

## College Council: Policy and Procedure Review

05-16-2024

**AP 2015 Student Trustee** – This procedure was reviewed as part of the regular cycle of review. There is no model CCLC procedure for comparison and while optional this procedure is suggested good practice.

**AP 2110 Vacancies on the Board** – This legally advised procedure was reviewed as part of the regular cycle of review and compared to the model CCLC procedure. Minor, non-substantive edits were made as noted.

**AP 2320 Special and Emergency Meetings** – This legally required procedure was reviewed as part of the regular cycle of review and compared to the model CCLC procedure. Recommended language reflects practices (email as written notice) and includes minor, non-substantive formatting updates.

**AP 2340 Agendas** – This legally advised procedure was reviewed as part of the regular cycle of review and compared to the model CCLC procedure. Suggested revisions reflect practices and legal requirements more accurately and omit redundancy.

**AP 2360 Minutes** – This procedure was reviewed as part of the regular cycle of review and compared to the model CCLC procedure that is suggested good practice. Minor revisions and reference policies added.

**AP 2712 Conflict of Interest Code** – The CCLC Service updated this procedure to adjust the disclosure categories for two designated positions. Otherwise, last updated November 14, 2023 so no other revisions.

**AP 2714 Distribution of Tickets or Passes** – This legally required procedure was reviewed as part of the regular cycle of review. Our language mirrors the model CCLC language.

**AP 3050 Institutional Code of Ethics** – This procedure is due for review as part of the regular review process and compared to CCLC model procedure for which there is guidance but no sample language provided. The Accreditation Standard requires districts to uphold a written code of professional ethics for all of its personnel, including consequences for violation. Local practice may be inserted in the procedure accordingly. Formatting was updated along with minor, non-substantive edits.

**AP 3255 Memberships** – Due for review as part of the regular review process. There is no corresponding CCLC model procedure. Only formatting updated with minor, non-substantive edits.

**AP 3300 Public Records** – CCLC 44 Updated this legally require procedure to revise the citations to the California Public Records Act pursuant to changes in the Government Code.

**AP 3435 Discrimination and Harassment Procedures** – CCLC 43 updated this procedure to provide optional language regarding a governing board's review of an appeal of the district's administrative determination under Title 5 regulations (*see page 10*).

**AP 3820 Gifts** – This is due for review as part of the regular review process. Compared to the model CCLC procedure as suggested good practice. Generally, this procedure should cover responsible personnel or office, criteria for accepting donations or gifts, forms (if any), and how gifts are reported or submitted to the board for acceptance. Formatting updated.

**AP 4103 Work Experience Education** – CCLC 43 updated this procedure to revise the title and content to align with changes in the Title 5 regulations. This is a 10+1, with edits as shown in document.

**AP 5055 Enrollment Priorities** – CCLC 43 updated this procedure to align with revised Title 5 regulations. This is a 10+1, with edits as shown in document.

**AP 5070 Attendance** – This legally required procedure was reviewed as part of the regular cycle of review and compared to model CCLC procedure. This is a 10+1.

**AP 5410 Associated Students Organization Elections** – This procedure is due for review as part of the regular review process and compared to CCLC model procedure. Formatting and non-substantive edits.

**AP 6200 Budget Preparation** – The CCLC Service updated this procedure to align with Title 5 regulations.

**AP 6550 Disposal of Personal Property** – The procedure was reviewed and revised at the request of Administrative Services, with changes as noted.

**AP 6700 Civic Center and Other Facilities Use** – CCLC 43 updated this procedure to align with the Education Code. Additional changes by Administrative Services as noted.

**AP 7385 Salary Deductions** – The procedure was due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. No Changes beyond formatting.

**AP 7400 Travel** – Legal citation added and language limiting gratuity (tipping) to 20% maximum included to guide district employees.

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

**Board of Trustees**

Reviewed as part of the regular cycle of review. There is no model CCLC procedure and this is optional but this is suggested good practice. Mici 4-2-2024

Approved. Jonathan/President 4-8-24

**AP 2015 STUDENT TRUSTEE**

**Reference:**

Education Code Section 72023.5

The student trustee member shall have the following responsibilities:

- Attend regular meetings of the Board of Trustees
- meet monthly with the Superintendent/President
- meet with the Advisor of Associated Students (ASCOM)
- serve as a member of the Associated Students (ASCOM)
- ~~serve as a member of College Council~~
- present a monthly report at regular Board Meetings
- present a monthly report to the Associated Students following each Board of Trustees meeting
- attend the annual Community College League of California (CCLC) Student Trustee workshop and bi-annual Associated Students retreat

Office of Primary Responsibility: President

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Date Approved: December 8, 2009; April 18, 2017

**Date Reviewed/Revised:**

**Board of Trustees**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is legally advised. Minor, non-substantive edits as noted. Mici 4-2-2024  
Approved. Jonathan/President 4-8-24

**AP 2110 VACANCIES ON THE BOARD**

**References:**

Education Code Sections 5090 et seq.;  
Government Code Sections 1770 and 6061

When the Board of Trustees determines to fill the vacancy by appointment, the Superintendent/President shall assure that there is ample publicity to and information for prospective candidates. Publicity shall include posting in three public places in the District and publication in a newspaper of general circulation.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board of Trustees.

Persons applying for appointment to the Board of Trustees shall receive Marin Community College District Board of Trustees Vacancy Application Form to be completed and returned by a specific date. In addition, District documents (e.g. Board Policies, catalog, schedule of classes, etc.) shall be made available to applicants.

The Board of Trustees shall request personal interviews with all qualified candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board member will review all Marin Community College District Board of Trustees Vacancy Application Forms, with final selection made by a majority vote of the Board members at a public meeting called for that purpose.

Whenever a provisional appointment is made, the Board of Trustees shall, within ten (10) days of the provisional appointment, post notices of both the actual vacancy or the filing of a deferred resignation and the provisional appointment in three public places in the District. It shall also publish a notice in a newspaper of general circulation.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. It shall also contain the full name of the provisional appointee to the Board of Trustees, the date of appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within thirty (30) days of the date of the provisional appointment, it shall become an effective appointment.

A provisional appointment confers all powers and duties of a Board member upon the appointee immediately following ~~their his or her~~ appointment.

A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for Board members. An election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

*Office of Primary Responsibility: President*

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Date Approved: December 8, 2009; April 18, 2017

**Date Reviewed:**

**Board of Trustees**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is legally required. Recommended language to reflect practices (email as written notice). Minor, non-substantive formatting updates. Mici 4-2-2024  
Approved. Jonathan/President 4-8-24

**AP 2320 SPECIAL AND EMERGENCY MEETINGS**

**References:**

Education Code Sections 72023.5 and 72129;  
Government Code Sections 54956 and 54956.5

**Special Meetings**

Whenever a special meeting of the Board of Trustees is called, the Superintendent/President shall cause the call and notice to be posted at least twenty-four (24) hours prior to the meeting in a location freely accessible to the public.

The Superintendent/President shall also ensure that the following notices of the meeting are delivered ~~either personally or by other means:~~

- Written notice to each member of the Board of Trustees, including the Student Trustee.
- Written notice to public media outlets that have previously requested in writing to be provided notice of special meetings.
- Email to the known primary email address of shall constitute proper written notice to trustees and media outlets for special meetings.

The written notice must be received at least twenty-four (24) hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. ~~The notice may be waived by members of the Board of Trustees in writing either prior to or at the time of the meeting.~~

**Emergency Meetings**

Whenever an emergency meeting of the Board of Trustees is called, the Superintendent/President shall cause notice to be provided by telephone at least one (1) hour prior to the meeting to public media outlets that have requested notice of special meetings. If telephone services are not functioning, the Superintendent/President shall provide public media outlets that have requested notice with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

~~Special and~~ Emergency ~~M~~meeting notices shall be posted on the College of Marin website.

