

College Council: Policy and Procedure Review

11-9-2023

BP 2320 Special and Emergency Meetings - Due for review as part of the regular review cycle. Compared to CCLC model. Formatting only.

BP 2330 Quorum and Voting - CCLC 42 updated this legally required policy to clarify voting requirements related to the sale or lease of surplus real property.

BP 2350 Speakers - Due for review as part of the regular review cycle. This legally required policy was compared to the CCLC model. No substantive changes.

BP 2360 Minutes - Due for review as part of the regular review cycle. This legally required policy was compared to the CCLC model. Board Policy Review Committee removed need for requiring agenda item statement on public comment request form. No other substantive changes.

BP 2431 Superintendent/President Selection - Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and no substantive changes.

BP 2610 Presentation of Initial Collective Bargaining Proposals - Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and minor clarifying revisions.

BP 2717 Personal Use of Public Resources - Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and no changes.

BP 3420 Equal Employment Opportunity - CCLC 42 updated this legally required policy to align with updated Title 5 regulations. ACCJC legal requirements.

BP 4225 Course Repetition - Due for review as part of the regular review cycle. Format updated. Compared to CCLC model policy that is legally required. This is a 10+1.

BP 5052 Open Enrollment - This legally advised policy was reviewed as part of the regular cycle of review and compared to the model CCLC. Updates as noted. This is a 10+1.

BP 5120 Transfer Center - This legally required policy was reviewed as part of the regular cycle of review and compared to the model CCLC. No updates other than formatting. This is a 10+1.

BP 5410 Associated Students Elections - CCLC 42 updated this policy to allow a disabled student or student enrolled in a district's adult education program to serve on student government pursuant to changes in the Education Code. Please see document for revisions and comments.

BP 6250 Budget Management - CCLC 42 updated this legally required policy to align to a recommendation regarding unrestricted budget reserves. Changes as noted.

AP 2712 Conflict of Interest Code - CCLC 42 updated this procedure to update the gift limit and to revise the disclosure categories. Formatting updated and alphabetized categories.

AP 3410 Nondiscrimination - CCLC 42 updated this legally required procedure to add antidiscrimination provisions related to a person's use of cannabis off the job and away from the workplace pursuant to changes in the Government Code.

AP 3434 Responding to Harassment Based on Sex under Title IX - CCLC 40 updated this procedure to reflect recent legislation and clarify the procedures for adjudicating student complaints of sexual harassment under Title IX. CCLC 42 updated this procedure to include required information on sexual assault and domestic violence counselors pursuant to changes in the Education Code. Formatting updated.

AP 4020 Program Curriculum and Course Development - CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Academic Senate Approved with reformatting, with substantive legal language remaining the same. This procedure is accreditation linked and also a 10+1.

AP 4101 Independent Study - This legally required procedure was reviewed as part of the regular cycle of review and compared to the model CCLC. Please note that this procedure must include the following: 1) Procedures for approval of independent study programs, 2) Academic standards for independent study that are the same as those applied to other credit courses or noncredit courses, 3) Procedures for evaluation of student progress, and 4) Access to the instructor at least equivalent to that commonly available to students in courses conducted by other instructional methods. This is a 10+1.

AP 4255 Dismissal and Readmission - CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Upon review, ours was already up to date with Title 5 regulations. Please review for accuracy of current practices. This is a 10+1.

AP 5020 Non-Resident Tuition - CCLC 42 updated this legally required procedure to provide an exemption to a nonresident student who enrolls in a credit English as a Second Language course if they met certain requirements pursuant to changes in the Education Code. This is a 10+1.

AP 5030 Fees - CCLC 42 updated this legally required procedure to provide an exemption to a nonresident student who enrolls in a credit English as a Second Language course if they met certain requirements pursuant to changes in the Education Code. Omitted instructional material fees refund because the District is no longer collecting these fees. This is a 10+1 and accreditation linked.

AP 5052 Open Enrollment - This legally advised procedure was reviewed as part of the regular cycle of review and compared to the model CCLC. Updates as noted. This is a 10+1.

AP 5055 Enrollment Priorities – Academic Senate requested this procedure for review. This procedure has been on hold but CCLC 42 updated requires this be updated for suggested legal compliance. The CCLC 42 update includes an additional category of students eligible for priority for enrollment pursuant to changes in the Education Code. This is a 10+1.

AP 7215 Academic Employees-Probationary Contract Faculty - Due for review as part of the regular review cycle. Compared to model CCLC. Updated pronouns and formatting. This is a 10+1.

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

Status Update – Policies and Procedures Currently Under Review

Administrative Procedures and Board Policies – Under Review

Due to the number of AP and BPs under review in various states, these are unlisted. These include recent CCLC 43 updates to policies and procedures.

Academic Senate – Under Review

AP 4040 Library and Other Instructional Support Services (NEW)
BP 4060 Delineation of Functions Agreements
AP 4225 Course Repetition Non-repeatable Courses
BP 4230 Grading and Academic Record Symbols
AP 4250 Probation
BP 5020 Non-Resident-Tuition
AP 5120 Transfer Center
AP 7212 Temporary Faculty

Board of Trustees

Due for review as part of the regular review cycle. Compared to CCLC model. Formatting only on 3-23-2023. Mici 10-24-2023

BP 2320 SPECIAL AND EMERGENCY MEETINGS

References:

Education Code Section 72129;
Government Code Sections 54956, 54956.5, and 54957

Special meetings may from time to time be called by the Board President or upon written request of a majority of the members of the Board of Trustees. Such written requests must be received by the Secretary at least ~~forty-eight (48)~~ hours in advance of any such meeting. Notice of such meetings shall be posted at least ~~twenty-four (24)~~ hours before the time of the meeting, and shall be noticed in accordance with Brown Act. No business other than that included in the notice may be transacted or discussed.

Emergency meetings may be called by the Board President when prompt action is needed because of actual or threatened disruption of public facilities under such circumstances as are permitted by the Brown Act, including work stoppage, crippling disasters, and other activity that severely impairs public health or safety.

No closed session shall be conducted during an emergency meeting, except as provided for in the Brown Act to discuss a dire emergency.

The Superintendent/President shall be responsible to ensure that notice of such meetings is provided as required by law.

Date Adopted: July 21, 2009 (*Replaced College of Marin Policy 1.5040*)

Date Reviewed/Revised: July 18, 2017

Date Reviewed:

Board of Trustees

CCLC 42 updated this legally required policy to clarify voting requirements related to the sale or lease of surplus real property. Mici 5-25-2023

Approved without changes. Mia/ General Counsel 8-18-2023

Approved without changes. Eresa/Administrative Services 10/25/2023

BP 2330 QUORUM AND VOTING**References:**

Education Code Sections 15266, 72000 subdivision (d)(3), 81310 et seq., [81360](#), 81365, 81432, and 81511;
Government Code Sections 53094 and 54950 et seq.;
Code of Civil Procedure Section 1245.240

A quorum of the Board shall consist of four members.

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

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

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

- Resolution of intention to sell or lease District real property, which is not or will not be needed by the District for school classroom buildings (except where a unanimous vote is required);
- Resolution of intention to dedicate or convey an easement;
- Resolution authorizing and directing the execution and delivery of a deed;
- Action to declare the District exempt from the approval requirements of a planning commission or other local land use body;
- Appropriation of funds from an undistributed reserve;
- Resolution to condemn real property.
- Resolution to pursue the authorization and issuance of bonds pursuant to paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 or Article XVI of the California Constitution.

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

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

In all matters of process not otherwise indicated, parliamentary procedure governs.

Date Adopted: March 16, 2010

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

Date Reviewed/Revised: November 18, 2014; November 13, 2018

Date Revised:

Board of Trustees

Due for review as part of the regular review cycle. This legally required policy was compared to the CCLC model. No substantive changes. Mici 10-24-2023

Revised as shown. General Counsel 10/25/2023

The Board Policy Review Committee removed reference to omit the need for a statement in the public comment request form. 11/1/2023

BP 2350 SPEAKERS**References:**

Education Code Section 72121.5;
Government Code Sections 54950 et seq.

Persons may speak to the Board of Trustees either on an agenda item or on other matters of interest to the public that are within the subject matter jurisdiction of the Board.

Oral presentations relating to a matter on the agenda, including those on the consent agenda, shall be heard before a vote is called on the item.

Persons wishing to speak to matters not on the agenda shall do so at the time designated at the meeting for public comment. Board members shall only consider items appearing on the agenda.

