SECURITY AND ACCESS

Reference:

[Education Code Section 66093.3](#)

34 Code of Federal Regulations Part 668.46(b)(3)

[ACCJCA Accreditation Standard III.B.1.](#)

During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. [Classroom doors shall remain unlocked while a class is in session except in emergency situations where occupant safety necessitates the locking of doors.](#) During non-business hours access to all District facilities is by key, if issued, or by admittance via the District Police. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic will have regular periodic security surveys. The Chief Business Officer and administrators from other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the District Maintenance and Operations Officer and District Chief of Police shall meet to discuss campus security and access issues of pressing concern.

[Responding to Requests for Access for Immigration Enforcement Purposes](#)

[District shall provide guidance and offer to campus employees training addressing law enforcement access to campus buildings. This guidance shall include the following required topics:](#)

- [Campus police contact information to report concerns about the presence of officers engaged in immigration enforcement on any campus property.](#)
- [Samples of warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.](#)
- [Sample responses for personnel to use in response to officers seeking access for immigration enforcement purposes that avoids classroom interruptions, and that preserves the peaceful conduct of the school's activities.](#)

[District personnel shall advise all students, faculty, and staff to immediately notify the Office of the Superintendent/President, or his or her designee, if he or she is advised that an officer engaged in immigration enforcement is expected to enter, will enter, or has entered the campus for immigration enforcement purposes. Campus police should also be notified as soon as possible.](#)

[No personnel may consent to entry of District facilities or portions thereof.](#)

District personnel shall advise all students, faculty, and staff responding to or having contact with an officer engaged in immigration enforcement executing an immigration order, to refer the entity or individual to the office of the Superintendent/President, or his or her designee, for purposes of verifying the legality of any warrant, court order, or subpoena.

If the officer declares that exigent circumstances exist and demands immediate access to the campus, District personnel should not refuse the officer's orders and immediately contact the District General Counsel or Campus Police.

The Superintendent/President or designee shall determine what type of authorization is being provided to support the officer's request for access:

- A U.S. Immigrations and Customs Enforcement (ICE) "warrant": Immediate compliance is not required. District personnel shall inform the officer that he or she cannot consent to any request without first consulting with District's General Counsel. Provide copy of the warrant to District General Counsel as soon as possible.
- A federal judicial warrant, search-and-seizure warrant or arrest warrant: Prompt compliance with such a warrant is usually legally required, but where feasible, consult with the District's General Counsel before responding.
- A subpoena for production of documents or other evidence: Immediate compliance is not required. Inform the officer that the District cannot respond to the subpoena until after it has been reviewed by a designated administrator. Provide a copy of the subpoena to the District's General Counsel as soon as possible.
- A notice to appear: This document is not directed at the District. District is under no obligation to deliver or facilitate service of this document to the person named in the document. If you get a copy of the document, give it to the District's General Counsel as soon as possible.

District personnel should not attempt to physically interfere with an officer, even if the officer appears to be acting without consent or exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, District personnel shall make a record of the contact and forward the information to the office of the Superintendent/President.

In making record of the contact with an immigration enforcement officer, District personnel shall provide the following information:

- Name of the officer, and, if available, the officer's credentials and contact information;
- Identity of all school personnel who communicated with the officer;
- Details of the officer's request;
- Whether the officer presented a warrant, subpoena, or court order to accompany his/her request, what was requested in the warrant/subpoena/court order, and whether the warrant/subpoena/court order was signed by a judge;
- District personnel's response to the officer's request;
- Any further action taken by the immigration officer; and
- Photo or copy of any documents presented by the agent.

District personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Superintendent/President or District's General Counsel.

In turn, the Superintendent/President or District General Counsel shall submit a timely report to the District's governing board and the District Chief of Police regarding the officer's requests and actions and the District's response(s).

Also See: BP/AP 3415 District Response to Immigration Enforcement Actions; BP/AP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy

Office of Primary Responsibility: District Police Department

Date Approved: March 13, 2012

Student Services

CCLC Updates 25 & 26 are included in sections not adopted by COM (See blue below)
CCLC Update 27 (October 2015) updated to add Code Sections (red text) and blue text as noted
CCLC Update #31 (October 2017) updated to reflect new & updated provisions pertaining to resident classification related to members of uniformed services
CCLC Update #32 (April 2018) to add legal Ed Code citations, revise resident classifications, tuition exemptions and tuition payments.
Immigration Regulation Revisions (Jan 2019)

AP 5015 RESIDENCE DETERMINATION**References:**

Education Code Sections [66093.3](#), 68000 et seq., ~~and~~ 68130.5 [and 68074 -68075.7](#);
Title 5 Sections 54000 et seq.

Residence Classification

Residency classifications shall be determined for each student at the time of each registration and whenever a student has not been in attendance for more than one semester. Residence classifications are to be made in accordance with the following provisions:

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of [Enrollment Services](#) ~~Admissions and Records~~.

Students must be notified of residence determination within 14 calendar days of submission of application.