*Office of Primary Responsibility: President*

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Date Approved: June 23, 2009; June 20, 2017

**Reviewed/Revised:**

**Board of Trustees**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is legally advised. Suggested revisions reflect practices and legal requirements more accurately and omit redundancy. Mici 4-2-2024

Approved. Jonathan/President 4-8-24

**AP 2340      AGENDAS**

**Reference:**

Education Code Section 72121

The agenda for the Board meeting is compiled by the Superintendent/President's Office. Included in the agenda are business, operational, educational, and professional matters requiring Board approval; policy issues; and informational items.

The agenda is developed in consultation with staff and Board Officers the week prior to Board meetings ~~and distributed to the trustees and staff no later than before a regularly scheduled meeting~~. The agenda listing each of the respective items is distributed to the campus community by email and, posted in the public area of the Superintendent/President's Office, ~~and posted on the District website no later than the Friday before a regularly scheduled meeting no later than 72-hours before the regularly held meeting~~.

*Office of Primary Responsibility: President*

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Date Approved: June 23, 2009; May 16, 2017

**Date Reviewed:**

**Board of Trustees**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is suggested good practice. Minor revisions and reference to relevant policies added. Mici 4-2-2024  
Approved. Jonathan/President 4-8-24

**AP 2360 MINUTES**

**Reference:**

Education Code Section 72121(a)

The Superintendent/President shall cause minutes to be taken of all meetings of the Board of Trustees. Such minutes shall record every official account of the Board and shall be kept in sufficient detail to show compliance with the law. Minutes shall record the late arrival of any Board Member. Minutes shall include names of those who make a motion, second the motion, and the vote, unless unanimous. A member voting against a proposition may state ~~her/his~~ their reasons and may have them recorded in the minutes if requested at the time of voting.

~~Upon the request of a speaker who is addressing the Board, a statement shall be included in the minutes with an understanding that the speaker will provide a written copy of the statement at the time it is presented.~~

~~Also see [BP 3060 Minutes](#), [BP 2345 Public Participation at Board Meetings](#), [BP 2350 Speakers](#), and [BP 2365 Recordings](#)~~

~~Office of Primary Responsibility: President~~

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Date Approved: November 17, 2009; May 16, 2017

**Date Revised:**



The Service updated this procedure to adjust the disclosure categories for two designated positions.

Mici 4-2-2024

Approved Nikki/HR 4-5-2024

Copy to Mia for information 4-2-2024

**AP 2712 CONFLICT OF INTEREST CODE**

**References:**

Government Code Sections 87103 subdivision (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 87200 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

**Section 1 – Definitions**

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

**Section 2 – Designated Employees**

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

**Section 3 – Disclosure Categories**

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

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

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

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

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

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

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

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

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

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

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:

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

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

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

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

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

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

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

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

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

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro 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,<sup>5</sup> the statement shall contain:
1. The name and address of each source of income aggregating five hundred dollars (\$500) or more in value, or fifty dollars (\$50) or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
  2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), greater than ten thousand dollars (\$10,000), or greater than one hundred thousand dollars (\$100,000);
  3. A description of the consideration, if any, for which the income was received;
  4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received; and
  5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.
- C. Business Entity Income Disclosure: When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:
1. The name, address, and a general description of the business activity of the business entity and
  2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).
- D. Business Position Disclosure: When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he/she/they is a director, officer, partner, trustee, employee, or in which he/she/they holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.
- E. Acquisition or Disposal during Reporting Period: In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

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

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

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

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

- 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 \$590**

- 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 \$590 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. 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 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. 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:** 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.

**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.



**Category 4:** Designated positions assigned to this category must report all investments and business positions in, and sources of income (including receipt of gifts, loans, and travel payments) if the, business entity or source is of the type to receive grants or other funding from or through the District.

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

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Date Approved: August 24, 2010 (*Replaced College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020*)  
 Dates Revised: November 18, 2011, February 26, 2013, October 14, 2014, October 18, 2016, November 13, 2018; December 14, 2021; November 14, 2023

**Date Revised:**

**Board of Trustees**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is legally required for Districts that distribute tickets or passes it receives to events, facilities, shows or performances. Our language mirrors the model language. Ensure these are consistent with current practices, particularly the last sentence. Mici 4-2-2024  
Approved. Jonathan/President 4-8-24

**AP 2714      DISTRIBUTION OF TICKETS OR PASSES****Reference:**

Title 2 Section 18944.1

From time to time, the District receives tickets or passes to community facilities, events, shows, or performances for an entertainment, amusement, recreational, or similar purpose. The District will distribute these tickets or passes when attendance at the event will further the District's mission or will significantly contribute to the professional development of an employee or a member of the Board of Trustees.

The District will distribute the ticket or pass to the person who will benefit most directly or whose regular role in the District most directly relates to the facility, event, show, or performance. If more than one person would benefit equally or their role relates equally to the facility, event, show, or performance, the District will select one person to receive the ticket or pass by lot or rotation. The person receiving a ticket or pass pursuant to this procedure may not transfer the ticket or pass to any other person.

When the District provides a ticket or pass to an official of the District, the ticket or pass is not subject to the gift reporting provisions of AP 2710 ~~titled~~ Conflict of Interest, so long as the official treats the ticket or pass as income consistent with applicable state and federal income tax laws and the District reports the distribution of the ticket or pass as income to the official and on its website as set forth below.

For each ticket or pass distributed, including those which the recipient treats the ticket or pass as income consistent with applicable state and federal income tax laws according to the paragraph above, the District will complete the California Fair Political Practices Commission (FPPS) Form 802. The District will post these completed forms on its website.

*Office of Primary Responsibility: President*

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Date Approved: November 18, 2011; October 17, 2017

**Date Reviewed:**

**General Institution**

Due for review as part of the regular review process and compared to CCLC model procedure for which there is guidance but no language. The Accreditation Standard requires districts to uphold a written code of professional ethics for all of its personnel, including consequences for violation. Local practice may be inserted here. Formatting and non-substantive edits. Mici 4-17-2024  
Approved. Superintendent/President 4-17-2024

**AP 3050 INSTITUTIONAL CODE OF ETHICS****Reference:**

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

**Definition of Ethics**

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

**Importance of Ethics**

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

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

**Expectations for Ethical Behavior**

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

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

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

### **Employee Responsibilities**

The following statements are intended as guidelines:

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

*Office of Primary Responsibility:* President's Office

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Date Approved: March 16, 2010

Date Revised: April 18, 2017; February 12, 2019

**Date Reviewed/Revised:**

**General Institution**

Due for review as part of the regular review process. There is no corresponding CCLC model procedure  
Formatting and non-substantive edits. Mici 3-7-2024  
Approved with no change. Administrative Services/Eresa 4-21-2024  
Copy Mia

**AP 3255 MEMBERSHIPS**

**Reference:**

Education Code Section 72014

The Superintendent/President is authorized to approve institutional memberships deemed to be appropriate in advancing the mission of the District. Individual memberships to professional organizations may be funded; however, in no case shall non-professional memberships for employees be paid from District funds.

*Also see* BP/AP 2800 ~~titled~~ Naming of Facilities

*Office of Primary Responsibility: President's Office*

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Date Approved: June 28, 2011

Reviewed/Revised: November 14, 2017

**Reviewed/Revised:**

**General Institution**

CCLC 44 Updated this legally require procedure to revise the citations to the California Public Records Act pursuant to changes in the Government Code. Mici 5-6-2024

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

Government Code Sections ~~6259~~ 7920.000 et seq.;;  
Penal Code Sections 832.7 and 832.8

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

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

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

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

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

Within ten days, the Superintendent/President's Office or designee will determine whether the records can be produced and will communicate the determination to the member of the public requesting the record(s) and the cost to duplicate such records. School districts, city, county, state and federal agencies are exempt from this duplication fee. At the same time, the requesting party will also be advised as to the approximate date when the records will be ready.