Those wishing to speak to the Board of Trustees are subject to the following:

- The Board President may rule members of the public out of order if their remarks do not pertain to matters that are within the subject matter jurisdiction of the Board or if their remarks are unduly repetitive.
- Non-scheduled substitutes may not speak in place of scheduled speakers unless alternates have been submitted on the original request.
- Employees who are members of a bargaining unit represented by an exclusive bargaining agent may address the Board of Trustees under this policy, but may not attempt to negotiate terms and conditions of their employment. This policy does not prohibit any employee from addressing a collective bargaining proposal pursuant to the public notice requirements of Government Code Section 3547 and the policies of this Board implementing that section.
- Those wishing to speak~~They~~ shall complete a written request to address the Board of Trustees at the beginning of the meeting at which they wish to speak.
- The request shall include the person's name or pseudonym and name of the organization or group represented, if any, ~~and a statement~~ noting the agenda item or topic to be addressed.
- No member of the public may speak without being recognized by the Board President.
- Each speaker will be allowed a maximum of three (3) minutes per topic. Fifteen minutes shall be the maximum time allotment for public speakers on any one subject regardless of the number of speakers at any one Board meeting. At the discretion of a majority of the Board of Trustees, these time limits may be extended.
- Each speaker coming before the Board of Trustees is limited to one presentation per specific agenda item before the Board, and to one presentation per meeting on non-agenda matters. A speaker's presentations may not be unduly repetitive.

Also see BP 2355 ~~titled~~ Decorum/Conduct

Date Adopted: July 21, 2009

~~(This is a new policy recommended by the League and the League's legal counsel)~~

Reviewed: June 20, 2017

Date Reviewed/Revised:

Board of Trustees

Due for review as part of the regular review cycle. This legally required policy was compared to the CCLC model. No substantive changes. Mici 10-24-2023

BP 2360 MINUTES

References:

Education Code Section 72121(a);
Government Code Section 54957.5

The Superintendent/President shall cause minutes to be taken of all meetings of the Board. The minutes shall record all actions taken by the Board of Trustees. The minutes shall be public records and shall be available to the public. If requested, the minutes shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

The minutes shall record the name of the trustee making a motion, the name of the trustee seconding it, and the vote, attributing each "yea" and "nay" vote, or abstention if not voting, to the individual trustee, unless the motion carries unanimously. A trustee may also have the reasons for his/her/their vote recorded in the minutes if he/she/they so requests at the time of vote.

Date Adopted: March 16, 2010

~~*{Replaces current College of Marin Policy 1.5330}*~~

Date Reviewed: June 20, 2017

Date Reviewed/Revised:

Board of Trustees

Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and no substantive changes. Mici 10-24-2023

Revised as shown. General Counsel 10/25/2023

BP 2432 SUPERINTENDENT/PRESIDENT SUCCESSION

References:

Education Code Sections 70902 subdivision (d) and 72400;
Title 5 Section 53021 subdivision (b)

The Board delegates authority to the Superintendent/President to appoint an acting Superintendent/President to serve in his/her their absence for short periods of time, not to exceed ~~ninety~~ (90) calendar days at a time.

In the absence of the Superintendent/President and when an acting president has not been named, administrative responsibility shall reside with (in order):

Senior Assistant Superintendent/Vice President of Student Learning and Success Student Services
Assistant Superintendent/Vice President of Administrative Services ~~Finance and College~~
~~Operations~~

This policy is not intended to cover an extended absence or a permanent vacancy in the Superintendent/President's office, at which time the Board shall establish its own procedures for filling the office, including the appointment of an interim Superintendent/President, if appropriate.

Date Adopted: March 16, 2010

~~(This is current College of Marin Policy 7.0008—just re-numbered)~~

Reviewed/Revised: November 14, 2017

Reviewed/Revised:

Board of Trustees

Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and no substantive changes. Mici 10-24-2023

Revised as shown. General Counsel 10/25/2023

BP 2610 PRESENTATION OF INITIAL COLLECTIVE BARGAINING PROPOSALS

Reference:

Government Code Section 3547

The Superintendent/President is directed to enact administrative procedures that assure compliance with the requirements of Government Code Section 3547 regarding the presentation to the Board of initial proposals for collective bargaining.

Subject to contractual restrictions unless the parties agree otherwise, Cc collective bargaining *may* begins when either an exclusive representative or the District itself presents an initial proposal for consideration.

See BP 7140 ~~titled~~ Collective Bargaining and AP 2610 ~~titled~~ Presentation of Initial Collective Bargaining Proposals

Date Adopted: March 16, 2010

~~(Replaces current College of Marin Policy 5.0031)~~

Date Reviewed: July 18, 2017

Date Reviewed/Revised:

Board of Trustees

Due for review as part of the regular review cycle. This policy language is suggested good practice was compared to the CCLC model. Formatting updated and no substantive changes. Mici 10-24-2023

BP 2717 PERSONAL USE OF PUBLIC RESOURCES

References:

Government Code Section 8314;
Penal Code Section 424

No Board member shall use or permit others to use public resources, except that which is incidental and minimal, for personal purposes or any other purpose not authorized by law.

Date Adopted: September 21, 2010

~~(This is a new policy recommended by the League and the League's legal counsel)~~

Date Reviewed: July 18, 2017

Date Reviewed/Revised:

General Institution

CCLC 42 updated this legally required policy to align with updated Title 5 regulations. ACCJC reference linked. Mici 5-25-23

Approved without changes. Nikki/Human Resources 10-25-2023

BP 3420 EQUAL EMPLOYMENT OPPORTUNITY

References:

Education Code Sections 87100 et seq.;
Title 5 Sections ~~51010 and~~ 53000 et seq.;
ACCJC Accreditation Standard III.A.12.

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

An equitable and inclusive hiring process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. Therefore, the District is committed to promoting equal employment through a continuing equal employment opportunity program. Equal employment opportunity includes not only a process for equal opportunity in hiring, but also practices and processes that create inclusive, respectful work environments

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

Date Adopted: August 18, 2012 *(Replaced College of Marin Policy 7.0001 and Procedure 7.0001 DP.1)*

Date Reviewed/Revised: April 16, 2019; May 11, 2021

Date Revised:

Academic Affairs

Due for review as part of the regular review cycle. Format updated. Compared to CCLC model policy that is legally required. This is a 10+1. Mici 1-31-2023

No revisions by 3-15-23 so moved forward for review as per preview process protocol.

Jonathan/Student Learning and Success & Jon H. Enrollment. 1-31-2023

Approved. Academic Senate 10-5-2023

BP 4225 COURSE REPETITION

References:

Title 5 Code Sections 55040, 55041, 55042, 55044, 55253, and 58161

Students may repeat credit courses in which substandard grades (less than "C," and including "FW" and "NP") were earned.

When course repetition occurs, the permanent academic record shall be annotated in such a manner that all work remains legible, insuring a true and complete academic history.

Under special circumstances, students may repeat courses in which a "C" or better grade was earned. The special circumstances shall be defined in administrative procedures.

Date Adopted: March 18, 2008

Date Reviewed/Revised:

Student Services

This legally advised policy was reviewed as part of the regular cycle of review and compared to the model CCLC. Updates as noted. This is a 10+1. Mici 9-28-2023

Approved. Jon H./Enrollment 9-28-2023

Copy Jonathan E./SLS 9-28-2023

Approved. Academic Senate 10-5-2023

BP 5052 OPEN ENROLLMENT

References:

Education Code Section 76000;

Labor Code Section 3077;

Title 5 Section 51006, 55003, and 58106

Unless specifically exempted by statute or regulation, every course, course section, or class, reported for state aid, wherever offered and maintained by the District, shall be fully open to enrollment and participation by any person who has been admitted to the college and who meets such prerequisites as may be established pursuant to ~~Title 5 Section 55003~~ to regulations contained in Article 2.5 (commencing with Section 55003) of Subchapter 1 of Chapter 6 of Division 6 of Title 5 of the California Code of Regulations.

Enrollment in specific courses or programs may be limited due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, the constraints of regional planning, or legal requirements imposed by statute, regulations or contracts. The District may use procedures that are consistent with any of the approaches described in Title 5 Section 58106 for determining enrollment when any of the factors for enrollment limitations are present. Enrollment may also be subject to any enrollment priority system pursuant to language contained in AP 5055 ~~titled~~ Enrollment Priorities.

Pursuant to Education Code Section 76000 and Labor Code Section 3077, related and supplemental instruction for apprentices may be restricted to registered apprentices.

The Superintendent/President shall establish procedures for students to challenge enrollment limitations that affect them and assure that this policy is published in the District Catalog and Schedule of Classes.

Date Adopted: October 13, 2009 (Replaces College of Marin Policy 4.0002)

Revised: June 22, 2010; October 19, 2010

Revised:

Student Services

This legally required policy was reviewed as part of the regular cycle of review and compared to the model CCLC. No updates other than formatting. This is a 10+1. Mici 9-28-2023

Approved. Jon H./Enrollment 9-28-2023

Copy Jonathan E./SLS 9-28-2023

Approved. Academic Senate 10-5-2023

BP 5120 TRANSFER CENTER

References:

Education Code Sections 66720-66744;
Title 5 Section 51027

The District incorporates as part of its mission the transfer of its students to baccalaureate level institutions. The District further recognizes that students who have historically been underrepresented in transfer to baccalaureate level institutions are a special responsibility.

The Superintendent/President shall assure that a Transfer Center Plan is implemented that identifies appropriate target student populations, is designed to increase the transfer applications of underrepresented students and complies with law and regulations.