[The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto. \(Update 26\)](#)

Right to Appeal

Students who have been classified as non-residents have the right to a review of their classification (Title 5 Section 54010 [subdivision](#) (a)). Any student, following a final decision of residence classification by the Office of [Enrollment Services](#) ~~Admissions and Records~~, may make written appeal to the Dean of Enrollment ~~Services~~ [Management](#) within 30 calendar days of notification of final decision by the District regarding classification.

Appeal Procedure

The appeal is to be submitted to the Office of [Enrollment Services](#) ~~Admissions and Records~~ which must forward it to the Dean of Enrollment ~~Services~~ [Management](#) within five working days of receipt. Copies of the original application for admission, the residency questionnaire, and evidence or documentation provided by the student, with a cover statement indicating upon what basis the residence classification decision was made, must be forwarded with the appeal.

The Dean of Enrollment ~~Services Management~~ shall review all the records and have the right to request additional information from either the student or the Office of Enrollment Services Admissions and Records.

Within 30 calendar days of receipt, the Dean of Enrollment ~~Services Management~~ shall send a written determination to the student. The determination shall state specific facts on which the appeal decision was made.

Reclassification

A student previously classified as a non-resident may submit a petition to the Office of Admissions and Records to be reclassified as of any residence determination date. A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.

Petitions must be submitted prior to the semester for which reclassification is to be effective. Extenuating circumstances may be considered in cases where a student failed to petition for reclassification prior to the residency determination date. In no case, however, may a student receive a non-resident tuition refund after the date of the first census.

Written documentation may be required of the student in support of the reclassification request.

A questionnaire to determine financial independence must be submitted with the petition for reclassification. Determination of financial independence is not required for students who were classified as non-residents by the University of California, the California State University, or another community college district. (Education Code Section 68044)

A student shall be considered financially independent for purposes of residence reclassification if the applicant meets all of the following requirements:

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her parent in the calendar year prior to the year the reclassification application is made;
- Has not lived and will not live for more than six weeks in the home of his/her parent during the calendar year the reclassification application is made.

A student who has established financial independence may be reclassified as a resident if the student has met the requirements of Title 5 Sections 54020, 54022, and 54024.

Failure to satisfy all of the financial independence criteria listed above does not necessarily result in denial of residence status if the one year requirement is met and demonstration of intent is sufficiently strong.

Financial dependence in the current or preceding calendar year shall weigh more heavily against finding California residence than financial dependence in the preceding second and third calendar years. Financial dependence in the current or preceding calendar year shall be overcome only if (1) the parent on whom the student is dependent is a California resident, or (2) there is no evidence of the student's continuing residence in another state.

The Dean of Enrollment ~~Services Management~~ will make a determination, based on the evidence and notify the student not later than 14 days of receipt of the petition for reclassification.

Students have the right to appeal according to the procedures above. (In template – add or leave off?)

Non-Citizens

The District will admit any non-citizen who is 18 years of age or a high school graduate.

If non-citizens are present in the United States illegally or with any type of temporary visa, they will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

If, for at least one year and one day prior to the start of the semester in question, a non-citizen has possessed any immigration status that allows him/her to live permanently in the United States and he/she meets the California residency requirements, the student can be classified as a resident.

A student who is without lawful immigration status may be classified as a resident if he/she meets the following requirements:

- *high school attendance in California for three or more years;*
- *graduation from a California high school or attainment of the equivalent thereof;*
- *registration for classes not earlier than the fall semester or quarter of 2001-2002;*
- *the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.*

(This section is not in our AP and includes changes from update #32)

Any students who are U.S. citizens, permanent residents of the U.S., and aliens who are not nonimmigrants (including those who are undocumented), may be exempt from paying nonresident tuition if they meet one of the following requirements:

- Total attendance of, or attainment of credits earned while in California equivalent to three or more years of full-time attendance or attainment of credits at any of the following: (a) California high schools; (b) California high schools established by the State Board of Education; (c) California adult schools established by either a county office of education, unified or high school district, or The Department of Corrections and Rehabilitation; (d) campuses of the California community colleges; or (e) a combination thereof; or
- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,

- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

The initial residency classification will be made at the time the student applies for admission. Students may file residency questionnaire forms through the third week of the semester to request a review of their residency status. Final residency determination is made by the Dean of Enrollment [Services Management](#). Students may appeal the decision.

The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Where permitted by law, the Superintendent/President of District shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status or citizenship status, and that do not reveal information related to citizenship or immigration status.

Examples of documents that can be used as proof of residency include but are not limited to:

- Registering a motor vehicle operated in California;
- Obtaining a California driver's license or California identification card;
- Filing a resident or nonresident California state income tax return;
- Listing a California address on a federal income tax return;
- Listing a permanent military address or home of record in California;
- A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
- Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
- Maintaining an active bank account at a California bank

Where District is permitted by law to request parent's residency information for a minor student in order to determine tuition or aid, the District shall only require documentation or information that is available to persons regardless of immigration status (as noted above).

Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this procedure, the District's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and authorized under this procedure.