The most common exemptions for community colleges include:

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

the records clearly outweighs the public interest in disclosure (Government Code Section ~~6254 subdivision (a)~~ 7927.500).

- Records pertaining to pending litigation ...or to claims...until the pending litigation or claim has been finally adjudicated or otherwise settled (Government Code Section ~~6254 subdivision (b)~~ 7927.200).
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Government Code Section ~~6254 subdivision (c)~~ 7927.700).
- Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination (except for standardized tests provided for by Education Code Sections 99150 et seq.) (Government Code Section ~~6254 subdivision (g)~~ 7929.605).
- The contents of real estate appraisals or engineering or feasibility estimates and evaluations relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained (Government Code Section ~~6254 subdivision (h)~~ 7928.705).
- Internet posting of home address or telephone numbers of locally elected officials (Government Code Section ~~6254.21~~ 7928.205).
- Home addresses, home telephone number(s), cellular phone number(s), and date of birth of employees of a school district or county office of education (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) (Government Code Section ~~6254.3~~ 7928.300).
- Personal email addresses (other than to an agent or family member of the employee, to an officer of another school district when necessary, to an employee organization, or to an agency or employee of a health benefit plan) unless the email address is used by the employee to conduct public business or necessary to identify a person in an otherwise disclosable communication. (Government Code Section ~~6254.3~~ 7928.300 subdivision (b)).
- Records regarding alternative investments (i.e. an investment in a private equity fund, venture fund, hedge fund, or absolute return fund; limited partnership, limited liability company, or similar legal structure) involving public investment funds, unless already publicly released by the keeper of the information.
- Information security records, if disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, the District's information technology system.
- Identification number, alphanumeric character, or other unique identifying code that a district uses to identify a vendor or contractor, or an affiliate of a vendor or contractor, unless the identification number, alphanumeric character, or other unique identifying code is used in a public bidding or an audit involving the public agency (Government Code Section ~~6254.33~~ 7928.715).

The District will comply with the provisions of Penal Code Sections 832.7 and 832.8 regarding the disclosure of specified peace officer and custodial officer personnel records when responding to Public Records Act requests.

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

*Office of Primary Responsibility: Superintendent/President*

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Date Approved: November 16, 2010; March 12, 2019

**Date Reviewed/Revised:** September 20, 2022



**General Institution**

CCLC 43 updated this procedure to provide *optional language* regarding a governing board's review of an appeal of the district's administrative determination under Title 5 regulations (see page 10).

Mici 4-2-2024

Approved Nikki/HR 4-5-2024

To Mia/SLS

Approved without changes. Sadika/SAS 4-15-2024

**AP 3435      DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES****References:**

Education Code Sections 212.5, 231.5, 66281.5, and 67386;  
Government Code Section 12950.1;  
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;  
Title 2 Sections 11023 and 11024

For sexual harassment under Title IX, Complainants must proceed under *BP 3433 Prohibition of Sexual Harassment under Title IX*, *AP 3433 Prohibition of Sexual Harassment under Title IX*, and *AP 3434 Responding to Harassment Based on Sex under Title IX*. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

**Reporting and Filing Complaints**

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint.

**Complaints**

A Complaint is a written and signed statement filed with the District or the California Community Colleges Chancellor's Office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. An informal complaint is any of the following: (1) An unwritten allegation of harassment, discrimination, or retaliation; (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (3) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that ~~he/she/they~~ **does** not want to file a formal complaint.

**Formal Complaints**

Formal Complaints must be filed with the Chancellor of the California Community Colleges or the Executive Director of Human Resources unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Superintendent/President or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form will be available at the District Human Resources Department or Student Services – Activities and Advocacy.

If any Party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The Complainant must sign and date the Formal Complaint;
- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Executive Director of Human Resources will notify the Complainant and within 14 days that the complaint does not contain allegations of unlawful discrimination that are sufficient under this procedure to trigger an investigation. The Executive Director of Human Resources will specify why the complaint is defective. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Executive Director of Human Resources will handle the matter as an informal complaint.

If the defect is based on the Complainant's failure to state sufficient facts to support a claim of unlawful discrimination, the Executive Director of Human Resources shall offer the Complainant an opportunity to proffer additional facts to support ~~his/her~~ their claims through an intake interview, which shall be scheduled as soon as reasonably convenient for the Complainant and Executive Director of Human Resources or designee.

If, after the intake interview, the Executive Director of Human Resources determines that the Complainant has still not stated sufficient facts to support a claim of unlawful discrimination, the Executive Director of Human Resources shall provide the Complainant with a written determination explaining the basis for dismissing the complaint within 14 days of the intake interview. The Executive Director of Human Resources must also notify the Complainant of ~~his/her~~ their right to appeal this determination directly to the Chancellor of the California Community Colleges within 30 days from the date of the notice of

dismissal.

**Oversight of Complaint Procedure:** The Executive Director of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The investigation of complaints must be assigned by the Executive Director of Human Resources to a neutral investigator. A neutral investigator means an outside investigator or an internal investigator who is not in the chain of command of the respondent, not substantially implicated by the allegations in the complaint, and who is otherwise impartial. Neutral investigators must be properly trained to conduct such investigations.

**Who May File a Complaint:** Any student, employee, or third party who believes ~~he/she/they~~ has~~ve~~ been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

**Where to File a Complaint:** A student, employee, or third party who believes ~~he/she/they~~ has~~ve~~ been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

If a Complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, ~~he/she/they~~ must file the complaint on a form prescribed by the California Community Colleges Chancellor's Office. These approved forms are available from the Executive Director of Human Resources and at the California Community Colleges Chancellor's Office website.

The completed form must be filed with any of the following:

- the Executive Director of Human Resources;
- Director of Student Services – Activities & Advocacy; or
- the California Community Colleges Chancellor's Office.

### **Employment-Related Complaints**

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CCRD).

Complaints filed with the EEOC or the CCRD should be forwarded to the California Community Colleges Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Executive Director of Human Resources immediately.

**Filing a Timely Complaint:** Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

**Communicating that the Conduct is Unwelcome:** The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

**Intake and Processing of the Complaint:** Upon receiving notification of a harassment or discrimination complaint, the Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling, training, etc.
- Advise all Parties that ~~he/she/~~they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that ~~he/she/~~they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the California Civil Rights Department. All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services. The Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee shall also notify the California Community Colleges Chancellor's Office of the complaint.
- Take interim steps to protect a Complainant from coming into contact with an accused individual, especially if the Complainant is a victim of sexual violence. The Executive Director of Human Resources or designee Director of Student Services – Activities & Advocacy or designee should notify the Complainant of ~~his/her/~~their options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and accused individual, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing accused individuals to remain.

## Investigation

The Executive Director of Human Resources or designee shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the Parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the Complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

**Investigation of the Complaint:** The District shall promptly investigate every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, on a District bus, or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

As set forth above, where the Parties opt for an informal resolution, the Executive Director of Human Resources may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the Complainant’s age; whether there have been other harassment complaints about the same individual; and the accused individual’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the Complainant if it cannot maintain confidentiality.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

**Investigators will use the following steps:** interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District’s non-retaliation policy; considering whether any involved person should be removed from the campus pending

completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a 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 discrimination or harassment has occurred.

**Timeline for Completion:** The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint. The District will toll the timeline while the Parties are engaged in good faith efforts at informal resolution.