Date Adopted: February 15, 2011

Date Reviewed:

Student Services

CCLC 42 updated this policy to allow a disabled student or student enrolled in a district's adult education program to serve on student government pursuant to changes in the Education Code. Mici 5-25-2023
COM has never excluded folks as long as they meet the basic requirements so omit bullets recommended by CCLC because assumes our practices have historically been exclusionary.

Sadika/Student Activities 6-28-2023

Copy to Jonathan/SLS 6-28-2023

To Mia/General Counsel 7-6-2023

Restored bullets recommended by CCLC as these align with changes to Education Code section 76061; other edits to mirror Education Code section 76061.

"Disabled student" changed to "student with a disability". Sadika/Student Activities 7-12-2023

BP 5410 ASSOCIATED STUDENTS ORGANIZATION ELECTIONS**References:**

Education Code Section 76061;

College of Marin Associated Students' Election Code

The Associated Students Organization shall conduct annual elections to elect officers. The elections shall be conducted in accordance with procedures established by the District.

Any student may run for office to be a part of the Associated Students Organization as long as they adhere to the requirements outlined in this Board Policy. A student elected as an officer in the Associated Students Organization shall meet ~~all both any any~~ of the following requirements:

(a) (1) The student shall be enrolled in the District at the time of election and throughout ~~his/her~~ the student's term of office, with a minimum of five semester units ~~or the equivalent quarter units.~~

(2) The student shall meet and maintain the minimum standards of scholarship (~~see~~ BP 4220 ~~titled~~ Standards of Scholarship and related administrative procedures), ~~and the~~ The student shall hold and maintain a 2.5 GPA at the time of their appointment and throughout their term in office.

(b) The student shall be enrolled in an adult education program offered by the District at the time of the election and throughout the student's term.

(c) The student is enrolled in the District at the time of election, and throughout the student's term, and is ~~a disabled student~~ with a disability.

Date Adopted: April 20, 2010

Reviewed: May 16, 2017

Revised:

Business and Fiscal Affairs

CCLC 42 updated this legally required policy to align to a recommendation regarding unrestricted budget reserves. **NOTE:** The Government Finance Officers Association and the California Community Colleges Chancellor's Office recommended that unrestricted reserves comprise a minimum of two months of expenditures. Mici 5-25-2023

Approved with changes. Administrative Services/Eresa 10-25-2023

BP 6250 BUDGET MANAGEMENT**References:**

Title 5 Sections 58307 and 58308

The budget shall be managed in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. Budget revisions shall be made only in accordance with these policies and as provided by law.

The District's unrestricted general reserves shall be no less than 8 percent of the total budget, with annual escalators per fiscal year. Each year, the base percentage shall grow based on a prescribed schedule and annual review of the Board of Trustees. Revenues accruing to the District in excess of amounts budgeted shall be added to the District's reserve for contingencies. They are available for appropriation only upon a resolution of the Board of Trustees that sets forth the need according to major budget classifications in accordance with applicable law.

Board approval is required for changes between major expenditure classifications. Transfers from the reserve for contingencies to any expenditure classification must be approved by a two-thirds vote of the members of the Board. Transfers between expenditure classifications must be approved by a written resolution by a majority of the members of the Board.

Also see AP 6250 Budget Management and AP 6251 Reserve Fund Management

Office of Primary Responsibility: Administrative Services

Date Adopted: May 12, 2009

Date Reviewed/Revised: November 15, 2016; May 16, 2023

Date Revised:

CCLC 42 updated this procedure to update the gift limit and to revise the disclosure categories.

Mici 5-26-2023

To Mia/General Counsel 6-28-2023

Updates – format and alphabetizing as requested entered by Mici 10-24-2023

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

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

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections ~~87210~~ 872100 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1 – Definitions

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

Section 2 – Designated Employees

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

Section 3 – Disclosure Categories

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

- A. The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- B. The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and

- C. The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her/their statement of economic interests those economic interests he/she/they has which are of the kind described in the disclosure categories to which he/she/they is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she/they foreseeably can affect materially through the conduct of his/her/their office.

Section 4 – Statements of Economic Interests

Place of Filing

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

Section 5 – Statements of Economic Interests

Time of Filing

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

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

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

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

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

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

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

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

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

Section 7 – Manner of Reporting

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

- A. Investments and Real Property Disclosure. When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:
 1. A statement of the nature of the investment or interest;
 2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
 3. The address or other precise location of the real property; and
 4. A statement whether the fair market value of the investment or interest in real property exceeds two thousand dollars (\$2,000), exceeds ten thousand dollars (\$10,000), exceeds one hundred thousand dollars (\$100,000), or exceeds one million dollars (\$1,000,000).

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

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

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

Section 8 – Prohibition on Receipt of Honoraria

- A. No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her/their statement of economic interests. This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an

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

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

elected official. Subdivisions (a), (b), and (c) of Government Code Section 89501 shall apply to the prohibitions in this section.

- B. This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Government Code Section 89506.

Section 8.1 – Prohibition on Receipt of Gifts in Excess of \$~~590470~~

- A. No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$~~590470~~ in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her/their statement of economic interests.
- B. Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 8.2 – Loans to Public Officials

- A. No elected officer of a local or state government agency shall, from the date of his/her/their election to office through the date that he/she/they vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.
- B. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she/they holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- C. No elected officer of a state or local government agency shall, from the date of his/her/their election to office through the date that he/she/they vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.
- D. No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he/she/they holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.
- E. This section shall not apply to the following:
 - 1. Loans made to the campaign committee of an elected officer or candidate for elective office.
 - 2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin,

- or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
 4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3 – Loan Terms

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

Section 8.4 – Personal Loans

- A. Except as set forth in subdivision B., a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:
 1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
 2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.
- B. This section shall not apply to the following types of loans:
 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
 2. A loan that would otherwise not be a gift as defined in this title.
 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

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

Section 9 – Disqualification

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

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating ~~\$590,460~~ or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3 – Legally Required Participation

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

Section 9.5 – Disqualification of State Officers and Employees

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

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

Section 10 – Disclosure of Disqualifying Interest

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

Section 11 – Assistance of the Commission and Counsel

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

Section 12 – Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014~~5~~. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Section 13 – Designated Positions and Disclosure Requirements

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

Board Members

Chief Executive Officer (Superintendent/President)

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

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

General Counsel

Assistant Vice President of Administrative Services

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

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

- a. Interests in real property within the boundaries of the District that are used by the District or are of the type that could be acquired by the District as well as real property within two miles of the property used or the proposed site.
- b. Investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources of the type that engage in the acquisition or disposal of real property or are engaged in building construction or design for school districts.

Category 2: ~~Designated positions assigned to this category must report investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the District. All interests in real property which is~~

~~located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.~~

Category 3: ~~Designated positions assigned to this category must report investments and business positions in business entities and income (including receipt of gifts, loans, and travel payments) from sources that are contractors engaged in the performance of work, training, consulting or services, or are sources that manufacture or sell supplies, instructional materials, machinery, equipment, or vehicles of the type utilized by the designated position's department. All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.~~

Category 4: ~~Designated positions assigned to this category must report A~~all investments and business positions in, and sources of income ~~(including receipt of gifts, loans, and travel payments) if the from, business entity~~ies or source is of the type to receive grants or other funding from or through the District. ~~that are banking, savings and loan, or other financial institutions.~~

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

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

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

Accountants/Senior Accountants	Categories 4,5
Assistant Deans	Category 6
Assistant Directors	Category 6
Assistant Vice President, Instructional Support	Category 6
<u>Asst. Director of Maintenance & Oper.</u>	<u>Category 2,3,6</u>
Associate Directors (All)	Category 6
<u>Buyer</u>	<u>Categories 4,5</u>
Chief Information Officer/Director of IT	Category 6
<u>Chief of Police</u>	<u>Category 6</u>
<u>Consultant</u>	<u>Categories 1,2,3,4,5,6</u>
Deans	Category 6
Directors (All Other)	Category 6
Director of Capital Outlay	Categories 2,3,4,5
Director of Fiscal Services	Categories 4,5
<u>Buyer</u>	<u>Categories 4,5</u>
Director of Facilities Planning, Maint. & Operations	Categories 1,2,3,4, 5
<u>Asst. Director of Maintenance & Oper.</u>	<u>Category 2,3,6</u>
Executive Directors	Category 5

Facilities Rental Supervisor	Category 6
Manager, Employee & Labor Relations	Category 6
Manager, Organic Farm & Garden	Category 6
Manager, Environmental Health, Safety, Risk	Category 6
Chief of Police	Category 6
Police Lieutenant	Category 6
Program Administrators	Category 6
Consultant	Categories 1,2,3,4,5,6

*Position titles are subject to change.

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

Office of Primary Responsibility: Human Resources

Date Approved: August 24, 2010 (*Replaced College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020*)
Dates Revised: November 18, 2011, February 26, 2013, October 14, 2014, October 18, 2016, November 13, 2018; December 14, 2021
Date Reviewed/Revised:

General Institution

CCLC 42 updated this legally required procedure to add antidiscrimination provisions related to a person's use of cannabis off the job and away from the workplace pursuant to changes in the Government Code.