Specifically, where District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor

dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

Also see BP/AP 3415 District Response to Immigration Enforcement Actions; BP/AP 3501 Campus Security and Access; BP 5015 Residence Determination; BP/AP 5040 Student Records, Directory Information and Privacy

Office of Primary Responsibility: Office of **Enrollment Services** ~~Admissions and Records~~

Date Approved: December 8, 2009

(Replaces part of current College of Marin Procedure 4.0003 DP.1)

AP 5040 STUDENT RECORDS, DIRECTORY INFORMATION AND PRIVACY**References:**

Education Code Sections [66093.3](#), 76200 et seq.;
Title 5 Section 54600 et seq.;
20 U.S. Code Section 1232g (j) (U.S. Patriot Act);
Civil Code Section 1798.85;
34 Code of Federal Regulations, Part 99.31
ACCJC Accreditation Standard II.C.8

A cumulative record of enrollment, scholarship, and educational progress shall be kept for each student.

Release of Student Records

No instructor, official, employee, or Board member shall authorize access to student records to any person except under the following circumstances:

- Student records shall be released pursuant to a student's written consent by completing and submitting an Authorization for Release of Information Form to the Office of Enrollment Services.
- Directory information may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information and Privacy.
- Currently enrolled students may request that directory information be permanently kept confidential by filing a Request to Withhold Directory Information Form with the Office of Enrollment Services.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Upon receipt of a judicial order or lawfully issued subpoena the Office of Enrollment Services will notify the student of the request. If there is no written objection from the student within two weeks of notification, the requested records will be released. (34 Code of Federal Regulations, Part 99.31)
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. Officials and employees of the District having a legitimate educational interest to inspect the records of a student must receive authorization from the Dean of Enrollment Services.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to state or federal law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those

officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal requirements. A request to release student records to the agencies listed above must be made in writing to the Dean of Enrollment Services.

- Student records may be released to officials of other public or private schools or school systems, including local, county, or state correctional facilities where education programs are provided, where the student seeks or intends to enroll or is directed to enroll. The release is subject to the conditions in Education Code Section 76225. A request to release student records to the agencies listed above must be made in writing to the Dean of Enrollment Services.
- Student records may be released to agencies or organizations in connection with a student's application for, or receipt of, financial aid, provided that information permitting the personal identification of those students may be disclosed only as may be necessary for those purposes as to financial aid, to determine the amount of the financial aid, or conditions that will be imposed regarding financial aid, or to enforce the terms or conditions of financial aid. A request to release financial aid records to agencies and organizations must be made in writing to the Dean of Enrollment Services.
- Student records may be released to organizations conducting studies for, or on behalf of, accrediting organizations, educational agencies, or institutions for the purpose of developing, validating, or administering predictive tests, administering financial aid programs, and improving instruction, if those studies are conducted in such a manner as will not permit the personal identification of students or their parents by persons other than representatives of those organizations and the information will be destroyed when no longer needed for the purpose for which it is conducted. Requests of student records for the purposes as described above must be made in writing to the Dean of Enrollment Services and/or the Director of Planning, Research and Institutional Effectiveness.
- Student records may be released to appropriate persons in connection with an emergency if the knowledge of that information is necessary to protect the health or safety of a student or other persons, subject to applicable federal or state law. Student records may be released for the purposes as described above by making a verbal or written request to the Dean of Enrollment Services, Campus Police or other responsible District administrator.
- The following information shall be released to the federal military for the purposes of federal military recruitment: student names, addresses, telephone listings, e-mail address, dates and places of birth, levels of education, degrees received, prior military experience, and/or the most recent previous educational institutions enrolled in by the students. The District will not release student recruiting information to military recruiters for those students who request that directory information not be released.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her, at the rate published in the most current Catalog and Schedule of Classes.

Electronic Transcripts

The District may elect to implement a process for the receipt and transmission of electronic student transcripts contingent upon receipt of sufficient funding.

Use of Social Security Numbers

The District shall not do any of the following:

- Publicly post or publicly display an individual's social security number;
- Print an individual's social security number on a card required to access products or services;
- Require an individual to transmit his/her social security number over the internet using a connection that is not secured or encrypted;
- Require an individual to use his/her social security number to access an Internet Web site without also requiring a password or unique personal identification number or other authentication device; or
- Print, in whole or in part, an individual's social security number that is visible on any materials that are mailed to the individual, except those materials used for:
 - Application or enrollment purposes;
 - To establish, amend, or terminate an account, contract, or policy; or
 - To confirm the accuracy of the social security number.

If the District has, prior to January 1, 2004, used an individual's social security number in a manner inconsistent with the above restrictions, it may continue using that individual's social security number in that same manner only if:

- The use of the social security number is continuous;
- The individual is provided an annual disclosure that informs the individual that he/she has the right to stop the use of his/her social security number in a manner otherwise prohibited;
- The District agrees to stop the use of an individual's social security number in a manner otherwise prohibited upon a written request by that individual;
- No fee shall be charged for implementing this request; and the District shall not deny services to an individual for making such a request.