**Cooperation Encouraged:** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

#### **Written Report**

The results of the investigation of a complaint shall 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 provided by each witness with information relevant to the allegations the investigator interviewed;
- An explanation of why an identified potential witness was not interviewed;
- An analysis of relevant evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

#### **Confidentiality of the Process**

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

#### **Evidence of Past Sexual History**

An investigator or hearing officer, if required by this procedure, shall not consider the past sexual history of the Complainant or Respondent except in the limited circumstances described below:

- The investigator or hearing officer shall not consider prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual;
- The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations;
  - Where the investigator or hearing officer allows consideration of 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 hearing officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

#### **Administrative Determination**

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor of the California Community Colleges, a copy or summary of the report to both Parties, and written notice setting forth all of the following to both the Complainant and the Chancellor:

- The determination of the Superintendent/President or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant's right to appeal to the District governing board and the Chancellor California Community Colleges.
- In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report to the Complainant, and written notice setting forth all the following to the Complainant:

- The determination of the Superintendent/President or designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant's right to appeal to the district governing board and to file a complaint with California Civil Rights Department or the U.S Equal Employment Opportunity Commission.

The District shall also provide the Respondent the following:

- The Superintendent/President or ~~his/her~~ their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the

preponderance of the evidence standard and the basis for that determination including factual findings;

- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

The District will toll the timelines described above while the Parties are engaged in good faith efforts at informal resolution.

In matters involving an academic employee placed on involuntary paid administrative leave, the District shall complete its investigation within 90 working days of the administrative leave commencing, unless the period of paid administrative leave is extended by agreement of the employee and District for a period not exceeding 30 additional calendar days.

#### **Discipline for Student Sexual Misconduct Not Subject to Title IX**

In a Complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference, conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the Parties elected to participate in the investigation and whether each Party had the opportunity to suggest questions to be asked of the other Party and witnesses during the investigation.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. Either Party or any witness may request to answer the questions by videoconference from a remote location.

At the hearing, the other Party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

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 hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.



The hearing officer 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.

### **Discipline and Corrective Action**

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate consistent with state and federal law. 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 alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- 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 student-Complainant 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 being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the harasser must stay away from the Complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the Complainant from further harassment, or discrimination, and to protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems and should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all Parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

### **Appeals**

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, ~~he/she/~~they may, within 15 days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and to the California Community Colleges Chancellor's Office. The Complainant shall also be notified of ~~his/her/~~their right to appeal this decision.

The Board's review on appeal is limited to the following issues:

- whether there was a procedural error in violation of this procedure;
- whether there was a defect in the investigation;
- whether new evidence unavailable during the investigation despite the Complainant's due diligence would substantially impact the outcome of the investigation;
- whether correct legal standards were applied; and
- whether the District's determination was an abuse of discretion.

If the Board does not act within 45 days, the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the California Civil Rights Department.

In any complaint dismissed pursuant to Title 5 Section 59332, a complainant may file a written appeal with the California Community Colleges Chancellor's Office within 30 days from the date of the notice of dismissal.

### **Extension of Time**

Within 150 days of receiving a formal complaint that does not involve employment discrimination, the District shall forward to the California Community Colleges Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the Complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the Complainant of ~~his/her~~ their appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

The extension of time provisions described above do not apply to investigations involving an academic employee placed on involuntary paid administrative leave.

### **File Retention**

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

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

The District will make such documents available to the Chancellor of the California Community Colleges upon request.

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

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

### **Training**

By January 1, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of “abusive conduct,” and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor’s harassment training must also address potential exposure and liability for employers and individuals, supervisor’s obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District’s potential liability, or that they did not understand the policy and desire further training.

### **Education and Prevention for Students**

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include information in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District’s policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

*Office of Primary Responsibility:* Human Resources, Student Learning and Success, Student Services – Activities and Advocacy

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Date Approved: November 6, 2008

Date Reviewed/Revised: January 15, 2013, September 15, 2015; April 19, 2022; September 19, 2023

**Date Revised:**

**General Institution**

This is due for review as part of the regular review process. Compared to the model CCLC procedure as suggested good practice. Generally, this procedure should cover responsible personnel or office, criteria for accepting donations or gifts, forms (if any), and how gifts are reported or submitted to the board for acceptance. Formatting updated. Mici 4-2-2024

Approved with no changes. Administrative Services/Eresa 4-21-2024

To Keith 4-2-2024

Copy to Tony

**AP 3820      GIFTS****Reference:**

Education Code Section 72122

The Advancement Office is responsible for the receipt and coordination of gifts and pledges including cash, securities, trusts, insurance policies, real estate and in-kind donations. In accordance with BP 3820 Gifts, the Board of Trustees shall consider all gifts, donations and bequests made to the District. The Advancement Office is responsible for presenting all gifts, donations and bequests to the Board of Trustees for consideration.

**Restricted Gifts**

Acceptance of restricted gifts imposes a legal obligation to comply with the terms established by the donor. The Advancement Office will review the terms of each restricted gift to ensure that the nature and extent of this obligation be clearly understood and that the gift retains its original usefulness and beneficial qualities. If a gift is deemed unacceptable because of the restrictions the donor has placed on its use, the donor will be counseled by the Advancement Office to remove or modify the restrictions.

**Gifts-in-Kind**

The Advancement Office will ensure that gifts-in-kind (e.g., property, equipment, securities, real estate, artworks) are reviewed to ensure that the gift will be of benefit to the District and that acceptance of the gift will not involve financial commitments or other obligations to the District that are disproportionate to the gift. Employees interested in soliciting equipment or other gifts-in-kind shall check with the Advancement Office prior to approaching the contributor to ensure District policy is followed. Gifts-in-kind to the District must be approved as designated on the **Memo of Intent to Accept Non-Cash Gift** form and only after a determination has been made that there is a need or desire for the item or items and that the item(s) will not involve financial commitments or other obligations to the District that are disproportionate to the gift.

It will be the responsibility of the donor to assign a monetary value to the item(s) donated. Gifts-in-Kind (non-cash) with a value of \$5,000 or more require an appraisal form from the donor as well as an itemized list of item(s) donated, and the name and address of the donor sent to the Advancement Office.

It shall be the responsibility of the Advancement Office to record and acknowledge receipt of gifts made to the District, including cash, pledges, securities, real estate and gifts-in-kind.

1. All donations and pledges shall be received, processed and acknowledged first by the Advancement Office. The COM Contribution Form is on the Advancement Office webpage.

Deposits of private funds of any kind and for any purpose in a private bank account in the name of the department program, faculty or staff is prohibited.

2. All private funds contributed to any department or program of the District must be forwarded to the Advancement Office with copies of all documentation for review and approval no later than ten (10) days after receipt of monies or at the conclusion of the event or activity.
3. The Advancement Office will then forward all contributed funds and documentation to Fiscal Services for processing.

### **Refused or Returned Gifts**

Gifts will be refused or returned by the Advancement Office or staff if solicited by staff, under the following circumstances:

- The purpose of the gift is inappropriate or not conducive to the best interests of the District.
- The gift obligates the District to undertake responsibilities, financial or otherwise, which it may not be capable of meeting for the period required by the terms of the gift.

~~See also:~~ *Also see* BP 3820 Gifts, BP/AP 3280 Grants, and the Advancement Office Fundraising Guidelines and Procedures

*Office of Primary Responsibility:* Advancement

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Date Approved: April 18, 2017

**Date Reviewed/Revised:**

## Academic Affairs

CCLC 43 updated this procedure to revise the title and content to align with changes in the Title 5 regulations. This is a 10+1. Mici B. 2-6-24  
Edits as shown. Alexander Jones/Instruction 3-11-24  
Changes approved. Cari 3-11-24  
Copy to Mia/SLS 3-11-24  
Approved without changes. Academic Senate 3-28-24

**AP 4103      WORK EXPERIENCE EDUCATION****References:**

Title 5 Sections 55250 et seq.