Mici 5-26-2023

Approved without changes. Nikki/Human Resources 10-25-2023

AP 3410 NONDISCRIMINATION

References:

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

Education Programs

The District shall provide access to its services, classes, and programs without regard to, national origin, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

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

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

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

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race or ethnicity, religious creed, family and medical care leave, color, national origin, ancestry, physical

or mental disability, medical condition, genetic information, marital status, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), gender, gender identity, gender expression, age, sexual orientation, immigration status, military or veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District shall not discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person based upon the person's use of cannabis off the job and away from the workplace unless permitted under Government Code Section 12954.

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

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

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

Office of Primary Responsibility: Human Resources

Date Approved: June 22, 2010

Date Revised: January 15, 2013; September 15, 2015; November 13, 2018; May 11, 2021

Date Revised:

General Institution

CCLC 40 updated this procedure to reflect recent legislation and clarify the procedures for adjudicating student complaints of sexual harassment under Title IX. Mici 9-13-2022
CCLC 42 updated this procedure to include required information on sexual assault and domestic violence counselors pursuant to changes in the Education Code. Formatting updated. Mici 5-26-2023
Approved without changes. Nikki/Human Resources 6-28-2023
Approved. John Adams/Campus Police 7-6-2023
Approved without changes. Sadika/SAS 10-24-2023

AP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX

References:

20 U.S. Code Sections 1681 et seq.;
34 Code of Federal Regulations Parts 106.1 et seq.;
Education Code Sections 67380 et seq.;
Office for Civil Rights Letter dated August 24, 2021

Introduction

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

Title IX Coordinator

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

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

Address:
Indian Valley Campus
Building 11, Second Floor
1800 Ignacio Boulevard
Novato, CA 94949

Phone number: (415) 485-9520
Email: NHarris@marin.edu

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety

concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

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

Title IX Harassment Complaints, Investigations, and Hearings

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

The investigation and adjudication of alleged sexual harassment under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

Jurisdictional Requirements – Application of Procedures

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

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

Definitions

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

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the Complaint process if he/she/they wishes to do so. An attorney may serve as an advisor.

NOTE: *The regulations only require the District to provide an Advisor to conduct cross-examination. It is **strongly recommended** the District provide an Advisor for the entire hearing, if the Party does not identify his/her/their own private Advisor so the Advisor is able to observe the direct examination of all witnesses and thus better able to conduct cross-examination.*

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

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

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

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

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

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

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

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

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

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

carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.

- **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
 - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape.** Non-Forcible sexual intercourse with a person who is under the statutory age of consent. Force or coercion is not required to commit Statutory Rape; the unlawful act is not an attack.
- **Dating Violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

Reporting Options

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

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

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

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

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. An individual who participates as a Complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

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

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

District Employees and Officials with Authority

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

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

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

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

Intake and Processing of Report

Receipt of Report

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

Timeframe for Reporting

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

Supportive Measures

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

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue a no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue a mutual no-contact directive automatically, but instead shall consider the specific circumstances of each report of sexual harassment to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the District issues any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the District issues a mutual no-contact directive, the District shall also provide the Parties with a written justification for the directive.

Sexual Assault and Domestic Violence Counselors

For further information about services provided by sexual assault and domestic violence counselors on campus, see AP 3540 Sexual and Other Assaults on Campus and in Campus Programs.

Removal of Respondent Pending Final Determination

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

Emergency Removal

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

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

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

If the District's Title IX Coordinator or designee, the Chief of Police or designee, or the Superintendent/President determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with withdrawal of consent to be on campus. Please refer to the procedure for withdrawal of consent to be on campus under *AP 5520 Student Discipline and Due Process*, or as an interim suspension or other student conduct measure under AP 5520.

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

Administrative Leave

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

Formal Complaint Grievance Process

Notice to Parties

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

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

- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
- For student Parties, notice regarding appropriate counseling resources the District has developed and maintains.

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

Dismissal of Formal Complaint

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

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

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

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

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

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

Consolidation of Formal Complaints

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

Equitable Treatment of the Parties

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

Statement of Presumption of Non-Responsibility

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

Bias or Conflict of Interest

The District's Title IX Coordinator, Decision-Maker, an investigator, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator, investigator, Decision-Maker, and facilitator receive training on:

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

Timeline for Completion

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

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

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

Role of Advisor

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

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

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

Confidentiality Agreements

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

Use of Privileged Information

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

Student Complainant Requests for Confidentiality

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the student-Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall

notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

If the District determines that it must disclose the student-Complainant's identity to the Respondent or proceed with a Formal Complaint, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Investigations

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

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

Trained investigators

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

Gathering Evidence and Burden of Proof

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

Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure. [**Optional:** Written evidence submitted by a Party is limited to [**number of pages – recommend at least 20 pages**] pages or [**number of words – recommend at least 10,000 words**] words.]

Evidence of Past Sexual History

An investigator or Decision-Maker shall not consider the past sexual history of the Complainant except in the limited circumstances described below:

- The investigator or Decision-Maker shall not consider the Complainant's prior sexual history unless such questions or evidence is offered to prove that someone other than the Respondent committed the alleged conduct; or
- The investigator or Decision-Maker shall not consider the Complainant's prior sexual behavior unless the questions or evidence concern specific incidents of the Complaint's prior sexual behavior with respect to the Respondent and are offered to prove consent.

- Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Notice of Investigative Interview

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

Evidence Review

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

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

Investigative Report

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

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

The investigator will not make a determination regarding responsibility.

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

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

Hearing

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

Notice

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

Hearing Format

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

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

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

The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Decision-Maker

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

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

Presenting Witnesses

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

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

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

Cross-Examination

The District will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination. The other Party shall have an opportunity to object to a question posed. The District may limit such objections to written form, and neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record. The Decision-Maker shall have the authority and obligation to discard or rephrase any question that the Decision-Maker deems to be irrelevant. In making these determinations, the Decision-Maker is not bound by, but may take guidance from, the formal rules of evidence.

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

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

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

The Decision-Maker may also consider police reports, Sexual Assault Nurse Examiner documents, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined at the live hearing.

Determinations of Responsibility

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

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

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

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

Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive

measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

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

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

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

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

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

Grounds for Appeal

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

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

Appeal Procedure

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

- Notify the other Party in writing within ten (10) business days of receiving a Party's appeal;

- Allow the non-appealing Parties at least ten (10) business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

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

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

Informal Resolution

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

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

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

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

Retaliation Prohibited

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

Dissemination of Policy and Procedures

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

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

Training

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

File Retention

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

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

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

Complaint Reporting

The Superintendent/President shall provide the Board, upon request, a report of complaints filed pursuant to this AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

See AP 5520 Student Discipline and Due Process

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

Date Adopted: December 14, 2021

Date Reviewed/Revised: April 19, 2022

Date Revised:

Academic Affairs

CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. This procedure is accreditation linked and also a 10+1. Mici 5-31-2023

Copy to Jonathan/SLS 6-28-2023

No changes. Cari/Instruction 8-31-2023

Approved with reformatting as noted, with substantive legal language remaining the same.

Academic Senate 10-27-2023

AP 4020 PROGRAM, CURRICULUM, AND COURSE DEVELOPMENT**References:**

Title 5 Sections 51021, 55000 et seq., and 55100 et seq.;
34 Code of Federal Regulations Part 600.2;
U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;
ACCJC Accreditation Standard II.A

~~The District shall develop and offer programs and curricula in ethnic studies, programs and curricula that infuse a global perspective into the curricular offerings, and programs and curricula that include instruction on the perspectives of persons with low socioeconomic status in the topic.~~

Instructional programs will be systematically assessed in order to assure currency, improve teaching and learning strategies, and achieve stated student learning outcomes. Curriculum shall be evaluated to determine whether courses and program should be established, expanded, modified, or deleted on a periodic basis.

The District shall provide annual certification to the California Community Colleges Chancellor's Office pertaining to the approval of credit courses and credit programs as required under Title 5 Sections 55100 and 55130.

The District shall develop and offer programs and curricula

1. in ethnic studies,
2. that infuse global perspectives into the curricular offerings, and
3. that include instruction on the perspectives of persons with low socioeconomic status in the topic.

In order to create and maintain a viable curriculum compatible with the Educational Master Plan, the Superintendent/President or designee shall be responsible for:

1. Recommending to the Board for approval the establishment or discontinuance of educational programs, degrees, certificates, and courses, in accordance with the Education Code.

2. Approving editorial and technical changes, teaching unit modifications, and related developments of minor significance within Board-approved programs and courses. The Board shall be advised of all such changes.
3. Ongoing development of the curriculum, including:
 - a. Periodic determination of the educational needs of the area;
 - b. Utilization of citizen advisory committees where appropriate;
 - c. Academic Senate participation in curriculum development;
 - d. Preparation and maintenance of current course outlines, degrees and certificates including student learning outcomes and objectives for all approved programs.