Gathering and Handling Student Information

Collecting and Retaining Student Information

The District shall treat all students equitably in the receipt of all school services, including, but not limited to, the gathering of student and family information for the institution's benefit programs.

The Dean of Enrollment Services shall maintain in writing, the District policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.

District will provide students and families with annual notice, at the beginning of each school year, of institutional policies for student privacy and the abilities of parents or eligible students to inspect student information.

District will provide students an opportunity to opt out of disclosure of directory information. Notices must describe the following:

The kind of information that the school has identified as directory information;

The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;

The period of time in which the eligible student has to notify the school in writing that he or she does not want the information designated as directory information; and

That opting out by the noted deadline is the students' only way to prevent the release of directory information.

Any sensitive information, such as a student's, parent's, or guardian's SSN, any AB 540 determinations, or citizenship status information collected by the District or disclosed by the student, should be maintained only for as long as necessary.

If the District possesses information that could indicate immigration status or citizenship status, District shall not consider the acquired information in admissions decisions or access to educational courses or degree programs.

Students may elect not to provide immigration or citizenship status information to the institution, and this election shall not impede admissions or enrollment in educational programs.

District shall not create a list of student names linked with immigration status.

District police department shall not inquire into an individual's immigration status for immigration enforcement purposes.

District police department shall not aid any effort to create a registry containing individuals' country of birth or based on any other protected characteristics of victims, witnesses, or suspects of crimes unless required by law for specified purposes.

Responding to Inquiries of Immigration Status, Citizenship Status, and National Origin Information

Unless required by federal or state law, District shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

Where any law contemplates submission of immigration status or citizenship status information to satisfy the requirements of a special program, District shall not use that documentation or information for decisions related to admissions or enrollment in courses or degree programs.

District is not permitted to use immigration status, citizenship status, or national origin information in personal statements outside the application process, other than for legitimate educational interests, including the provision of a service or benefit relating to the student, such as health care, counseling, job placement or financial aid.

If District learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), District shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might indicate a student or family's citizenship or immigration status if the disclosure is not authorized by the Family Educational Rights and Privacy Act (FERPA) or state law.

Responding to Law Enforcement Requests for Access to Student Records for Immigration Enforcement Purposes

District must obtain a student's written consent before disclosing educational records, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information for immigration enforcement purposes; no student information shall be disclosed for immigration enforcement purposes without a court order or judicial warrant. Without a court order or a judicial warrant, written consent must be signed and dated by the student, or (if the student is a minor) by the student's parent(s) or guardian(s), before disclosure of the information, and must specify the records that may be disclosed, the purpose of the disclosure, and the party or class of parties to whom the disclosure may be made.

If desired by the student, District must provide a copy of the records to be released. The party to whom the information is disclosed may not redisclose the information to any other party without the prior consent of the student or subsequent court order, or as required or permitted by law.

District personnel shall develop a written policy for interactions with immigration authorities seeking to review student records. At minimum, such policies shall include the following information:

Contact information [name, title, e-mail addresses, and phone numbers] for the correct person to review and respond to a request for student records.

Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.

District personnel shall provide a set of responses for personnel to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the District's General Counsel, personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

1. Ask for the officer's name, identification number, and agency affiliation;
2. Record or copy this information;
3. Ask for a copy of any warrants;
4. Inform the officer that you are not obstructing his or her efforts but that you need to contact a campus administrator or campus counsel for assistance.

Campus police shall not provide personal information about an individual for immigration enforcement purposes, unless that information is publicly available, or required by a court order or judicial warrant. "Personal information" is defined as any information that identifies or describes an individual, and includes but is not limited to, a student's physical description, home or work address, telephone number, education, financial matters, medical or employment history, and statements made by, or attributed to, the individual. This restriction does not apply to information regarding the immigration or citizenship status of an individual.

Unless District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with FERPA.

Also see BP/AP 3300 titled Public Records; [BP/AP 3501 Campus Security and Access](#); [BP/AP 3415 District Response to Immigration Enforcement Action](#); [BP/AP 5015 Residence Determination](#); [BP/AP 5040 Student Records, Directory Information and Privacy](#);

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: November 18, 2011

(Replaces College of Marin Procedure 4.0021 DP.1 and portions of 4.0003 DP.1)

Date Revised: January 15, 2013

Date Revised: May 15, 2018

Business and Fiscal Affairs

Admin Review/Edits 11/2018

CCLC Update 32 (April 2018) updated to add legal citations regarding the California Debt and Investment Advisory Commission and to specify that reports be submitted to the California Debt and Investment Advisory Commission through the Commission's online submittal system.

The procedure was also updated to add a note addressing the ability to redact confidential information contained in reports submitted to the Commission.

AP 6307 DEBT ISSUANCE AND MANAGEMENT

References:

Government Code Section 8855

[Title 4 Sections 6000 et seq.](#)

This procedure provides written guidelines for the issuance of indebtedness by the Marin Community College District (the "District") in satisfaction of the requirements of S.B. 1029, codified as part of Government Code Section 8855.

Purpose and Goals

This procedure provides a framework for debt management and capital planning by the District and has been developed to meet the following goals:

1. Identifying the purposes for which the debt proceeds may be used.
2. Identifying the types of debt that may be issued.
3. Describing the relationship of the debt to, and integration with, the District's capital improvement program or budget.
4. Establishing procedure goals related to the District's planning goals and objectives.
5. Implementing internal control procedures to ensure that the proceeds of the proposed debt issuance will be directed to the intended use upon completion of the issuance.

Purposes for Which Debt Proceeds May be Used

Authority and Purposes of the Issuance of Debt

The laws of the State of California (the "State") authorize the District to incur debt to make lease payments, contract debt, and issue bonds for school improvement projects. The District is authorized to contract debt to acquire, construct, reconstruct, rehabilitate, replace, improve, extend, enlarge, and equip such projects; to refund existing debt; or to provide for cash flow needs.

State Law

Section 18 of Article XVI of the State Constitution contains the "debt limitation" formula applicable to the District.

There are a number of State laws that govern the issuance of general obligation bonds (“GO Bonds”) by community college districts. Sections 1(b)(2) (Proposition 46) and 1(b)(3) of Article XIII A (Proposition 39) of the State Constitution allow the District to issue GO Bonds. The statutory authority for issuing GO Bonds is contained in Education Code Section 15000 *et seq.* Additional provisions applicable only to Proposition 39 GO Bonds are contained in Education Code Section 15264 *et seq.* An alternative procedure for issuing GO Bonds is also available in Government Code Section 53506 *et seq.*

The statutory authority for issuing Tax and Revenue Anticipation Notes (“TRANS”) is contained in Government Code Section 53850 *et seq.* Authority for lease financings is found in Education Code Section 17455 *et seq.* and additional authority is contained in Education Code Sections 17400 *et seq.*, 17430 *et seq.* and 17450 *et seq.*, and Government Code Section 4217.10 *et seq.* The District may also issue Mello-Roos bonds pursuant to Government Code Section 53311 *et seq.*

Debt Issued to Finance Operating Costs

The District may deem it necessary to finance cash flow requirements under certain conditions. Such cash flow borrowing must be payable from taxes, income, revenue, cash receipts and other moneys attributable to the fiscal year in which the debt is issued.

General operating costs include, but are not limited to, those items normally funded in the District’s annual operating budget.

The District’s Superintendent/President or [Chief Business Officer](#) ~~Vice President, Finance and College Operations~~, will review potential financing methods to determine which method is most prudent for the District. Potential financing sources include but are not limited to tax and revenue anticipation notes, temporary borrowing from the Marin County Treasurer and Tax Collector, and temporary interfund borrowing.

Types of Debt That May be Issued

Types of Debt Authorized to be Issued

Short-Term: The District may issue fixed-rate and/or variable rate short-term debt, which may include TRANS, when such instruments allow the District to meet its cash flow requirements. The District may also issue bond anticipation notes (“BANs”) to provide interim financing for bond projects that will ultimately be paid from GO Bonds.

Long-Term: Debt issues may be used to finance essential capital facilities, projects and certain equipment where it is appropriate to spread the cost of the projects over more than one budget year. Long-term debt should not be used to fund District operations.

Long term debt in the form of GO Bonds may be issued under Article XIII A of the State Constitution, either under Proposition 46, which requires approval by at least a two-thirds (66.67%) majority of voters, or Proposition 39, which requires approval by at least 55% of voters, subject to certain accountability requirements and additional restrictions.

The District may also enter into long-term leases and/or participate in the sale of certificates of participation or lease revenue bonds for public facilities, property, and equipment.

Lease/Equipment Financing: Lease-purchase obligations or appropriation leases are a routine and appropriate means of financing capital equipment and certain capital facilities. However, lease obligations may impact on budget flexibility.

Use of General Obligation Bonds: A significant portion of the District's capital projects are projected to be funded by GO Bond proceeds. Projects financed by the GO Bonds will be determined by the constraints of applicable law and the project list approved by voters.

Relationship of Debt to and Integration with District's Capital Improvement Program or Budget

Impact on Operating Budget and District Debt Burden

In evaluating financing options for capital projects, both short and long-term debt amortization will be evaluated when considering a debt issuance, along with the potential impact of debt service, and additional costs associated with new projects on the operating budget of the District. The cost of debt issued for major capital repairs or replacements may be judged against the potential cost of delaying such repairs.

Capital Improvement Program

The Chief Business Officer ~~Vice President, Finance and College Operations~~ and the facilities staff have responsibility for the planning and management of the District's capital improvement program subject to review and approval by the Board of Trustees. Staff will, as appropriate, supplement and revise any applicable facilities master plan in keeping with the District's current needs for the acquisition, development and/or improvement of District's real estate and facilities. Such plans may include a summary of the estimated cost of each project, schedules for the projects, the expected quarterly cash requirements, and annual appropriations, in order for the projects to be completed.

Refunding and Restructuring Procedure

Considerations for Refunding

1. District's Best Interest

Whenever deemed to be in the best interest of the District, the District shall consider refunding or restructuring outstanding debt if it will be financially advantageous or beneficial for debt repayment and/or structuring flexibility.

2. Net Present Value Analysis

The District shall review a net present value analysis of any proposed refunding in order to make a determination regarding the cost-effectiveness of the proposed refunding.

3. Maximize Expected Net Savings

The District shall time the refinancing of debt to maximize the District's expected net savings over the life of the debt.

4. Comply with Existing Legal Requirements

The refunding of any existing debt shall comply with all applicable State and Federal laws governing such issuance.

Procedure Goals Related to District's Planning Goals and Objectives

In following this Procedure, the District shall pursue the following goals:

1. The District shall strive to fund capital improvements from voter-approved GO Bond issues to preserve the availability of its General Fund for District operating purposes and other purposes that cannot be funded by such bond issues.
2. To the extent applicable, the District shall endeavor to attain the best possible credit rating for each debt issue in order to reduce interest costs, within the context of preserving financial flexibility and meeting capital funding requirements.
3. The District shall take all practical precautions and proactive measures to avoid any financial decision that will negatively impact current credit ratings on existing or future debt issues.
4. The District shall, with respect to GO Bonds, remain mindful of its statutory debt limit in relation to assessed value growth within the school district and the tax burden needed to meet long-term capital requirements.
5. The District shall consider market conditions and District cash flows when timing the issuance of debt.
6. The District shall determine the amortization (maturity) schedule which will fit best within the overall debt structure of the District at the time the new debt is issued.
7. The District shall match the term of the issue to the useful lives of assets funded by that issue whenever practicable and economical, while considering repair and replacement costs of those assets to be incurred in future.
8. The District shall, when issuing debt, assess financial alternatives to include new and innovative financing approaches, including whenever feasible, categorical grants, revolving loans or other State/federal aid, so as to minimize the encroachment on the District's General Fund.
9. The District shall, when planning for the sizing and timing of debt issuance, consider its ability to expend the funds obtained in a timely, efficient and economical manner.

Internal Control Procedures for Issuance of Debt to Ensure Intended Use of Proceeds

Structure of Debt Issues

Maturity of Debt:

The duration of a debt issue shall be consistent, to the extent possible, with the economic or useful life of the improvement or asset that the issue is financing. In addition, the average life of tax-exempt financing shall not exceed 120% of the average life of the assets being financed. The District shall also consider the overall impact of the current and future debt burden of the financing when determining the duration of the debt issue.

Debt Structure:

1. GO Bonds:
 - a) New Money Bond Issuances: For tax-exempt new money bond issuances, the District shall size the bond issuance consistent with the "spend-down" requirements of the Internal Revenue Code and, for all new money bond issuance, within any limits approved by the

District's voters. To the extent possible, the District will also consider credit issues, market factors (e.g. bank qualification) and tax law when sizing the District's bond issuance.

- b) Refunding Bond Issuances: The sizing of refunding bonds will be determined by the amount of money that will be required to cover the principal of, accrued interest (if any) on, and redemption premium for the bonds to be defeased on the call date and to cover appropriate financing costs.
- c) Maximum Maturity: All bonds issued by the District shall mature within the limits set forth in applicable provisions of the Education Code or the Government Code. The final maturity of tax-exempt bonds will also be limited to the average useful life of the assets financed or as otherwise required by tax law.
- d) Taxable Bonds: Taxable bonds shall be considered for funding projects which do not satisfy the "spend-down" requirements of the Internal Revenue Code.

- 2. Lease-Purchase Obligations: The final maturity of equipment or real property lease obligations will be limited to the useful life of the assets to be financed.

Debt Service Structure:

The District shall design the financing schedule and repayment of debt so as to take best advantage of market conditions, provide flexibility, and, as practical, to recapture or maximize its debt capacity for future use.

Use of Proceeds

The District shall be vigilant in using bond proceeds in accordance with the stated purposes at the time such debt was incurred. In furtherance of the procedure, and in connection with the issuance of all GO Bonds:

- 1. As required by Government Code Section 53410, the District shall only use GO Bond proceeds for the purposes approved by the District's voters; and
- 2. The Chief Business Officer ~~Vice President, Finance and College Operations~~ shall have the responsibility, no less often than annually, to provide to the District's Board of Trustees a written report which shall contain at least the following information:
 - a) The amount of the debt proceeds received and expended during the applicable reporting period; and
 - b) The status of the acquisition, construction or financing of the school facility projects, as identified in any applicable bond measure, with the proceeds of the debt.

These reports may be combined with other periodic reports which include the same information, including but not limited to, periodic reports made to the California Debt and Investment Advisory Commission, or continuing disclosure reports or other reports made in connection with the debt. These requirements shall apply only until the earliest of the following: (i) all the debt is redeemed or defeased, but if the debt is refunded, such provisions shall apply until all such refunding bonds are redeemed or defeased, or (ii) all proceeds of the debt, or any investment earnings thereon, are fully expended. The District may, as permitted by law, redact confidential information contained in reports if that information is not otherwise required to be provided to the California Debt and Investment Advisory Commission.

3. The District shall post on the District website the Annual Report of the District's Independent Bond Oversight Committee which has been given the responsibility to review the expenditure of GO Bond proceeds to assure the community that all GO Bond funds have been used for the construction, renovation, repair, furnishing and equipping of school facilities, and not used for teacher or administrator salaries or other operating expenses.
4. The District shall hire an independent auditor to perform an annual independent financial and performance audit of the expenditure of GO Bond proceeds, and to post such audits on the District website.

No later than 30 days prior to the sale of any debt issue, the District shall submit a report of the proposed issuance to the California Debt and Investment Advisory Commission [through the Commission's online submittal system](#). The report of the proposed debt issuance shall include a certification by the District that it has adopted local debt policies concerning the use of debt and that the contemplated debt issuance is consistent with those local debt policies.

No later than 21 days after the sale of the debt, the District shall submit a report of final sale to the California Debt and Investment Advisory Commission [through the Commission's online submittal system](#). A copy of the final official statement for the issue shall accompany the report of final sale. If there is no official statement, the District shall provide each of the following documents, if they exist, along with the report of final sale:

- Other disclosure document.
- Indenture.
- Installment sales agreement.
- Loan agreement.
- Promissory note.
- Bond purchase contract.
- Resolution authorizing the issue.
- Bond specimen.

The District shall submit an annual report for any issue of debt for which it has submitted a report of final sale on or after January 21, 2017. The annual report shall cover a reporting period from July 1 to June 30, inclusive, and shall be submitted no later than seven months after the end of the reporting period. The annual report shall consist of the following information:

- Debt authorized during the reporting period, which shall include the following: (1) Debt authorized at the beginning of the reporting period; (2) Debt authorized and issued during the reporting period; (3) Debt authorized but not issued at the end of the reporting period; and (4) Debt authority that has lapsed during the reporting period.
- Debt outstanding during the reporting period, which shall include the following: (1) Principal balance at the beginning of the reporting period; (2) Principal paid during the reporting period; and (3) Principal outstanding at the end of the reporting period.

- The use of proceeds of issued debt during the reporting period, which shall include the following:
(1) Debt proceeds available at the beginning of the reporting period; (2) Proceeds spent during the reporting period and the purposes for which is was spent; and (3) Debt proceeds remaining at the end of the reporting period.

See also: Reference BP 6307

Office of Primary Responsibility: College Operations

Date Approved: June 20, 2017 (new AP)

Date Revised: November 1, 2017 (To Board 11/14/2017)

AP 6345 BIDS AND CONTRACTS - UPCCAA**References:**

Education Code Sections 81641 et seq.;
Labor Code Sections 1770 et seq.;
Public Contract Code Sections 20110 et seq., 20650 et seq., 22000 et seq. (Uniform Public Construction Cost Accounting Act (Act))

Informal and Formal Bidding Procedures under the Uniform Public Construction Cost Accounting Act, adopted by resolution by the Board of Trustees

Public Projects are defined in Public Contract Code (PCC) Section 22002(c) as construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, or painting or repainting of or involving any publicly owned, leased or operated facility. Public projects estimated to cost up to ~~\$200,000~~¹ shall be let to contract by procedures described below.

It is unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the this Procedure requiring work to be done by contract after competitive bidding.

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

Public Projects funded by the Kindergarten-University Public Education Bond Acts of 2002 and 2004 and any future State Bond funds require that the District initiate and enforce a labor compliance program pursuant to Labor Code Section 1771.5.

Procedures Not Covered by this Administrative Procedure

When this procedure does not establish a process for bidding Public Projects, the procedures described in AP 6430 titled Bids and Contracts shall govern.

Contractors List

Lists of contractors shall be developed and maintained.

Award to Low Bidder; No Bids

¹ The California Uniform Construction Cost Accounting Commission (Commission) may recommend that the State Controller amend these amounts. Public Contract Code section 22032 authorized public projects of ~~\$60,000~~¹ or less be performed by District employees by force account, by negotiated contract, or by purchase order. Public projects up to ~~\$200,000~~¹ may be let to contract by informal procedures. Public projects in excess of ~~\$200,000~~¹, with limited exceptions, shall be let to contract by formal bidding procedure. PCC 22032

All contracts must be awarded to the lowest responsible bidders. If two or more bids are the same and lowest, the District may accept the one it chooses. When no bids are received, the District may perform Public Projects with District employees or through a negotiated contract without further complying with this procedure.

Notice Inviting Informal Bids

When a Public Project anticipated to cost less than \$~~200,000~~175,000 is to be performed, the District shall prepare a notice of the opportunity to bid. The notice must describe the project in general terms, state the time and place for the submission of bids and describe how to obtain more detailed information about the Project. The District shall mail the notice to all contractors for the category of work to be bid, as shown on the Contractors List. The District may also mail the notice to all construction trade journals. Other contractors and/or construction trade journals may also be notified at the discretion of the department soliciting bids. Mailing shall be completed at least ten days before bids are due.

Award of Informally-Bid Contracts

The Superintendent/President or designee for the District, is authorized to award informal contracts (defined as contracts for less than \$~~200,000~~175,000.00), except those contracts described below.

Bids Exceed Informal Bidding Limit

If all informal bids received exceed \$~~200,000~~175,000, and the District determines that the cost estimate was reasonable, the District may award the contract at up to \$~~212,500~~187,500 to the lowest responsible bidder. The contract must be approved by Resolution receiving a four-fifths (4/5) vote of the Board of Trustees.

Bid Documents for Formal Bids

The Superintendent/President or designee, will see that plans, specifications and working details for all Public Projects estimated to cost more than \$~~200,000~~175,000 are adopted.

Notice Inviting Formal Bids

When a Public Project, which is anticipated to cost in excess of \$~~200,000~~175,000 is to be performed, the District shall publish a notice inviting formal bids in a newspaper of general circulation. The notice shall be published at least 14 calendar days before the date of bid opening. The notice shall also be sent electronically, if available, by facsimile or electronic mail and mailed to all construction trade journals. The notice to construction trade journals shall be sent at least 15 calendar days before the date of bid opening. Other contractors and/or construction trade journals may also be notified, at the discretion of the department soliciting bids. Mailing shall be completed at least 30 days before the date of bid opening.

When Contractors List Has Not Been Prepared: Proprietary Product or Service

Notwithstanding the above:

- If the District has not prepared a list of contractors for the particular category of work to be performed, the notice inviting bids shall be sent to each of the construction trade journals.
- If the product or service is proprietary in nature, such that it can be legally obtained only from a certain contractor(s) pursuant to Public Contract Code Section 3400, the notice inviting informal bids may be sent exclusively to such contractors.

Contracts for Maintenance Work

Contracts for Maintenance Work may be bid pursuant to the Informal Bidding Procedures described above. Maintenance Work is routine, recurring work done for the preservation or protection of a public facility; minor repainting; landscape maintenance including mowing, watering, trimming, pruning, planting or replacement of plants, and servicing of irrigation systems; work performed to keep, operate, or maintain publicly owned water, power, or waste disposal systems.

Rejection of Bids; Re-solicitation; Use of District Employees

If the District intends to reject all bids, it must mail the apparent low bidder a written notice of the District's intent to reject the bid at least two business days prior to the hearing at which the bids will be considered.

After rejecting all bids, the District may:

- abandon the project;
- re-advertise the project; or
- perform the work with District employees, after passing a resolution by a four-fifths (4/5) majority of the Board of Trustees declaring that the project can be performed more economically by District employees.

Emergency Procedures

When an emergency necessitates repair or replacement, contracts shall be awarded pursuant to the procedures described in AP 6340 titled Bids and Contracts.

Date Adopted: June 20, 2017 (New AP)

Business and Fiscal Affairs

CCLC Update 33 (October 2018) to add a legal citation to Vehicle Code Section 40220

BP 6750 PARKING

References:

Education Code Section 76360;
Vehicle Code Section 21113 and 40220

The Superintendent/President shall establish such administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures.

Parking fees may be established in accordance with this Board Policy. (See BP 5030 titled Fees)

Office of Primary Responsibility: College Operations

Date Adopted: January 20, 2009

Date Reviewed: July 18, 2017

Business and Fiscal Affairs

Update 33 (October 2018) to add a Vehicle Code Section and information that requires that districts that issue citations adopt a parking citation payment plan.

Campus Police11/2018

AP 6750 PARKING**References:**

Education Code Sections 76360 and 40220;
Vehicle Code Section 21113

Parking procedures are intended to promote safe and orderly movement of traffic within District property for the safe and orderly parking of vehicles and bicycles.

All applicable provisions of the California Vehicle Code are expressly applicable both on and off paved roadways.

Parking of motor vehicles and bicycles is limited to specially designated areas. Permits are required. Vehicles or bicycles parked in violation of the provisions of state and local codes are subject to citation, fines, towing, or impoundment.

All persons who enter District property are charged with knowledge of the provisions of this procedure and are subject to the penalties for violations of such provisions.

Detailed parking and permitting regulations are developed and maintained by the District Police Department and will be posted on the District web site. [Citation payment plan information is also available on the web site.](#)

No person may leave any vehicle on the campus of the College of Marin without the approval of Campus Police.

In the event anyone leaves a vehicle on campus contrary to the posted signs or written statement, the Campus Police Department is authorized to cite the owner for a violation of the Vehicle Code. The owner may be subject to fines, penalties, towing, and impound fees.

In accordance with Vehicle Code Section 21113, the District will enforce these procedures by issuing citations.

Office of Primary Responsibility: College Operations

Date Approved: December 9, 2008
(Replaces current College of Marin Policy 7.0053)
Reviewed/Revised: June 20, 2017