~~The Cooperative Work Experience Education Plan includes:~~

- ~~• Cooperative Work Experience Education Program offers students the opportunity to earn college credit for skills and training related to employment.~~
  - ~~• District, employer, and other cooperating agencies:
    - ~~○ Offer students in paid or unpaid positions, assistance in setting goals to be accomplished during the school term.~~
    - ~~○ Goals will be set in cooperation with the Work Experience Education instructor and job site supervisor.~~
    - ~~○ Work Experience Education Instructor offers students guidance services for success in college and on the job.~~
    - ~~○ Work Experience Education is coordinated by the Work Experience Course Instructor of Record.~~~~
  - ~~• Processes that assure students' on-the-job learning experiences are documented with written measurable learning objectives, students are required to meet certain criteria and are evaluated, and the basis for awarding grades and credit is described;
    - ~~○ Work Experience Education provides students with skills-based learning opportunities, including, but not limited to, participating on projects, attending group and/or individual meetings with the coordinator, and experiencing career workshops.~~
    - ~~○ Work Experience Education students are provided with a rubric, which serves as the basis for awarding grades.~~~~
- ~~Adequate clerical and instructional services are provided; and~~

The Work Experience Education Program offers students the opportunity to earn college credit for skills and training related to employment.

Work Experience Education is supported by Counseling, Workforce Development and Career Education.

The respective responsibilities of the college, faculty, the student, the employer, and any other cooperating individuals or agencies involved in providing work experience education:

- The Work Experience Education Program offers students in paid or unpaid positions, assistance in setting goals to be accomplished during the school term.



- Goals will be set in cooperation with the Work Experience Education instructor and job site supervisor.
- Work Experience Education Instructor offers students guidance services for success in college and on the job.
- Work Experience Education is coordinated by the Work Experience Education Course Instructor of Record.

The type of work experience education offered by the District

- College of Marin will offer Work Experience Education courses

How the District The Work Experience Education Course Instructor of Record will:

- Provide guidance services for students during enrollment in work experience education;
- Assign sufficient instructional or other personnel to direct the program and provide other required District services;
- Assess student progress in work experience education through written, measurable learning objectives and outcomes;
- Ensure planned opportunities for students to discuss their educational growth with the appropriate college and employer representatives at regular intervals within each term;
- Assign grades or other evaluative symbols to mark student achievement in work experience education courses, and award units of credit, when applicable;
- Analyze disaggregated work experience enrollment, persistence, and course success data related to certificate, degree and transfer attainment (disaggregations including, but not limited to, student race/ethnicity, income status, gender, and accessibility status for credit & noncredit work experience);
- Ensure adequate clerical and instructional services are available to facilitate the program; and
- Ensure equitable access to work experience opportunities for underrepresented and socioeconomically disadvantaged students.
- ~~Maintenance of records that include the type and units of work experience in which a student is enrolled, where employed, job held, basis for determining student qualifications, statement of student hours worked, evaluation of performance, and that a work permit was issued.~~
  - ~~The Work Experience Education Instructor is responsible for maintaining all records for enrolled students, which is the basis for final grades.~~
  - ~~The Work Experience Education Instructor is responsible for maintaining contact with the job site supervisor.~~
- Ensure the retention as of student records the following documents for each work experience education student:
  - learning agreements establishing hours that will be worked
  - statements verifying hours worked
  - records of consultation with the employer
  - records of faculty consultation
  - evaluation of student achievement of learning objectives by instructor
  - the work permit for minor students; and records of the final grade.

Work Experience Education Instructor must maintain records that show consultation with the employer and the student, evaluation of the student's achievement, and the final grade.

There are limits to the total number of units a student may earn while attending California community colleges. ~~General Work Experience Education is limited to 6 semester units per term and Occupational Work Experience Education is limited to 16 semester units. A combination of General and Occupational Work Experience Education is limited to 16 semester units total.~~

*Office of Primary Responsibility:* Student Learning and Success

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Date Approved: April 19, 2011 (*Replaced College of Marin Policy 2.0002*)

Date Reviewed/Revised: September 19, 2023

**Date Revised:**

**STUDENT SERVICES**

CCLC 43 updated this procedure to align with revised Title 5 regulations. This is a 10+1. Mici 2-23-2024

Approved. Jon H/Enrollment Services 4-17-2024

*Copy to Cari/Mia FYI*

Approved with addition of Rising Scholars reference. Academic Senate 5-2-2024

**AP 5055 ENROLLMENT PRIORITIES****References:**

Education Code Sections 66025.8, 66025.81, 66025.9, and 66025.92;  
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 member or veteran of the Armed Forces of the United States and who is a resident of California, as specified in Education Code Section 66025.9;~~
- ~~A student parent who has a child or children under 18 years of age who will receive more than half of their support from that student;~~
- ~~A foster youth, former foster youth, homeless youth, or former homeless youth pursuant to Education Code Section 66025.9 who is not older than 25 years of age at the commencement of the academic year, as specified in Education Code section 66025.9;~~
- ~~A verified homeless youth or former homeless youth under 25 years of age at the commencement of the academic year, as specified in 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~~ A student receiving services from a program funded by Rising Scholars Network funds.

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.

Priority	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"> <li>• Eligible as a member of the armed forces or a veteran,</li> <li>• A foster youth or former foster youth,</li> <li>• Receiving services through the Student Accessibility Services,</li> <li>• Receiving services through the Extended Opportunity Programs and Services,</li> <li>• <a href="#">Receiving services from a program funded by Rising Scholars Network funds</a></li> <li>• CalWORKS' students,</li> <li>• Homeless youth or formerly homeless youth,</li> <li>• Tribal TANF, or</li> <li>• Student parents with dependent children under 18 as defined by Education Code Section 66025.81</li> </ul>
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"> <li>• New applicants who have applied for admissions but not completed the Matriculation* process</li> <li>• Returning students</li> <li>• Readmitted students after dismissal</li> <li>• Students with 100+ completed degree-applicable units at COM</li> <li>• Students not in good standing</li> </ul>

- \* 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;
- noncredit 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

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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; November 14, 2023

**Revised:**

**Student Services**

Reviewed as part of the regular cycle of review. Compared to model CCLC procedure and this is legally required and is a 10+1.

Mici 2-23-2024

Approved. Jon H/Enrollment 4-17-2024

Approved without changes. Academic Senate 5-2-2024

**AP 5070 ATTENDANCE****References:**

Education Code Sections 76121 and 84500;  
Title 5 Sections 58000 et seq. ;  
State Chancellor's Office Student Attendance Accounting Manual;  
State Chancellor's Office Budget and Accounting Manual

**Student Attendance Accounting Requirements**

The requirements of Title 5 and the State Chancellor's Office Budget and Accounting Manual regarding attendance accounting shall be followed. Attendance accounting requirements are administered by the appropriate District offices and include the following areas:

- Computation of units of full-time equivalent student (FTES) based on the type of course, the way the course is scheduled, and the length of the course
- Selection of a single primary term length for credit courses
- Reporting of FTES during the "first period" (between July 1 and December 31) and "second period" (between July 1 and April 15)
- Compliance with census procedures prescribed by the State Chancellor's Office for all credit courses, including work experience, independent study, and credit courses being reported on an actual attendance basis
- Preparation of census day procedure tabulations
- Preparation of actual student contact hours of attendance procedure tabulations
- Preparation (as applicable) of actual apprentice hours of teaching procedure tabulations
- Preparation of support documentation regarding all course enrollment, attendance and disenrollment information
- Computation of FTES that includes only the attendance of students while they are engaged in educational activities required of students and while they are under the immediate supervision and control of an academic employee of the District authorized to render service in the capacity and during the period in which ~~he/she~~ they served
- Maintenance of the colleges in the District for at least 175 days during the fiscal year

**Religious Accommodation Regarding Make-up Examinations**

Pursuant to Education Code Section 76121, provisions shall be made to accommodate students to re-schedule a test or examination on a day that does not violate the student's religious creed.