Faculty members shall, at a minimum, follow the course outline of record as the framework for the course. Within this framework, each instructor shall use the outline in a manner best designed to meet the needs and capabilities of students and to best suit the instructional methods of the faculty member. This flexibility in use of the outline shall be limited by the instructor's ability to deliver the course content and meet stated objectives and outcomes as determined by the approved evaluative criteria.

The Curriculum Committee is a standing committee of the Academic Senate, as established through mutual agreement between the District and the Academic Senate. The purpose of the Curriculum Committee is to maintain the quality and the integrity of the educational program. Courses and programs are evaluated for their educational content and their appropriateness and value to the students served.

The functions and operating guidelines of the Curriculum Committee are determined by the Academic Senate.

1. Functions:

The functions of the College Curriculum Committee are as follows:

- a. Recommend all credit and non-credit courses for approval by the Board of Trustees. To be recommended, credit courses must meet the standards set forth by the Education Code, the mission of the College and demonstrate educational need based in equity and anti-racism.
- b. The Curriculum Committee does not approve Community Education courses. However, the Community Education Program will send all new course outlines to the Curriculum Committee at least two weeks prior to submission to the Board of Trustees to ensure there is no conflict with credit or non-credit courses. If the Curriculum Committee identifies a potential conflict, Community Education and the Department Chair will work together to find a resolution and inform the Curriculum Committee Chair in writing.
- c. Recommend all new credit and noncredit programs for approval by the Board of Trustees.
- d. Recommend and provide direction and support for academic program changes, course revisions, additions, deactivations, or deletions for approval by the Board of Trustees, making sure such changes meet the standards set forth by the Education Code. Consult with the OIM and the academic departments on course scheduling to ensure greater student access.
- e. Review the Master Schedule and recommend modifications as necessary.
- f. Recommend requirements for skills certificates and certificates of achievement.
- g. Recommend graduation requirements and general education requirements for the A.A., A.S., A.A.-T and A.S.-T degrees for approval by the Board of Trustees.

- h. Recommend for approval by the Board of Trustees, baccalaureate level courses for submission to the California State University system for inclusion on the transfer list of courses which satisfy the state universities' general education requirements.
- i. Support development of new curricula and dissemination of curricular material.

The Curriculum Committee may propose inactivation of a course required for a degree or certificate should any of the following apply:

- The department controlling the course requests the inactivation
- The course has not been submitted for course review within the past four years; or
- The course has not completed an SLO assessment within the past four years

The Curriculum Committee may propose inactivation of a program should any of the following apply:

- The department controlling the program requests the inactivation; or
- The program has not completed an SLO assessment cycle within the past four years

2. Membership:

Membership of the College Curriculum Committee are for two-year terms and consist of the following:

- a. Voting members appointed by the Academic Senate President and the Curriculum Chair:
 - Chair (votes in a tie);
 - Math and Science;
 - English and Humanities;
 - Fine and Performing Arts;
 - Social and Behavioral Science;
 - Counseling/Articulation Officer;
 - English as a Second Language (ESL);
 - Career Education;
 - Allied Health and Kinesiology;
 - SAS Counselor; and
 - Distance Education Coordinator.
- b. Non-voting Resources:

Evaluation Analyst from Enrollment Service.;

Curriculum Specialist from the Office of Instructional Management (OIM) and Assistant Vice President of Instruction.

Deans, as appropriate.
- c. Relevant Department Chairs are requested to attend Curriculum Committee meetings when there are proposals originating from their department or another department that will affect their courses and/or programs. Chairs should distribute the minutes of official meetings to selected campus and departmental offices. Department Chairs initiate new course and program proposals in consultation with department faculty and area Dean.

3. Operating Guidelines:

- a. Consistent with the UPM/MCCD Collective Bargaining Agreement Article 8, Department Chairs shall: assist with the department's faculty, in the development and/or modification of department curriculum, subject to departmental and District approval as recommended by the College Curriculum Committee; and assist department faculty in up-dating course outlines, degrees and certificates and communicate these updates in writing within the department and to the

appropriate instructional office(s) through recommendations of the College Curriculum Committee.

- b. The Curriculum Committee Chair is selected by the process outlined in the Curriculum Committee bylaws. The Chair is not the area representative outlined in "Membership 2.a".
- c. Additional support is provided by the Office of Instructional Management.
- d. Curriculum Committee agendas, approved minutes and updated Curriculum Committee approval schedules are posted on the Curriculum Committee website.

Credit Hour

One credit hour of community college work (one unit of credit) shall require a minimum of 48 semester hours of total student work or 33 quarter hours of total student work, which may include inside and ~~for~~ outside-of-class hours. Cooperative work experience courses shall adhere to the formula for credit hour calculations identified in Title 5 Section 55256.5. Credit for clock hour designated programs shall be awarded consistent with 34 Code of Federal Regulations Part 600.2.

For purposes of federal financial aid eligibility, a "credit hour" shall be not less than:

- One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work for the length of the semester for one semester or the equivalent amount of work over a different amount of time; or
- At least an equivalent amount of work as required in the paragraph above, of this definition for other academic activities as established by the institution including laboratory work, internships, practicums, studio work, and other academic work leading to the award of credit hours.

See also BP and AP 4021 Program Revitalization and Discontinuance and AP 4022 Program Revitalization

Office of Primary Responsibility: Student Learning and Success

Date Approved: June 22, 2010 (*Replaced College of Marin Policy 2.0001 and Procedure 2.0001 DP.1*)

Reviewed/Revised: August 21, 2012; May 16, 2017; October 12, 2021; May 17, 2022; December 13, 2022

Revised:

Academic Affairs

This legally required procedure was reviewed as part of the regular cycle of review and compared to the model CCLC. Please note that this procedure must include the following: 1) Procedures for approval of independent study programs, 2) Academic standards for independent study that are the same as those applied to other credit courses or noncredit courses, 3) Procedures for evaluation of student progress, and 4) Access to the instructor at least equivalent to that commonly available to students in courses conducted by other instructional methods

This is a 10+1. Mici 9-28-2023

Approved. Jon H. 9-28-2023

Copy Jonathan E./SLS 9-28-2023

Copy Cari T./Instruction 9-28-2023

Approved. Academic Senate 10-5-2023

AP 4101 INDEPENDENT STUDY**References:**

Title 5 Sections 55230 et seq.

Independent Study

Independent studies are courses designed for students to pursue intellectual inquiry outside of regularly scheduled course offerings. These are to be supervised by instructors, generally involving substantial student-instructor interaction. Each course shall be initiated on an individual basis via an agreement between the student and an instructor.

These courses are not designed to substitute for other courses offered by the academic departments.

Enrollment shall be through courses numbered 249A (1 semester unit), 249B (2 semester units), and 249C (3 semester units). One unit of credit requires a minimum of 48 hours of lecture, study, or laboratory work.

Academic Standards

Academic standards applicable to courses of independent study shall be the same as those applied to other credit courses as appropriate at the District.

Procedures for Evaluation

Procedures for evaluation of student progress shall be in accordance with regulations established by the District. A grade report by an instructor on appropriate records bearing the student's name for purposes of state apportionment shall certify the adequate and proper progress toward accomplishment of the course objectives is being maintained by the student.

Availability of Instructor

Independent study students shall have access to the instructor equivalent to access given to students enrolled in courses conducted by other instructional methods, including office hours.

Instructors are responsible for assisting the student in developing the proposal, granting instructor approval of the proposal, assisting the student in the independent study as necessary, evaluating the

results of the study, and submitting the final grade to the Enrollment Services Office ~~of Admissions and Records~~.

Independent study courses may be repeated more than once for credit provided the same topic is not repeated. An independent study course cannot be used to satisfy core requirements unless specified by the department to a maximum of three (3) units.

Procedures for Approval of Independent Study

- Students must have completed 12 degree applicable credit units at ~~the~~ College of Marin.
- Students must be in good academic and progress standing and have earned a cumulative GPA of 2.0 at ~~the~~ College of Marin.
- The Independent Study Contract must be completed by the student and approved by the instructor and signed by the department chairperson.
- Independent Study Contracts must be submitted to the Enrollment Services ~~Admissions and Records~~ Office by the last day to add a full-term course.

Students are limited to one independent study course per semester, six (6) units of independent study per discipline, to a maximum of twelve units overall unless specified by a department to obtain a local certificate.