*Also see* BP/AP 3410 ~~titled~~ Nondiscrimination

*Offices of Primary Responsibility:* ~~Vice President of~~ Student Learning and Success, Enrollment, and ~~Vice President of College Operations-Administrative Services~~

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**Date Approved:** January 17, 2012

*(Replaces College of Marin Policy 4.0008 and portions of Procedure 4.0003-DP.1)*



**Student Services**

Due for review as part of the regular review process and compared to CCLC model procedure.

Formatting and non-substantive edits. Mici 3-6-2024

Approved. Sadika 4-30-2024

To Mia/SLS for information 4-17-2024

**AP 5410 ASSOCIATED STUDENTS ORGANIZATION ELECTIONS**

**References:**

Education Code Section 76061;

College of Marin Associated Students' Election Code

The Associated Students Organization (otherwise known as "ASCOM") shall conduct annual elections to elect its officers.

Any student elected as an officer in the Associated Students Organization shall meet the requirements in Board Policy.

The Associated Students Organization elections shall be conducted in accordance with the Associated Students' Election Code as approved by the District.

*Office of Primary Responsibility:* Student Activities and Advocacy

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Date Approved: March 16, 2010

Date Revised: April 18, 2017

**Date Reviewed/Revised:**

**Business and Fiscal Affairs**

The Service updated this procedure to align with Title 5 regulations. Mici 2-23-2024  
Approved with no changes. Administrative Services/Eresa 4-22-2024

**AP 6200 BUDGET PREPARATION**

**References:**

Education Code Section 70902 subdivision (b)(5);  
Title 5 Sections 58300 et seq.;  
ACCJC Accreditation Standard III.D

The annual budget shall support the District’s Educational Master Plan and Strategic Plan.

Assumptions upon which the budget is based shall be presented to the Board of Trustees for review.

Changes in any assumptions upon which the budget was based shall be reported to the Board in a timely manner.

The District shall prepare three-year budget projections annually.

A budget calendar shall be established by the Chief Business Officer, including presentation of a tentative budget to the Board of Trustees no later than July 1 and the final budget no later than September 15. A public hearing on the budget shall be held on or before September 15.

The required number of copies of the adopted budget shall be submitted to the California Community Colleges Chancellor’s Office on or before October 10.

The Chief Business Officer shall follow the Participatory Governance System Plan in defining a consultation process for budget development.

The Chief Business Officer shall be responsible for timely submission of all financial forms, such as the 311 Form, required by the State Chancellor’s Office.

The Chief Business Officer shall file copies of the annual financial and budget report with the appropriate county officers for information and review.

*Also See AP 6251 Reserve Fund Management*

*Office of Primary Responsibility: Administrative Services*

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Date Approved: March 16, 2010

Reviewed/Revised: October 18, 2016; April 18, 2023

**Reviewed:**

**Business and Fiscal Affairs**

Under review at the request of Administrative Services. Formatting updated. Mici 3-20-2024

Approved with changes. Administrative Services/Eresa 4-25-2024

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

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

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

**District Personal Property**

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

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

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

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

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

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

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

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

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

Pricing shall be determined using a District approved method which shall be a combination of online sources and/or a private auction firm. For items valued at \$5,000 or less, the office of Administrative Services will send an electronic communication to the College community notifying them of the surplus items' availability and their price.

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

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

### **Real Property**

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

### **Abandoned Property**

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

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

### **Property Purchased with Federal Funds**

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

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

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

- The recipient's property management standards for equipment acquired with federal funds and for federally owned equipment should include all of the following:
  - A description of the equipment
  - Manufacturer's serial number, model number, federal stock number, national stock number, or other identification number

- Source of the equipment, including the award number
- Whether title vests in the recipient of the federal government
- The information needed to calculate the federal share of the equipment
- Acquisition date and unit acquisition cost-
- Location, use, and condition of the equipment and the date the information was recorded
- Ultimate disposition data, including date of disposal and sales price or the method used to determine the current fair market value where a recipient compensates the federal awarding agency for its share
- A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years to verify the existence, current use and continued need for the equipment. Any differences between physical inventory and accounting records shall be investigated to determine the cause of difference. A statistical sampling basis is acceptable.

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

### **Disposal of Surplus Property**

#### **District Personal Property**

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

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

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

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

#### **Real Property**

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

#### **Surplus Non-Fixed Equipment**

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

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

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

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

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

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

*Office of Primary Responsibility:* ~~College Operations~~ Administrative Services

Also see BP/AP 6500 Property Management

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Date Approved: April 21, 2009

Date Revised: November 13, 2012; February 12, 2019

**Date Reviewed/Revised:**

**Business and Fiscal Affairs**

CCLC 43 updated this procedure to align with the Education Code. Mici 4-2-2024  
Approved with changes. Administrative Services/Eresa 4-23-2024

**AP 6700 CIVIC CENTER AND OTHER FACILITIES USE****References:**

Education Code Sections 82537 and 82542;  
Public Resources Code Section 42648.3;  
Title 5 Sections 59601 et seq. ;  
Clark v. Community For Creative Non–Violence (1984) 468 U.S. 288, 104 S.Ct. 3065, 82 L.Ed.2d 221

**General Provisions**

District facilities are available for community use when such use does not conflict with District programs and operations. Facility use shall be limited to places and time identified by the Chief Business Officer, but shall be sufficiently frequent, and available on specific dates and times, so as to allow meaningful use by outside groups. Except as provided in these procedures, no organizations shall be denied the use of District facilities because of the content of the speech to be undertaken during the use.

The Chief Business Officer is responsible for the coordination and implementation of these procedures. Fees shall be charged according to the current District Fee Schedule.

All users (including individual users and/or groups) shall be required to sign the District's hold harmless and indemnification agreement acknowledging that they will be financially responsible for any losses, damages, or injuries incurred by any person as a result of their use of the facilities. All users (including individual users and/or groups) shall also be required to provide proof of insurance with limits acceptable to the District and/or other proof of financial responsibility acceptable to the District.

**Civic Centers**

Eligible persons or groups may use District buildings or grounds for public, literary, scientific, recreational, or educational meetings, or public agency meetings, or for discussion of matters of general or public interest, subject to these rules and regulations.

The groups identified in Education Code Section 82542 subdivision (a) will be permitted to use District facilities upon payment of the following:

- the cost of opening and closing the facilities, if no District employees would otherwise be available to perform that function as a part of their normal duties;
- the cost of a District employee's presence during the organization's use of the facilities if it is determined that the supervision is needed, and if that employee would not otherwise be present as part of his or her normal duties;
- the cost of custodial services, if the services are necessary and would not have otherwise been performed as part of the custodian's normal duties; and
- the cost of utilities directly attributable to the organization's use of the facilities.

Except as provided herein, other groups shall be charged an amount not to exceed the direct costs or not to exceed the fair rental value of District facilities and grounds under its control. Direct costs shall include costs of supplies, utilities, custodial services, services of any other District employees and contracted workers, and salaries and benefits paid to District employees necessitated by the organization's use of District facilities.

Additionally, except for classroom-based programs that operate after school hours and organizations retained by the District to provide instruction or instructional activities to students during school hours, direct costs shall also include the costs for maintenance, repair, restoration, and refurbishment of college facilities and grounds used by the group.

The District shall maintain a fee schedule adopted by the Board that includes the hourly fee for each specific school facility and grounds.