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

Date Approved: March 16, 2010 *Replaces portions of College of Marin Procedure 4.0003 DP.10*

Revised: June 19, 2012

Reviewed/Revised:

Academic Affairs

CCLC 42 updated this legally required procedure to align with updated Title 5 regulations. Upon review, ours was already up to date with Title 5 regulations. Please review for accuracy of current practices. This is a 10+1. Mici 6-12-2023

Copy to Jonathan/SLS 6-28-2023

Approved without changes. Jon H/Enrollment 8-16-2023

Approved with minor non-substantive edits. Academic Senate 10-26-2023

AP 4255 DISMISSAL AND READMISSION**References:**

Title 5 Sections 55033 and 55034

Standards for Academic Dismissal

A student who has been placed on academic probation shall be subject to academic dismissal if the student has less than a cumulative grade point average of 2.0 in all units attempted in two consecutive terms (including summer terms). For purposes of this section, terms shall be considered consecutive on the basis of the student's enrollment pattern rather than the calendar pattern. For example, the terms of a student enrolled in Fall, not Spring, but again in Fall are considered to be consecutive.

Standards for Progress Dismissal

A student who has been placed on progress probation shall be subject to progress dismissal if the percentage of units in which the student has been enrolled for which entries of "W", "I", "NC" and "NP" are recorded in at least two consecutive semesters terms reaches or exceeds 50 percent (including summer). For purposes of this section, terms shall be considered consecutive on the basis of the student's enrollment pattern rather than the calendar pattern. For example, the terms of a student enrolled Fall, not Spring, but again in Fall are considered to be consecutive.

Dismissal Letter

The letter notifying the student that he/she/they is subject to academic and/or progress dismissal will cover, at a minimum, reference to this procedure, explanation of what academic and progress dismissal means, procedure for reinstatement, and procedure to appeal the academic and progress dismissal notice.

Readmission Procedures

1. A student who has been dismissed and did not attend College of Marin for one term may request readmission by submitting a petition to Enrollment Services that demonstrates a minimum of one term of non-attendance has passed.
2. A student who has been dismissed and wants to continue at College of Marin for the following term may submit a petition to Enrollment Services only under the following conditions:
 - a. Documented extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.
 - b. Improved GPA as a result of grade changes, fulfillment of incomplete courses, or academic renewal.

Procedures for Filing the Petition ~~To~~ Return After Dismissal

A student must file a Petition to Return After Dismissal with the Office of Enrollment Services within two weeks of the start of the fall and spring term and within one week of the start of a summer term. As a condition to return, the student must meet with a counselor to complete a Student Educational Plan with no more than 12 units requested for that entire fall or spring term. For the summer term, students may request one class regardless of the unit value or multiple classes not to exceed 4 units. A copy of the Student Educational Plan and all supporting documents must accompany the Petition to Return After Dismissal.

Standards for Evaluating the Petition To Return After Dismissal

In considering whether or not students may return after dismissal, the following criteria should be considered:

- Verified evidence that the student did not attend the following term or summer term after receiving the dismissal notification.
- Documented extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.
- Improved GPA as a result of grade changes, fulfillment of incomplete courses, or academic renewal.
- GPA calculation error.
- Evidence that the posting of final grades was in error which contributed to the academic and/or progress dismissal action.

Within 10 working days from the date the petition was submitted to Enrollment Services for review, the student will be notified in writing by email of the decision.

- If the Petition **To** Return After Dismissal is approved, the student will be notified of the terms and the condition of the petition and allowed to continue on academic and/or progress probation for an additional term. At the end of that term, the student's academic record will be evaluated to determine whether the student may be removed from academic and/or progress probation, should be dismissed, or should continue on academic and/or progress probation.
- If the Petition **To** Return After Dismissal is denied, the student will receive notification of the decision and procedures to appeal the decision.

Appeal Procedures

The student has the right to appeal an academic and/or progress dismissal action, if the student can provide evidence that warrants a review of the dismissal action. The student may appeal this decision by making an appointment with the College Petition Committee within five working days of the date of the notice of the denied petition.

- If the student fails to make the appointment within the specified time, the student waives all future rights to appeal the dismissal action for that term.
- If the student makes an appointment, the student will continue on academic and/or progress dismissal until the student meets with the College Petitions Committee. A decision to either uphold the original dismissal decision or approve the appeal will be made at the conclusion of the meeting.

Standards for Evaluating Appeals

Dismissal appeals may be granted under the following circumstances:

- If the dismissal determination is based on the academic record for one term in which the record does not reflect the student's usual level of performance due to accident, illness, or other circumstances beyond the control of the student. Verification must be submitted with the appeal.

- Where there is evidence of significant improvement in academic achievement.

Office of Primary Responsibility: ~~Office of~~ Enrollment Services

Date Approved: May 18, 2010 (~~Replaces portions of College of Marin Procedure 4.0003-DP.10~~)

Date Reviewed/Revised: June 18, 2019

Date Reviewed:

Student Services

CCLC 42 updated this legally required procedure to provide an exemption to a nonresident student who enrolls in a credit English as a Second Language course if they met certain requirements pursuant to changes in the Education Code. This is a 10+1. Mici 6-13-2023

Approved. Eresa/Greg Administrative Services 6-28-2023

Approved. Jon H/Enrollment 9-1-2023

Approved. Academic Senate 9-7-2023

Mia R./General Counsel edits as noted. 9-20-2023

Resent to Academic Senate with Jon H. and Mia's revisions. 9-20-2023

Academic Senate approved. 10-5-2023

AP 5020 NON-RESIDENT TUITION**References:**

Education Code Sections [68044](#), 68075.65, [68130](#), 68130.5 and 76140 et seq.;
Title 5 Section 54045.5

Exemptions to the non-resident tuition fee requirements include any students, other than non-immigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:

- either high school attendance in California for three or more years **OR** attainment of credits earned in California from a California high school equivalent to three or more years of full-time high school coursework and a total of three or more years of attendance in California elementary schools, California secondary schools, or combination of those schools;
- graduation from a California high school or attainment of the equivalent thereof;
- registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
- completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this non-resident 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/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Exemptions to the non-resident tuition fee requirements include any students who meet the following requirements:

- demonstrates financial need;
- has a parent who has been deported or was permitted to depart voluntarily;
- moved abroad as a result of that deportation or voluntary departure;
- lived in California immediately before moving abroad;
- attended a public or private secondary school in the state for three or more years; and
- upon enrollment, will be in his/her/their first academic year as a matriculated student in California, and will file an affidavit with the District stating that he/she/they intend(s) to establish residency in California as soon as possible.

Exemptions to the non-resident tuition fee requirements include any nonimmigrant aliens granted “T” or “U” visa status under title 8. U.S. Code Section 1101(a)(15)(T)(i) or (ii), or section 1101(a)(15)(U)(i) or (ii) respectively, who meet 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 or enrollment in a course offered for any term or commencing on or after January 1, 2002; and
- completion of a questionnaire form prescribed by the State Chancellor’s Office verifying eligibility for this nonresident tuition exemption.

Pursuant to the District’s authority under Education Code Section 76140(a)(1) and other applicable law, exemptions to the non-resident tuition fee requirements include any students with no immigration legal status in the United States, either because they entered the U.S. without legal status or because they have fallen out of a legal status since their arrival in the U.S., who meet the following requirements:

- enroll in six (6) or fewer units per term;
- have a permanent address in California;
- do not claim residency in another state; and
- complete the required exemption form prior to enrollment.

Exemptions to the non-resident tuition fee requirements include a special part-time student, other than a non-immigrant alien under 8. U.S. Code Section 1101(15)(a), participating in a College and Career Access Pathways (CCAP) partnership program and enrolled in no more than 15 units per term.

Non-resident tuition fees will be approved by the Board of Trustees no later than March 1 of each year.

Education Code Section 76140 specifies seven options for a district to choose in setting its nonresident tuition fee.

Pursuant to Education Code Section 76141, a district may also charge a capital outlay fee to nonresident students, other than those with exemptions pursuant to Assembly Bill 540.

Full refunds of non-resident tuition fees will be granted through 14 calendar days of a full semester and ten percent of the length of the course for short-term classes and summer term classes.

The District shall post on its website a notice listing criteria for exemptions from paying nonresident tuition.

Office of Primary Responsibility: Administrative Services

Date Approved: September 3, 2009

Revised: January 15, 2013; November 17, 2020; May 17, 2022

Reviewed/Revised:

Student Services

CCLC 42 updated this legally required procedure to provide an exemption to a nonresident student who enrolls in a credit English as a Second Language course if they met certain requirements pursuant to changes in the Education Code. This is a 10+1 and accreditation linked. Mici 6-13-2023

Copy to Jonathan/SLS 6-28-2023

Approved. Jon H/Enrollment 9-14-2023

Omitted instructional material fees refund because the District is no longer collecting these fees. Tony/Fiscal Services 9-27-2023

Approved. Academic Senate 10-17-2023

AP 5030 FEES**References:**

Education Code Sections 66025.3, 68120, 70902 subdivision (b)(9), 76300, and 76300.5;
Title 5 Sections 51012, 58520, and 58629;
California Community Colleges Chancellor's Office (CCCCO) Student Fee Handbook; and
ACCJC Accreditation Standard I.C.6

The payment of certain fees may be deferred upon selection of a payment plan.

Required fees include:

- **Enrollment Fees** (Education Code Section 76300 and 76300.5; Title 5 Sections 58500 and 58509)
- **Baccalaureate degree pilot program fees** (Title 5 Section 58520)
- **Non-resident Tuition** with these permissive exemptions (Education Code Sections 76140 and 76140.5):
 - All non-resident students enrolling in six or fewer units; or
 - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
 - All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet 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 or enrollment in a course offered for any term commencing on or after January 1, 2002;
 - completion of a questionnaire form prescribed by the State Chancellor's Office 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/their immigration status, or will file an application as soon as he/she/they is eligible to do so.
 - A nonresident student who enrolls in a credit English as a Second Language (ESL) course at the district and who is any of the following:
 1. A recent immigrant, as defined in 8 U.S. Code Section 1101(a)(15);

2. A recent refugee, as defined in 8 U.S. Code Section 1101(a)(42); or
3. A person who has been granted asylum by the United States, as defined in 8 U.S. Code Section 1158.

This exemption applies only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year. This exemption applies only to the tuition fee for credit ESL courses.

- **Student representation** (Education Code Section 76060.5; Title 5 Section 54805)

Fees authorized by law include:

- Non-District physical education facilities (Education Code Section 76395)
- Non-credit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 5940059408)
- Athletic insurance (Education Code Section 70902(b)(9))
- Cross-Enrollment with CSU or UC (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Non-resident capital outlay (Education Code Section 76141)
- Non-resident application processing (Education Code Section 76142)
- Credit for Prior Learning (Education Code Section 76300; Title 5 Section 55753)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

Fees authorized by the California Community College Chancellor's Office (CCCCO) Student Fee Handbook:

- Optional student activities fee (CCCCO Student Fee Handbook)
- Technology Fee (CCCCO Student Fee Handbook)

Prohibited fees include:

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)
- Student Body Organization (CCCCO Student Fee Handbook)
- Non-resident application (CCCCO Student Fee Handbook)
- Field trip (Title 5 Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)

- For dependents of certain victims of the September 11, 2001 terrorist attacks. (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- For surviving spouses and children of a firefighter employed by the federal government whose duty assignment involved the performance of firefighting services in California (Education Code Section 68120)
- For students who have been exonerated of a crime through writ of habeas corpus or pardon that meet certain conditions (Education Code Section 69000)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)

Collection of Fees (Credit Classes)

Marin Community College District requires students to pay all fees at the time of enrollment; students will be dropped from classes for non-payment of fees. If students are unable to pay their fees, they should apply for federal financial aid, apply for the Board of Governors Fee Waiver, or enroll in an inexpensive payment plan offered through the District in order to prevent being dropped from classes. Designated groups of students may be exempted from a drop for non-payment, such as Foster Youth, certified Veterans and others through the College petition process.

Students will be dropped for non-payment on identified common drop dates as determined each term and published in the schedule of classes, on-line and in the catalog.

Optional fees (e.g. student activities fee) shall be assessed at the time of registration. Students may decline payment of optional fees by completing the Optional Fee Waiver Form (available on the District website and at the Cashier's Office) and submitting the form to the Cashier's Office within two weeks of the start of instruction.

Fees Collected in Error

Fees collected in error will be credited to the student's account with the amount collected in error.

Refunds

The District shall automatically credit the following fees to the student's account:

- **Enrollment Fees: (Title 5 Section 50508)**
Enrollment fees paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point of the length of a course for short-term a course.

The District is prohibited by law to authorize a refund of any enrollment fee paid by a student for program changes made after the first two weeks of instruction for a primary term-length course or after the ten percent point for the length of the course for a short-term course, unless the program change is a result of action by the District to cancel or reschedule a class or to drop a student pursuant to Title 5 Section 55202(g) where the student fails to meet a prerequisite.

In addition, enrollment fees shall be credited to the student's account for program changes as a result of action taken by the District to cancel or reschedule a class or to drop a student pursuant to Title 5 Section 55202(g) where a student fails to meet a prerequisite.

- **~~Instructional Materials Fees Refund:~~**
~~Materials fees paid by the student provided that no materials have been used for program changes made during the first two weeks of instruction for a primary term length course or by the ten percent point of the length of a course for a short term course and for action taken by the District to cancel or reschedule classes.~~
- **Non-resident and International Student Tuition:**
Non-resident or international student tuition paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point for the length of course for short-term courses shall be refunded.
- **District Cancelled Classes**
For district cancelled classes, the student will automatically receive a credit in their account after the third week of instruction.
- Fees refundable because of changes in law or regulation authorizing and establishing enrollment fees

The District shall refund the following fees upon the student filing a Refund Request Form:

- **Community Services Fees:**
Community services fees paid by a student for classes dropped at least three business days prior to the class start date.
- **Health Fees:**
Health fees paid by the student only if the District took action to cancel or reschedule a class(es) for which the student was enrolled and the student has no other enrollment for the term.
- **Parking Fees:**
Parking fees paid by the student may be refunded under the following conditions:
 - The District has taken action to cancel a course for which the student was enrolled and the student has no other enrollment for the term in credit, non-credit, community education, or emeritus college courses.
 - The student has dropped all courses on or before the last day to qualify for an enrollment/tuition fee refund.

- The student has dropped all courses by the ten percent point of the length of a course for a short-term course.

NOTE: The parking permit sticker must be returned to the Cashier's Office when making the request for a refund.

- **Student Technology, Representation and Activities Fee:**

The student representation fee paid by the student shall be credited to their account only if the District took action to cancel or reschedule a class(es) for which the student was enrolled and the student has no other enrollment in the term. Other fees paid by the student would also be credited to their account.

- **Refund Processing Fee (Title 5 Section 58508):**

A \$10 per semester refund processing fee and any outstanding balance due the District will be deducted from all refunds. No refund processing fee will be charged for action taken by the District to cancel or reschedule a class for which the student was enrolled. The refund processing fee applies to students who drop classes within the published deadline dates and who have not paid their fees.

Waiver of Fees

The District may waive enrollment fees which were not collected in a previous term where the enrollment fees were not collected as a result of the District's error in awarding a Board of Governors Fee Waiver to an ineligible student and not through the fault of the student, and to collect the enrollment fee would cause the student undue hardship.

Exemption of Fees for CCAP agreement students (AB288)

The District may exempt students from the payment of enrollment and enrollment-related fees when the student is enrolled in a class or classes, at their respective high school as part of an official CCAP agreement MOU with College of Marin.

Also see BP/AP 4040 Library and Other Instructional Support Services

Offices of Primary Responsibility: ~~Office of~~ Enrollment Services – Fees; Fiscal Services – Payments and Refunds

Approved: October 19, 2010 (*Replaced College of Marin Procedures 6.0011 DP.1 and 3.0045 DP.1*)

Reviewed/Revised: March 19, 2013; November 15, 2016; November 17, 2020; May 17, 2022

Revised:

Student Services

This legally advised procedure was reviewed as part of the regular cycle of review and compared to the model CCLC. Updates as noted. This is a 10+1. Mici 9-28-2023

Approved. Jon H./Enrollment 9-28-2023

Copy Jonathan E./SLS 9-28-2023

Approved. Academic Senate 10-5-2023

AP 5052 OPEN ENROLLMENT

References:

Title 5 Sections 51006, 58106, and 58108

All courses of the District shall be open to enrollment in accordance with BP 5052 ~~titled~~ Open Enrollment and a priority system consistent with AP 5055 ~~titled~~ Enrollment Priorities. Enrollment may be limited to students meeting properly validated prerequisites and co-requisites, or due to other non-evaluative, practical considerations as determined by the Chief Instructional Officer or designee.

No student is required to confer or consult with or required to receive permission to enroll in any class offered by the District, except as provided for in AP 5055 ~~titled~~ Enrollment Priorities and the Registered Nursing Program which requires special admissions and enrollment requirements.

Students are not required to participate in any pre-registration activities not uniformly required, and no registration procedures are used that result in restricting enrollment to a specialized clientele, except as provided for in AP 5055 ~~titled~~ Enrollment Priorities and the Registered Nursing Program which requires special admissions and enrollment requirements.

A student may challenge an enrollment limitation on any of the following grounds:

- The limitation is unlawfully discriminatory or is being applied in an unlawfully discriminatory manner;
- The District is not following its enrollment procedures;
- The basis for the limitation does not in fact exist.

Students may challenge an enrollment limitation on any of the following grounds listed above by submitting the Prerequisites Challenge Form to the Counseling Office outlining the basis for the challenge by first day of instruction for the term. The Counseling Office will notify the student in writing in a timely manner of the decision to either uphold or deny the challenge.

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

Date Approved: September 10, 2009 *(Replaces part of College of Marin Procedure 4.0003 DP.1)*

Date Reviewed/Revised:

STUDENT SERVICES

Academic Senate requested for review. 2-14-2023

This procedure has been on hold but CCLC 42 updated requires this be updated for suggested legal compliance. The CCLC 42 update includes an additional category of students eligible for priority for enrollment pursuant to changes in the Education Code. This is a 10+1. Mici 6-13-2023

Jon H/Enrollment 9-14-2023

Approved with revision as noted. Academic Senate 9-7-2023

AP 5055 ENROLLMENT PRIORITIES**References:**

Education Code Sections 66025.8, 66025.81, 66025.9, and 66025.92; ~~and~~
Title 5 Sections 58106 and 58108.