The following shall be charged fair rental value for the use of District facilities:

- Any church or religious organization for the conduct of religious services for temporary periods where the church or organization has no suitable meeting place for the conduct of such services.
- Entertainments or meetings where admission fees are charged or contributions are solicited and the net receipts of the admission fees or contributions are not expended for the welfare of the students of the District or for charitable purposes.

The American Red Cross or other public agencies may use District facilities, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies that affect the public health and welfare, and the District will cooperate with these agencies in furnishing and maintaining services mutually deemed necessary to meet the needs of the community.

### **Rules for Facilities Use**

Requests for use of District facilities must be made at least thirty (30) days in advance of the first date of use being requested. ~~Requests shall be on forms provided by the District~~ Requests shall be made through the District's Facilities Rental webpage. Permission to use facilities shall be subject to approval by the Chief Business Officer or designee.

Permission to use District facilities shall not be granted for a period to exceed one fiscal year. No person or organization may be granted a monopoly on any facility.

Any person applying for use of District property on behalf of any group shall be a member of that group and, unless he or she is an officer of that group, must present written authorization to represent it. Each person signing an application shall, as a condition of use, agree to be held financially responsible in the case of loss or damage to District property.

The District may require security personnel as a condition of use whenever it is deemed to be in the District's best interests.

~~No person applying for use of District property shall be issued a key to District facilities.~~

Subsequent facility requests may be denied on grounds including, but not limited to, abuse or misuse of District property and failure to pay promptly for any damage to District property.



No alcoholic beverages, intoxicants, or controlled substances in any form shall be brought onto the property of the District, without proper authorization and permits as required by law. Persons under the influence of alcohol, intoxicants, or controlled substances shall be denied participation in any activity. The District is a smoke-free environment and no tobacco *in any form* may be used on District property.

Overnight camping on District facilities, including in the designated public forum areas, is prohibited. No person or organization may use any District facility for living accommodation purposes such as sleeping activities, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), or storing personal belongings, or making any fire, or using any tents or other structure for sleeping, or doing any digging or earth breaking, or carrying on cooking activities.

No structures, electrical modifications or mechanical apparatus may be erected or installed on District property without specific written approval by the Chief Business Officer.

All decorative materials, including but not limited to draperies, hangings, curtains, and drops shall be made or treated with flame-retardant processes approved by the State Fire Marshall.

#### **Recycling: Large Venues and Events**

"Large venue" means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the District per day of operation of the venue facility.

"Large event" means an event that charges an admission price, or is operated by a local agency and serves an average of more than 2,000 individuals per day of operation of the event.

Biennially, by July 1, the District shall meet with recyclers and with the solid waste enterprise that provides solid waste handling services to the large venue or large event to determine the solid waste reduction, reuse, and recycling programs that are appropriate for the large venue or large event. In determining feasible solid waste reduction, reuse, and recycling programs, the operator may do any of the following:

- Develop solid waste reduction, reuse, and recycling rates and a solid waste reduction, reuse, and recycling plan that would achieve those solid waste reduction, reuse, and recycling rates.
- Determine a timeline for implementation of the solid waste reduction, reuse, and recycling plan and solid waste reduction, reuse, and recycling rates.

#### **Priority for the Use of District Facilities**

Priority for the use of District facilities will be as follows:

1. [College credit, non-credit, and not-for-credit classes](#)
2. [College events](#)
3. Student clubs and organizations
4. Fundraising entertainments or meetings where admission fees charged or contributions solicited are expended for the welfare of the students of the District
5. Parent-teachers' associations
6. School-community advisory councils
7. Camp Fire Girls, Girl Scout troops, and Boy Scout troops
8. Senior citizens' organizations
9. Other public agencies

10. Organizations, clubs, or associations organized for cultural activities and general character building or welfare purposes (such as folk and square dancing)
11. Public agencies, including the American Red Cross, for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare

*Office of Primary Responsibility:* Administrative Services

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Date Approved: April 21, 2009; May 16, 2023

**Date Revised:**

**Human Resources**

Due for review as part of the regular review cycle. Legally advised model CCLC reviewed for comparison. No Changes beyond formatting. Mici 2-23-24

Approved. Tony/Fiscal 4-24-24

**AP 7385 SALARY DEDUCTIONS****References:**

Education Code Sections 87040, 87833, 87834, and 88167;  
Government Code Sections 3540 et seq.

**Deductions Required by Law**

Deductions from the employee's wage, mandated by law, shall be made for the following reasons:

- State and federal income tax
- Public-employees retirement (PERS and STRS)
- Court-ordered deductions
- Other statutory deductions

**Union Dues**

The employee organization(s) recognized as the exclusive representative unit(s) shall have the right to have membership dues deducted.

Any timely revocation of an employee's written authorization permitting dues deductions shall be in writing and becomes effective commencing with the next pay period.

**Voluntary Deductions**

The District may deduct, without charge, from the employee's wage, an amount requested by said employee for:

- Participation in a tax-sheltered annuity and/or deferred compensation program.
- Paying premiums on any policy or certificate of group life insurance or disability insurance or legal expense insurance, or any of them.
- Paying rates, dues, fees, or other periodic charges on any hospital service contract.
- Donations to the College of Marin Foundation.
- any other District-authorized voluntary deductions

To request a deduction for a purpose not specifically listed above, the employee shall submit a request in writing to the Chief Business Officer or designee.

The authorization by the employee shall contain the amount to be deducted per month and the effective date the deduction(s) will begin. Such authorization shall remain in effect until expressly revoked in writing by the employee. All authorizations must be submitted to the Payroll Department by the tenth of the month to be effective that month.

Any timely revocation of an employee's written authorization permitting dues deductions shall be in writing and becomes effective commencing with the next pay period.

Date Approved: May 15, 2012

**Date Reviewed:**

Added legal citation and gratuity (tipping) limited to 20% maximum. Mici 4/23/2024  
IRS mileage link updated. Tony/Fiscal 4/24/2024

## AP 7400 TRAVEL

### References:

Education Code Sections [72423](#) and 87032;  
2 Code of Federal Regulations Part 200.474

The District may reimburse, to the extent possible within necessary financial constraints, expenses incurred in travel, conferences, and meetings (e.g. professional associations, educational organizations, and associations). Employees are expected to travel in the most economically prudent manner possible. Prior to travel, employees must obtain approval for travel to conferences, training, and similar activities by submitting a written request to their appropriate manager or designee(s). Managers may or may not approve an employee's travel request as it fits within their respective budgets.

District employees performing District services, regardless of funding sources, will be reimbursed, as provided by Education Code Section 87032 for authorized actual and necessary expenses incurred. Travel allowances will be limited to Education Code requirements, contractual agreements, necessity of travel, and this administrative procedure.

### 1. The Headquarters for claiming travel allowances is the location assigned by the immediate supervisor.

The assigned headquarters is the location to and from which mileage reimbursement is authorized. For employees who spend more than fifty percent of their assigned days at one location, that location will be designated the headquarters location. For employees with less than fifty percent of their assigned days in one location, a centralized location in the most predominantly traveled area will be designated the headquarters location.

### 2. Automobile Travel

In cases where authorized travel is by District-owned automobile, actual and necessary travel expense will not include mileage expense. Travel reimbursement will be made for travel to/from the job location and headquarters when an employee uses his/her/their own vehicle for official District business in the performance of regularly assigned duties.

If an employee is directed to begin or end their work day at a work site that is not the headquarters, reimbursement would only be authorized for the additional increment beyond the normal commute to headquarters.

When work requires more than one trip to the work location or headquarters on a normal work day, travel expenses will be paid for all additional travel.

The District's insurance does not provide primary coverage for the owner of privately-owned vehicle for claims or losses while he/she/they is operating his/her/their own vehicle on District business. For travel associated with field trips, see BP/AP 4300 Field Trips and Excursions.

All operators of vehicles must have a valid California driver's license appropriate for the use of the vehicle used on District business. In order to collect private auto mileage reimbursement, proof

of current insurance coverage must be on file with the District.

Ferry, bridge, or toll charges may be claimed in addition to mileage allowances.

Mileage shall be reimbursed at the established Internal Revenue Service (IRS) standard mileage reimbursement rate <https://www.irs.gov/tax-professionals/standard-mileage-rates>. Mileage documentation such as Google Maps or similar interactive map will be required as part of the travel claim submission to substantiate reimbursement. Failure to provide all information will result in delay of payment.

### **3. Automobile Rental**

The use of rental vehicles is limited to situations where District vehicles or commercial transportation either are not available, or their use impractical as determined by the Superintendent/President or designee(s). The use of the most economical vehicle will be required, if available and otherwise appropriate. Employees are encouraged to carpool in rented vehicles when possible. Rental car expenses must be supported by receipts. The District insurance does not cover physical loss of, or damage to, rental vehicles. Rental agencies normally provide full coverage insurance for a nominal fee and may be purchased and included in the expense reimbursement.

### **4. Public Carrier Travel**

The expense of traveling by public carrier (rail, bus, airplane, etc.) will be allowed on the basis of actual cost. All travelers will be expected to use the most economical mode of transportation where practical and in the best interest of the District. If the requestor uses a more expensive mode of transportation, the District will only reimburse at the most economical travel rate. Direct expense and the employee's time will be considered in the choice of method of transportation.

### **5. Lodging**

Reasonable and necessary lodging will be reimbursed as supported by receipts. All lodging must be in the geographical area of the conference or meeting and must be approved in writing in advance by the Superintendent/President or designee(s). When a traveler shares lodging with a non-District traveler (spouse/partner, members of a family, friends, etc.), a reimbursement to the traveler is limited to the rates for the District traveler only. Except in extenuating circumstances, lodging will not be paid when the conference or meeting is within commuting distance (fifty-mile radius of the District offices). The District traveler should always request the government/conference/most economical rate and request that the Transient Occupancy Tax be waived at the time of the reservation and/or check-in. Overnight lodging for employees living within the geographical area of the conference or meeting, shall be approved on a case-by-case basis. Exceptions may be approved, in writing, by the Superintendent/President or designee.

### **6. Conference Fees**

Reasonable and necessary registration fees will be reimbursed for pre-approved attendance and as supported by receipts. Participant must be authorized to represent the District and conference/meeting must be in the best interest of the District.

### **7. Meals**

The actual and necessary cost of meals during the travel event, plus reasonable and customary gratuities, will be paid upon submission of original, itemized receipts. If meals are included in the cost of a conference, workshop, or other travel event, charges for additional meals that substitute for the included meals will not be reimbursed. The event program agenda will be required as part of the travel claim submission. When meals are charged to an employee's hotel room, the original itemized receipt for the meal must be provided – a line-item charge on the hotel bill will not be sufficient. Credit card receipts which do not itemize the contents of meals purchased will not be

reimbursed.

Meals will not be reimbursed for travel that begins and ends on the same day unless travel is greater than 60 miles. Exceptions may be considered on a case-by-case basis by the unit budget manager.

Meals are reimbursable under the following conditions: a. Breakfast is allowable if travel begins two hours or more before the start of the regular workday. Lunch is allowable if travel begins before 11:00 AND ends after 2:00 P.M. Dinner is allowable if travel ends two or more hours after the end of the regular workday. b. When travel occurs on weekends or holidays, or when the traveling employee normally works flexible or otherwise non-standard hours (e.g. the employee normally works a "four-ten" schedule or a 7 A.M. to 4 P.M. workday) the regular workday will be deemed to be from 8 A.M. to 5 P.M., for purposes of computing meals reimbursements.

The maximum allowance for meals shall be \$15 for breakfast, \$25 for lunch, and \$35 for dinner (**including** reasonable/customary gratuities not to exceed 20% and applicable local tax) Any expenses in excess, by meal, will not be reimbursed by the District.

#### **8. Miscellaneous Expenses**

Certain miscellaneous expenses related to official District business will be allowed if identified, such as transportation, parking fees, internet access, taxi service, reasonable/customary gratuities, and telephone calls. Receipts will be obtained when reasonably possible. Expenses must be individually itemized in order to be eligible for reimbursement.

#### **9. Non-Reimbursable Items**

The District will not provide reimbursement for parking or traffic violations, personal services, valet and laundry services, auto repairs when using personal automobile, entertainment, trip insurance, or any expenses considered to be excessive.

The traveler will not be reimbursed for non-District travelers (spouse/partner, members of a family, friends, other conference participants, etc.). The District will not allow reimbursement for alcoholic beverages (nor taxes and tips related to alcohol purchases), tobacco-related products, movies (at a theater or in room), laundry, non-District travelers' meals, car washes, fuel for the employee's personal vehicle, additional hotel rooms or costs of any kind for non-District travelers who accompany employee, or any other expenses determined by the District to be unreasonable, excessive, non-business related, or a misuse of public funds.

#### **10. Emergency Contact Information While Traveling**

It will be the responsibility of the District traveler to inform his/her/their immediate supervisor of his/her/their contact information while traveling. This is necessary so that the employee can be contacted in case of emergency.

#### **11. Approval Authorization - Conference Leaves**

##### **a. United Professors of Marin (UPM) Collective Bargaining Members**

Requests for conference leave shall be made in accordance with the collective bargaining agreement. Travel reimbursements shall be in accordance with District procedures.

##### **b. All Other Employees**

Request for conference leave shall be made to and approved by the employee's supervisor/manager. Travel reimbursements shall be in accordance with District procedures.

The Superintendent/President has the final authority to approve travel requests.

## **12. Approval Authorization – Out-of-State**

Out-of-state travel for all District employees shall be approved in advance by the Superintendent/President.

All travel outside the United States must be approved in advance by the Board of Trustees.

## **13. Procedure for Claiming Expense Reimbursement**

Reimbursement of expenses for authorized travel shall be submitted on the Claim for Reimbursement Form as follows:

- a. Claims shall be submitted within 90 calendar days following completion of travel.
- b. The District reserves the right to deny reimbursement after 90 days from date of expense.
- c. Travel expense-claims will be signed by the traveler and approved by the appropriate person (see section on Approval Authorization).
- d. Each claim will be itemized by date, nature of expense, and the amount for which reimbursement is claimed. Claims will be for "actual and necessary" expenses and supported by receipts when applicable.

The Superintendent/President reserves the right to make exceptions to the above regulations.

## **14. Travel Advance**

Travel advances are entirely discretionary and, in most instances, will only be authorized to cover meals and incidental costs for approved travel. All travel advances must be approved in writing by the Superintendent/President or designee(s). Advances will be adjusted upon the filing of a Claim for Reimbursement Form of actual and necessary expenses incurred in accordance with this procedure. Advances will not be paid more than 30 calendar days prior to travel. Employees who receive a cash travel advance, and then are unable to attend the travel event, must reimburse the entire travel advance to the District within ten calendar days of the original dates of travel. Failure to do so may result in a payroll deduction of the entire amount of the advance from the next occurring pay period. Abuse of travel advance privileges may result in denial of future travel advance requests and shall be considered a misappropriation of funds by the employee. No such advance shall be considered for any purpose as a loan to such employee.

*Also see BP 2725 Board Member Travel*

*Office of Primary Responsibility: Administrative Services, Fiscal Services*

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Date Approved: June 19, 2012 (*Replaced College of Marin Procedure 6.0009 DP.1*)

Date Reviewed/Revised: March 12, 2020; May 16, 2023; October 17, 2023

**Date Revised:**