Enrollment in courses and programs may be limited to students meeting properly established prerequisites and co-requisites. (See BP and AP 4260 Prerequisites, Co-requisites, and Advisories)

Enrollment may be limited due to the following:

- health and safety considerations;
- facility limitations;
- faculty workload;
- availability of qualified instructors;
- funding limitations;
- regional planning;
- legal requirements; and
- contractual requirements.

The District will provide priority registration for students who enroll in a community college for the purpose of degree or certificate attainment, transfer to a four-year college or university, or career advancement.

Students will have the highest and equal priority for enrollment:

- A member of the armed forces or a veteran pursuant to Education Code Section 66025.8;
- A foster youth, former foster youth, homeless youth, or former homeless youth pursuant to Education Code Section 66025.9;
- A student who has been determined to be eligible for Disabled Student Programs and Services or Extended Opportunity Programs and Services;
- A student who is receiving services through CalWORKs; and
- A student who is a Tribal TANF recipient; and
- A student who has a child or children under 18 years of age who will receive more than half of their support from that student pursuant to Education Code Section 66025.81.

The following students will have priority for enrollment:

- First time students who have completed orientation, assessment, and developed student education plans;
- Continuing students, who are not on academic or progress probation for two consecutive terms and have not lost registration priority, as defined in these policies and procedures; and
- All other student categories listed in the table immediately below.

Priorit y	Description of Registration Priorities
1	Students who have completed the Matriculation* process, meet the eligibility criteria and are participating in the following programs: <ul style="list-style-type: none"> • Eligible as a member of the armed forces or a veteran, • A foster youth or former foster youth, • Receiving services through the Student Accessibility Services, • Receiving services through the Extended Opportunity Programs and Services, • CalWORKS' students, • Homeless youth or formerly homeless youth, or • Tribal TANF, or • Student parents with dependent children under 18 as defined by Education Code Section 66025.81
2	Continuing student athletes who have matriculated and are in good standing
3	Continuing students (in good standing) who have completed Matriculation* with 30 - 74.5 completed and in-progress units** and have a current Student Ed. Plan***
4	Continuing students (in good standing) who have completed Matriculation* with 1 - 29.5 completed and in-progress units** and have a current Student Ed. Plan***
5	Continuing students (in good standing) who have completed Matriculation* with 75 - 99.5 completed and in-progress units** and have a current Student Ed. Plan***
6	New students who have completed the Matriculation* process and are not one of the identified groups in Priority 1.
7	Continuing students (in good standing) with 30 - 74.5 completed and in-progress units**
8	Continuing students (in good standing) with 1 - 29.5 completed and in-progress units**
9	Continuing students (in good standing) with 75 - 99.5 completed and in-progress units**
10	Concurrently enrolled high school students
11	All other categories, including (but not limited to): <ul style="list-style-type: none"> • New applicants who have applied for admissions but not completed the Matriculation* process • Returning students • Readmitted students after dismissal • Students with 100+ completed degree-applicable units at COM • Students not in good standing

* Matriculation requires the following steps:
1) Orientation; 2) Counseling, Advising and Other Education Planning Services; and 3) Student Education Plans.

** Upgrade Priority Option is available to continuing COM students in good standing, who have completed the Matriculation process before the priority determination deadline for the next registration cycle, to be upgraded to Priority 3.

*** Current Education Plan is a provisional or long-term Education Plan for the upcoming semester(s) that a counselor certifies for the student for each semester. If the student fails to update their Education Plan with a counselor as indicated, they will fall back to a lower priority.

These registration priorities apply to courses offered during summer or intersessions.

Registration priority specified above shall be lost at the first registration opportunity after a student:

- Is placed on academic or progress probation or any combination thereof as defined in these Board Policy and Administrative Procedure 4250 Probation for two consecutive terms; or
- Has completed one hundred (100) or more degree-applicable semester or quarter equivalent units at the district.

For purposes of this section a unit is completed when a student receives a grade of A, B, C, D or P as defined in Board Policy and Administrative Procedure 4230 Grading and Academic Record Symbols. This 100-unit limit does not include units for:

- non-degree applicable English as a Second Language classes;
- basic skills courses as defined by the Chief Instructional Officer; or
- high unit majors or programs as designated by the Chief Instructional Officer.

The District shall notify students who are placed on academic or progress probation, of the potential for loss of enrollment priority. The district shall notify the student that a second consecutive term on academic or progress probation will result in the loss of priority registration as long as the student remains on probation. The District shall notify students who have completed 75 percent or more of the unit limit, that enrollment priority will be lost when the student reaches the unit limit.

Appeal of Loss of Enrollment Priority

Students may appeal the loss of enrollment priority when the loss is due to extenuating circumstances. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student, or when a student with a disability applied for, but did not receive a reasonable accommodation in a timely manner. The Chief Student Services Officer or his/her/their designee will determine the appeal in his/her/their sole discretion.

These enrollment priorities have been in effect since fall, 2014. The District will ensure that these procedures are reflected in course catalogs and that all students have appropriate and timely notice of the requirements of this procedure.

Registration dates and times are posted on the MyCom/student portal.

Maximum Unit Load

- Students may enroll in a maximum of 18 units in the fall or spring semester and 7 units in the summer session. Students who wish more units must submit a Petition to Carry Extra Units not later than Friday of the second week of the semester.
- Students on academic and/or progress probation may enroll in a maximum of 13 units in the fall or spring semester and 4 units for the summer session.

Office of Primary Responsibility: Enrollment Services

Approved: June 22, 2010 (*Replaced College of Marin Procedure 4.0003 DP.1*)

Reviewed/Revised: January 17, 2012; April 16, 2013; February 18, 2014; May 17, 2022; December 13, 2022

Revised:

Human Resources

Due for review as part of the regular review cycle. Compared to model CCLC. Updated pronouns and formatting. This is a 10+1.

Mici 8-25-2023

Approved. Nikki H/Human Resources 9-5-2023

Copy to Mia R/General Counsel 8-30-2023

Approved/ Academic Senate 10-5-2023

AP 7215 ACADEMIC EMPLOYEES – PROBATIONARY CONTRACT FACULTY**References:**

Education Code Sections 87600 et seq.

The District shall employ a faculty member for the first academic year of his/her/their employment by contract. Any person who, at the time an employment contract is offered to him/her/them by the District, is neither a tenured employee of the District nor a probationary employee then serving under a second or third contract shall be deemed to be employed for "the first academic year of his/her/their employment."

For the purposes of this provision, a contract employee is a probationary employee. A regular or tenured employee is a permanent employee. The Board of Trustees shall employ each academic employee as a contract employee, regular employee, or temporary employee.

A faculty member shall be deemed to have completed his/her/their first contract year if he/she/they provides service for 75 percent of the first academic year.

Before making a decision relating to the continued employment of a contract employee, the following requirements shall be satisfied:

- The employee shall be evaluated in accordance with the evaluation standards and procedures established in accordance with law and the collective bargaining agreement.
- The Board of Trustees shall receive statements of the most recent evaluations.
- The Board of Trustees shall receive recommendations of the Superintendent/ President.
- The Board of Trustees shall consider the statement of evaluation and the recommendations in a lawful meeting of the Board.

If a contract employee is working under his/her/their first contract, the Board of Trustees, at its discretion and not subject to judicial review except as expressly provided in law, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following academic year.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is working under his/her/their second contract, the Board of Trustees, at its discretion and not subject to judicial review except as expressly provided in law, shall elect one of the following alternatives:

- Not enter into a contract for the following academic year.
- Enter into a contract for the following two academic years.
- Employ the contract employee as a regular employee for all subsequent academic years.

If a contract employee is employed under his/her/their third consecutive contract, the Board of Trustees shall elect one of the following alternatives:

- Employ the probationary employee as a tenured employee for all subsequent academic years.
- Not employ the probationary employee as a tenured employee.

The Board of Trustees shall give written notice of its decision under Section 87608 or 87608.5 and the reasons therefore to the employee on or before March 15 of the academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resources Office. Failure to give the notice as required to a contract employee under his/her/their first or second contract shall be deemed an extension of the existing contract without change for the following academic year.

The Board of Trustees shall give written notice of its decision under Education Code Section 87609 and the reasons therefore to the employee on or before March 15 of the last academic year covered by the existing contract. The notice shall be by registered or certified mail to the most recent address on file with the Human Resources Office. Failure to give the notice as required to a contract employee under his/her/their third consecutive contract shall be deemed a decision to employ him/her/them as a regular employee for all subsequent academic years.

United Professors of Marin (UPM) shall consult with the Academic Senate prior to engaging in collective bargaining on tenure evaluation procedures.

Primary Office of Responsibility: Human Resources.

Date Approved: December 13, 2011

Date Reviewed/Revised: