

College Council: Policy and Procedure Review

3-3-2022

[AP 3720 Information Technology Use](#) – Legally advised CCLC 36 update to add a section to address information security program requirements for those entities that participate in Title IV Educational Assistance Programs.

[AP 4023 Course Approval](#) - Legally required CCLC 36 update to address requirements of Title 5 Sec. 55100 for credit courses and Title 5 Sec. 55150 for non-credit courses. Updated to include requirements related to the course approval of non-credit courses, formatting revised to conform with CCLC model AP 4022.

[AP 4260 Prerequisites Co-requisites and Advisories](#) - Legally required CCLC 36 update to revise legal citations within the document.

[AP 4400 Community Service Courses](#) - Legally advised CCLC 36 update when District maintains community services offerings. Ours differs considerably. CCLC Language added to determine necessity for inclusion.

[AP 5010 Admissions](#) - Legally required CCLC updates dating back to 4/2015.

[AP 5015 Residence Determination](#) - CCLC Update 34 & 35 add a legally required legal citation and residence determination is not required in the enrollment situations as noted and a clarification in the law that exempts a student, other than a nonimmigrant alien, from nonresident tuition and specifies that 3 or more years of high school work must be in California. Rules determining residence and determination of residence status spelled out in CCLC Updates, not our prior AP 5015.

[AP 5017 Responding Inquiries of Immigration Status nation \(NEW\)](#) - CCLC Update 34 is a legally required new procedure. Some of this content is in updated in AP 5040 but this procedure has been created to conform with the CCLC model procedure.

[AP 5040 Student Records and Directory Information](#) – Multiple legally required CCLC Updates 34 (4/19), 36 (4/20) that include immigration updates.

[AP 5050 Student Success and Support Program](#) - CCLC 34 update adds a note as a reminder that districts are required to comply with Student Success and Support Program requirements even though the California Community Colleges Chancellor's Office has implemented its integrated plan.

[AP 5130 Financial Aid](#) – Legally required CCLC Update 34: Effective January 1, 2020 Districts must provide students with the Financial Aid Shopping Sheet as developed by the U.S. Department of Education when it provides a financial aid award package to an individual who is offered admission. Districts should ensure their locally created practice or financial aid handbooks incorporate this requirement.

[AP 5530 Student Grievances](#) - CCLC Title IX update as suggested good practice. Added grade changes reference to the end to avoid confusion of grades with grievance issues.

[AP 6800 Industrial Safety](#) - Legally required, no CCLC update. Part of regular review cycle. Safety conditions of employment are a mandatory subject of bargaining, and may be more specific than the

following procedures, which are minimum standards to cover students and unrepresented employees. AP 3510 Workplace Violence covers many of the same requirements.

[BP 4250 Academic Probation Dismissal and Readmission](#) - CCLC Update 23 (2013) and due for review as part of regular review cycle.

[BP 4260 Prerequisites and Co-Requisites and Advisories](#) - No CCLC Update but this policy is legally required and due for review. AP 4260 with CCLC 36 update (above) is also under review.

[BP 4400 Community Service Courses](#) - CCLC 36 Update added “family and consumer sciences” as community service courses in place of “homemaking”.

[BP 5010 Admissions and Concurrent Enrollment](#) - Legally required CCLC 36 update added citations. This policy was updated to include student in an adult education program administered by a school district or noncredit program administered by a community college district as someone that is eligible to attend as a special part-time student.

[BP 5130 Financial Aid](#) - No CCLC update. Part of review as part of cycle of review process. The policy provisions are legally required to show compliance with the applicable federal regulations. Accreditation citation added.

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

Status Update – Policies and Procedures Currently Under Review

Administrative – Under Review

AP 3225 Institutional Effectiveness
AP 3420 Equal Employment Opportunity
AP 3434 Responding to Harassment Based on Sex Under Title IX
AP 3435 Discrimination and Harassment Investigations
BP 3550 Drug and Alcohol-Free Environment and Drug and Alcohol Abuse Program
AP 3725 Information and Communications Technology and Accessibility Acceptable Use
BP 4020 Program and Curriculum Development
AP 4020 Program Curriculum and Course Development
BP/AP 4106 Nursing Programs
BP 4250 Academic Probation Dismissal and Readmission
AP 4250 Probation
AP 5020 Non-Resident Tuition
BP/AP 5035 Withholding of Student Records
BP/AP 5050 Student Success and Support Program
BP 6340 Bids and Contracts
BP 6800 Industrial Safety
BP 7100 Commitment to Diversity
BP 7120 Employment Recruitment
BP 7130 Compensation
BP 7160 Professional Development
BP 7236 Substitute and Short-Term Employees
BP 7250 Educational Administrators
BP 7345 Catastrophic Leave Program

BP 7600 District Police

Academic Senate – Under Review

AP 4020 Program Curriculum and Course Development

AP 4106 Nursing Programs

AP 4250 Probation

AP 5011 Admission of High School and Other Young Students

AP 5015 Residence Determination

AP 5020 Non-Resident Tuition

AP 5035 Withholding of Student Records

AP 5055 Enrollment Priorities

General Institution

CCLC 36 Update – Legally Advised: updated to add a section to address information security program requirements for those entities that participate in Title IV Educational Assistance Programs.

Revised by Mici 10-14-2021

To Patrick E./IT 10-14-2021, 1-31-2022

To Greg/Admin Svcs 2-1-2022

AP 3720 INFORMATION TECHNOLOGY USE**References:**

15 U.S. Code Section 6801 et seq.;

17 U.S. Code Sections 101 et seq.;

Penal Code Section 502, Cal. Const., Art. 1 Section 1;

Government Code Section 3543.1 subdivision (b);

16 Code of Federal Regulations Parts 314.1 et seq.;

17 U.S. Code Sections 101 et seq.;

Cal. Const., Art. 1 Section 1;

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45;

Homeland Security Act;

CALEA (Communications Assistance for Law Enforcement Act);

FERPA (Family Educational Rights and Privacy Act);

ACCJC Guide to Evaluating Distance Education and Correspondence Education

All information technology resources, including computers hardware devices, software applications and services, licenses, networks, and learning management systems, are the sole property of the District. They may not be used by any person without the proper authorization from the District. These technology resources Computer and Network systems are for District instructional and work-related purposes only.

This procedure applies to all District students, faculty, and staff and to others granted use of District information resources. ~~These procedures govern desktop, network, email, telephone, internet, data security, and software uses of College-managed information technology equipment and resources. This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes hardware devices personal computers, workstations, mainframes, minicomputers, and associated peripherals, software and information resources, regardless of whether used for administration, research, teaching, or other purposes.~~

Conditions of Use

Individual units within the District may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines, and/or restrictions.

Legal Process

This procedure exists within the framework of the District Board Policy and local, state, and federal laws. A user of District information technology resources who is found to have violated these procedures will be subject to disciplinary action up to and including but not limited to; loss of information resources

privileges; disciplinary suspension or termination from employment or expulsion; and/or civil or criminal legal action.

Copyrights and Licenses – Information technology users must respect copyrights and licenses to software and other online information.

Copying – Software, Technology, and information resources protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected software, Technology, and information resources may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

Number of Simultaneous Users - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.

Copyrights - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from any technology computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of information is prohibited in the same way that plagiarism of any other protected work is prohibited.

Integrity of Information Resources

Information technology users must respect the integrity of computer-based information resources.

In making acceptable use of resources you are expected to:

- use resources only for purposes authorized by this procedure;
- protect your user ID, password, and resources from unauthorized use;
- access only information that is your own, that is publicly available, or to which you have been given authorized access;
- be aware of copyright laws as they apply to computer software and other materials that you may access with District information technology resources.

Modification or Removal of Equipment - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.

Unauthorized Use - Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; printing excess copies of documents, files, data, or programs, running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.

Additional Unacceptable use of resources may include but is not limited to:

- unauthorized use of another person's system access, user ID, password, files, or data, or giving the use of one's system, user ID, password to another individual or organization;
- attempt to disguise the identity of the account or computer you are using;
- attempt to gain unauthorized access to resources and data, including other's passwords;
- attempt to circumvent, subvert, or disable system or network security measures;

- engaging in activities that may lead to disrupting services;
- intentionally damage files or make unauthorized modifications to District data;
- download, make or use illegal copies of copyrighted materials, software, or music, store such copies on District resources, or transmit them over District networks;
- creation or display of threatening, obscene, racist, sexist, defamatory, or harassing material which is in violation of existing law or District policy;
- use of the District's resources or networks for personal profit;
- installation of unauthorized hardware or software onto any District owned computer/network (the Information Technology Department or appropriate District authorized personnel is responsible for all installations, requests for exceptions should be sent to the Chief Information Officer);
- connect a personal computer to the District's network unless it meets technical and security standards established by the District.

Unauthorized Programs - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

Unauthorized Access - Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

Abuse of Computing Privileges - Users of District information resources must not access computers, computer software, computer data, or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.

Reporting Problems - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.

Password Protection - An information technology user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator. Users are required to change passwords as mandated by the District.

Usage - Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

Unlawful Messages - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.

Commercial Usage - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions (see Commercial Use, below). Some public discussion groups have been designated for selling items by [insert names of groups, if any] and may be used appropriately, according to the stated purpose of the group(s).

Information Belonging to Others - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.

Rights of Individuals - Users must not release any individual's (student, faculty, or staff) personal information to anyone without proper authorization.

User identification - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.

Political, Personal, and Commercial Use - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.

Political Use - District information resources must not be used for partisan political activities where prohibited by local, state, federal, or other applicable laws.

Personal Use - District information resources should not be used for personal activities not related to District functions, except in a purely incidental manner. If the District otherwise grants access to the District's email system for personal use, employees may use the District's email system to engage in protected concerted activity during non-work time.

Commercial Use - District information resources should not be used for commercial purposes. Users also are reminded that the ".cc" and ".edu" domains on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not authorized within those domains.

Nondiscrimination

All users have the right to be free from any conduct connected with the use of Marin Community College District network and computer resources which discriminates against any person on the basis of national origin, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District procedure regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

Disclosure: No Expectation of Privacy - All information stored on District technology resources is subject to subpoenas and local, state, and federal laws and regulations. The District reserves the right to monitor all use of the District network and computer to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

Possibility of Disclosure - Users must be aware of the possibility of unintended disclosure of communications.

Retrieval - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

Public Records - The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of “public record” and nonexempt communications made on the District network or computers must be disclosed if requested by a member of the public.

Litigation - Computer transmissions and electronically stored information may be discoverable in litigation.

Dissemination and User Acknowledgment

All users shall be provided copies of these procedures and be directed to familiarize themselves with them.

A “pop-up” screen addressing the e-mail portions of these procedures shall be installed on all e-mail systems. The “pop-up” screen shall appear prior to accessing the e-mail network. Users shall sign and date the acknowledgment and waiver included in this procedure stating that they have read and understand this procedure, and will comply with it. This acknowledgment and waiver shall be in the form as follows:

Computer and Network Use Agreement (Sample Language)

I have received and read a copy of the District Computer and Network Use Procedures and this Agreement dated, _____, and recognize and understand the guidelines. I agree to abide by the standards set in the Procedures for the duration of my employment or enrollment. I am aware that violations of this Computer and Network Usage Procedure may subject me to disciplinary action, including but not limited to revocation of my network account up to and including prosecution for violation of State or Federal law.

Title IV Information Security Compliance

- A designated employee or employees to coordinate the entity’s information security program.
- Identification of reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information, and assess the sufficiency of any safeguards in place to control these risks. At a minimum, such a risk assessment should include consideration of risks in each relevant area of the entity’s operations, including:
 - (1) Employee training and management;
 - (2) Information systems, including network and software design, as well as information processing, storage, transmission and disposal; and
 - (3) Detecting, preventing and responding to attacks, intrusions, or other systems failures.
- Design and implementation of information safeguards to control the risks the entity identifies through risk assessment, and regularly test or otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures.

- ~~Oversee service providers, by:~~
 - ~~(1) Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue; and~~
 - ~~(2) Requiring the entity's service providers by contract to implement and maintain such safeguards.~~
- ~~Evaluate and adjust the entity's information security program in light of the results of the testing and monitoring required; any material changes to the entity's operations or business arrangements; or any other circumstances that the entity knows or has reason to know may have a material impact on the entity's information security program.~~

Also see BP/AP 2510 ~~titled~~ Participation in Local Decision Making, BP/AP 4030 ~~titled~~ Academic Freedom, AP 6365 ~~titled~~ Accessibility of Information Technology, BP/AP 6520 ~~titled~~ Security for District Property, AP 6535 ~~titled~~ Use of District Equipment, and BP/AP 6700 ~~titled~~ Civic Center and Other Facilities Use

Office~~s~~ of Primary Responsibility: ~~College Operations Administrative Services, Information Technology~~

Date Approved: February 17, 2009 (*Replace~~sd~~ College of Marin Procedures 7.0020 DP.1 and 7.0032 DP.1*)

Date Revised: June 28, 2011

Date Revised:

Academic Affairs

CCLC 36 Update – Legally required to address requirements of Title 5 Sec. 55100 for credit courses and Title 5 Sec. 55150 for non-credit courses. Updated to include requirements related to the course approval of non-credit courses, formatting revised to conform with CCLC model AP 4022. Revised by Mici 3/9/2021

AP 4023 COURSE APPROVAL

Reference:

Title 5 Sections 55100 and 55150

Credit Courses

Procedure for submitting for Board approval individual degree-applicable credit courses offered as part of an educational program approved by the State Chancellor's Office.

- Credit and non-credit course proposals and revisions are approved by the college's Curriculum Committee and are forwarded to the Union District Workload Committee (UDWC) for approval of teaching units. Once the Curriculum Committee and UDWC have signed off on a course, it is forwarded to the Board of Trustees for approval.

Procedures for course approval of non-degree-applicable credit courses and degree-applicable credit courses that are stand-alone courses and therefore **not** part of a permitted educational program must address at the least the following:

- These courses must be approved by the Curriculum Committee.
- The individuals on the curriculum committee must have received the training provided for in Title 5 Section 55100.
- Unless modified to properly address the reasons for denial, no courses may be offered that were previously denied separate approval by the State California Community Colleges Chancellor's Office.
- Students may only count a limited number of semester units approved for stand-alone courses toward satisfying the requirements for a certificate or completion of an associate degree.
- ~~No group of stand-alone courses approved pursuant to this subdivision which total 18 or more semester units in a single four-digit Taxonomy of Programs Code may be linked to one another by means of prerequisites or co-requisites. Regulatory limits on the number of courses that may be linked to one another by prerequisites or co-requisites.~~
- All courses approved must be reported to the State California Community Colleges Chancellor's Office.

Non-Credit Courses

Districts may approve non-credit courses pursuant to Title 5 Section 55002 and the California Community Colleges Chancellor's Office Program and Course Approval Handbook. Procedures for course approval of non-credit course must address at least the following:

- The curriculum committee and District governing board have approved each non-credit course pursuant to Title 5 Section 55002 and the California Community Colleges Chancellor's Office Program and Course Approval Handbook.
- The District promptly reported all non-credit courses approved by the District governing board to the California Community Colleges Chancellor's Office Curriculum Inventory Management Information Systems.
- District personnel involved in the non-credit course approval process, including curriculum committee members, received training regarding the rules, regulations, and local policies applicable to the approval of non-credit courses, including but not limited to, the provisions of Title 5 Section 55002 and the California Community Colleges Chancellor's Office Program and Course Approval Handbook.
- The District governing board has established a local policies or procedures specifying attendance counting consistent with Education Code Sections 84030 et seq.
- Annual certification to the California Community Colleges Chancellor's Office before the conclusion of each academic year that the District has complied with the requirements of Title 5 Section 55150 relating to the approval of non-credit courses.

Stand-Alone Course Approval: Title 5, Section 55100 states that by September 30 of each year, the District shall submit a certification to the State Chancellor's Office, verifying that the persons who will serve on the curriculum committee, and others who will be involved in the curriculum approval process at each college, have received training consistent with guidelines prescribed by the State Chancellor on stand-alone credit course approval and relevant regulations.

See also AP 4020 – Program and Curriculum Development

Office of Primary Responsibility: Office of Student Learning and Success

Date Approved: August 21, 2012

Date Reviewed/Revised:

Academic Affairs

CCLC 36 – Legally Required - updated to revise legal citations within the document. Mici Revised and updated formatting. 3/9/21

To AS 2-1-2022

AP 4260 PREREQUISITES, CO-REQUISITES, AND ADVISORIES**References:**

Title 5 Sections 55000 et seq.

Prerequisites, co-requisites, advisories, and limitations are necessary to ensure that students succeed in their coursework and have access to the courses they require. It is important to have prerequisites in place where they are a vital factor in maintaining academic standards. It is also necessary to ensure that prerequisites, co-requisites, advisories, and limitations do not constitute unjustifiable obstacles to student access and success. Therefore, to foster the appropriate balance between these two concerns, the Education Code requires that prerequisites, co-requisites, advisories, and limitations be established based solely on content review or content review with statistical validation.

Content review is a rigorous, systematic process conducted by faculty to identify the necessary and appropriate body of knowledge or skills students need to possess prior to enrolling in a course, or which students need to acquire through simultaneous enrollment in a co-requisite course.

1. Information in the Catalog and Schedule of Classes

The District shall provide the following explanations both in the District's catalog and in the schedule of classes:

- A. Definitions of prerequisites, co-requisites, and limitations on enrollment including the differences among them and the specific prerequisites, co-requisites, and limitations on enrollment that have been established.
- B. Procedures for a student to challenge prerequisites, co-requisites, and limitations on enrollment and circumstances under which a student is encouraged to make such a challenge. The information about challenges must include, at a minimum, the specific process including any deadlines, the various types of challenge that are established in law, and any additional types of challenge permitted by the District.
- C. Definitions of advisories on recommended preparation, the right of a student to choose to take a course without meeting the advisory, and circumstances under which a student is encouraged to exercise that right.
- D. Definitions of contract course, co-requisite, noncredit basic skills course, non-degree-applicable basic skills courses, prerequisite and satisfactory grade.

2. Challenge Process

- A.** Any student who does not meet a prerequisite or co-requisite or who is not permitted to enroll due to a limitation on enrollment but who provides satisfactory evidence may seek entry into the course as follows:
 1. To be eligible for a specific semester, students must file their challenge five days before registration starts for that semester. When a student files a challenge to the prerequisite

or co-requisite, the District shall reserve a seat for the student and resolve the challenge within five working days. All official documents must be attached to the petition before the “five working days before registration” period begins. If the challenge is upheld or the District fails to resolve the challenge within the five working-day period, the student shall be allowed to enroll in the course.

2. If no space is available in the course when a challenge is filed, the challenge shall be resolved prior to the beginning of registration for the next term and, if the challenge is upheld, the student shall be permitted to enroll if space is available when the student registers for that subsequent term.

B. Grounds for challenge shall include the following:

1. Those grounds for challenge specified in Title 5 Section 55003-204-subdivision (pf).
2. The student seeks to enroll and has not been allowed to enroll due to a limitation on enrollment established for a course that involves intercollegiate competition or public performance or one or more of the courses for which enrollment has been limited to a cohort of students. The student shall be allowed to enroll in such a course if otherwise he/she/they would be delayed by a semester or more in attaining the degree or certificate specified in his/her/their educational plan.
3. The student seeks to enroll in a course that has a prerequisite established to protect health and safety, and the student demonstrates that he/she/they does not pose a threat to himself/herself/themselves or others.
4. The student has the obligation to provide satisfactory evidence that the challenge should be upheld. However, where facts essential to a determination of whether the student's challenge should be upheld are or ought to be in the District's own records, then the District has the obligation to produce that information.

C. Curriculum Review Process

The District relies primarily upon the Academic Senate regarding how prerequisites, co-requisites, and advisories will be established. The curriculum review process shall at a minimum be in accordance with all of the following:

1. Establish a curriculum committee and its membership in a manner that is mutually agreeable to the administration and the Academic Senate. Provisions will be made to train the curriculum committee on content review.
2. Establish prerequisites, co-requisites, and advisories on recommended preparation (advisories) only upon the recommendation of the Academic Senate except that the Academic Senate may delegate this task to the curriculum committee without forfeiting its rights or responsibilities under Title 5 Sections 53200-53204 and within the limits set forth in Title 5 Section 55003. Certain limitations on enrollment must be established in the same manner.
3. Establish prerequisites, co-requisites, advisories on recommended preparation and limitations on enrollment only if:
 - a) The faculty in the discipline or, if the District has no faculty member in the discipline, the faculty in the department do all of the following:
 - (1) Approve the course; and,
 - (2) As a separate action, approve any prerequisite or co-requisite, only if:
 - a) The prerequisite or co-requisite is an appropriate and rational measure of a student's readiness to enter the course or program as demonstrated by a content review including, at a minimum, all of the following:
 - i. involvement of faculty with appropriate expertise;

- ii. consideration of course objectives set by relevant department(s). The curriculum review process should be done in a manner that is in accordance with accreditation standards;
 - iii. be based on a detailed course syllabus and outline of record, tests, related instructional materials, course format, type, and number of examinations, and grading criteria;
 - iv. specification of the body of knowledge ~~and/or~~ skills which are deemed necessary at entry ~~and/or~~ concurrent with enrollment;
 - v. identification and review of the prerequisite or co-requisite which develops the body of knowledge ~~and/or~~ measures skills identified under iv.;
 - vi. matching of the knowledge and skills in the targeted course (identified under section iv.) and those developed or measured by the prerequisite or co-requisite (i.e. the course or assessment identified under section v. above); and
 - vii. maintain documentation that the above steps were taken.
- (3) Approve any limitation on enrollment that is being established for an honors course or section, for a course that includes intercollegiate competition or public performance, or so that a cohort of students will be enrolled in two or more courses, and, in a separate action, specify which.
 - (4) Approve that the course meets the academic standards required for degree applicable courses, non-degree applicable courses, non-credit courses, or community service respectively.
 - (5) Review the course outline to determine if a student would be highly unlikely to receive a satisfactory grade unless the student had knowledge or skills not taught in the course. If the student would need knowledge or skills not taught in the course itself, then the course may be approved for degree applicable credit only if all requirements for establishing the appropriate prerequisite have been met excepting only approval by the curriculum committee.
 - (6) Review the course outline to determine whether receiving a satisfactory grade is dependent on skills in communication or computation. If receiving a satisfactory grade is sufficiently dependent on such skills, then the course may be approved for degree applicable credit only if all requirements have been met for establishing a prerequisite or co-requisite of not less than eligibility for enrollment to a degree-applicable course in English or mathematics, respectively.
 - (7) Review the course outline to determine whether receiving a satisfactory grade is dependent on the recency of satisfactory completion of the prerequisite course. Recency requirements should be agreed upon by appropriate discipline faculty, but cannot be less than 36 months (see AP 4228). A record of the agreement will be kept on file by the department and by the Office of Instructional Management. Such requirements must be included in the discipline description which appears in the catalog, and in the Course Outline of Record Course Description. A challenge process must be in place for students to test out of this requirement. The department will track student success, review the results, and report back to the Curriculum Committee the following year.

- b) A course which should have a prerequisite or co-requisite as provided in (5e) or (6f) but for which one or more of the requirements for establishing a prerequisite have not been met may only:
 - (1) Be reviewed and approved pursuant to the standards for non-degree applicable credit, non-credit, or community service; or
 - (2) Be revised and reviewed as required to meet the criteria for establishing the necessary prerequisites or co-requisites.
 - c) The curriculum committee also reviews the course and prerequisite in a manner that meets each of the requirements specified above.
 - d) If the District chooses to use content review as defined in Title 5 of the Code of California Regulations section 55000 subdivision (fe) to define pre-requisites and co-requisites in reading, written expression, or mathematics for courses that are degree applicable and are not in a sequence, it must adopt a plan consistent with Title 5 of the Code of California Regulations section 55003 subdivision (c).
- 4. **Program Review.** – As a regular part of the program review process or at least every six years, except that the prerequisites and co-requisites for vocational course or programs shall be reviewed every two years, the District shall review each prerequisite, co-requisite, or advisory to establish that each is still supported by the faculty in the discipline or department and by the curriculum committee and is still in compliance with all other provisions of this policy and with the law. Any prerequisite or co-requisite that is still supported shall be reviewed promptly thereafter to assure that it is in compliance with all other provisions of this policy and with the law. These processes shall also provide for the periodic review of advisories on recommended preparation.
- 5. **Implementing Prerequisites, Co-requisites, and Limitations on Enrollment.** – Implementation of prerequisites, co-requisites, and limitations on enrollment must be done in a consistent manner and not left exclusively to the classroom instructor. Every attempt shall be made to enforce all conditions a student must meet to be enrolled in the course through the registration process so that a student is not permitted to enroll unless he/she/they has met all the conditions or has met all except those for which he/she/they has a pending challenge or for which further information is needed before final determination is possible of whether the student has met the condition.
- 6. **Instructor's Formal Agreement to Teach the Course as Described.** – The District shall establish a procedure so that courses for which prerequisites or co-requisites are established will be taught in accordance with the course outline, particularly those aspects of the course outline that are the basis for justifying the establishment of the prerequisite or co-requisite. The process shall be established by consulting collegially with the Academic Senate and, shall be consistent with the UPM/MCCD collective Bargaining Agreement.

Review of Individual Courses

If the student's enrollment in a course or program is to be contingent on his/her/their having met the proposed prerequisite(s) or co-requisite(s), then such a prerequisite or co-requisite must be established. If enrollment is not blocked, then what is being established is not a prerequisite or co-requisite but, rather, an advisory on recommended preparation and must be identified as such in the schedule and catalog.

1. Advisories on Recommended Preparation

The District may recommend that a student meet a standard of readiness at entry only if recommended by the faculty in the discipline or department and by the curriculum committee as provided in above. This process is required whether the District described such recommendations in its catalog or schedule as "prerequisites," or "recommended," or by any other term.

2. Limitations on Enrollment

The types of limitation on enrollment specified below may only be established through the curriculum review process by the discipline or department faculty and the curriculum committee specified above including the requirement to review them again at least every six years (two years for vocational courses); for example, as part of program review. The following requirements must also be met in order to establish these particular limitations on enrollment.

a. Performance Courses -- The District may establish audition or try-out as a limitation on enrollment for courses that include public performance or intercollegiate competition such as but not limited to band, orchestra, theater, competitive speech, chorus, journalism, dance, and intercollegiate athletics provided that:

- i.** For any certificate or associate degree requirement which can be met by taking this course, there is another course or courses which satisfy the same requirement; and
- ii.** The District includes in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same requirement.

Limitations on enrollment established as provided for performance courses shall be reviewed during program review or at least every six years to determine whether the audition or try-out process is having a disproportionate impact on any historically under-represented group and, if so, a plan shall be adopted to seek to remedy the disproportionate impact. If disproportionate impact has been found, the limitation on enrollment may not be printed in subsequent catalogs or schedules nor enforced in any subsequent term until such a plan has been endorsed by the department and the administration and put into effect.

b. Honors Courses -- A limitation on enrollment for an honors course or an honors section of a course may be established if, in addition to the review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses at the District which satisfy the same requirements. If the limitation is for an honors course and not only for an honors section, the District must also include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which meet the same associate degree or certificate requirement.

c. Blocks of Courses or Sections -- Blocks of courses or blocks of sections of courses are two or more courses or sections for which enrollment is limited in order to create a cohort of students. Such a limitation on enrollment may be established if, in addition to review by the faculty in the discipline or department and by the curriculum committee as provided above, there is another section or another course or courses that satisfy the same requirement. If the cohort is created through limitations on enrollment in the courses rather than limitations on specific sections of courses, then the District must

include in the course outline of record a list of each certificate or associate degree requirement that the course meets and of the other course or courses which satisfy the same associate degree or certificate requirement.

Office of Primary Responsibility: Office of Student Learning and Success

Date Approved: August 21, 2012

(Replaces sd portions of College of Marin Procedures 2.0021 DP.1 and 2.0021 DP.2)

Revised: June 18, 2013, March 11, 2014

Reviewed/Revised:

Academic Affairs

CCLC UPDATE 36—Legally advised when District maintains community services offerings. Ours differs considerably. CCLC Language added to determine necessity for inclusion.

Mici Revised 2-9-2021

Jon E., Cari T., Carol Hildebrand 4-22-2021

To AS 9-24-21, 1-31-2022

AP 4400 COMMUNITY SERVICE COURSES**References:**

Education Code Section 78300;

Title 5 Sections 55002 and 55160 subdivision (b)

The District may solicit input on Community Service course offerings from various college constituencies, community groups, organizations, and advisory committees.

New or revised Community Service course outlines are presented to the Curriculum Committee for information.

Community Service Class Schedules are published in print and on the District's website.

Offerings are established and maintained in civic, vocational, literacy, health, family and consumer sciences, technical and general education, including, but not limited to, classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Offerings are designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled in them.

Offerings are open for the admission of adults and of those minors as in the judgment of the governing board may profit from them.

General fund moneys are not expended to establish and maintain community service offerings. Students enrolled in community service offerings may be charged a fee not to exceed the cost of maintaining community service classes, or classes may be provided for remuneration by contract, or with contributions or donations of individuals or groups.

Offices of Primary Responsibility: Student Learning and Success; Community Education

Date Approved: April 19, 2011

Date Reviewed: April 16, 2019

Date Reviewed/Revised:

Student Services

CCLC Update 4/2015 – Legally required. Reviewed/Revised Mici 2-10-2021

Approved Jon H. 4-13-2021

To AS 9-21-2021

AP 5010 ADMISSIONS

References:

Education Code Sections 48800, 48800.5, 48802, 70901, 71029, 76000, 76001, 76140, 76380, 84757, and 84810.5;

34 Code of Federal Regulations Part 668.16 subdivision (p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);

Labor Code Section 3077;

Title 5 Sections 58007 and 58050;

ACCJC Accreditation Standard II.C.6

~~U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;~~

~~34 Code of Federal Regulations Part 668.16(p)~~

The Dean of Enrollment Services under the direction of the Chief Student Services Officer is responsible for the implementation of all admissions procedures and for California residency classification.

The Marin Community College District shall admit any California resident and may admit the following individuals:

- Any nonresident (as determined in the District's residence classification process as outlined in AP 5015 titled Residence Determination), possessing a high school diploma or equivalent such as a General Education Development (GED) or California High School Proficiency Examination (CHESPE).
- Any apprentice as defined in Labor Code Section 3077 who is capable of profiting from the instruction offered.
- Any other person over the age of eighteen (18) who is capable of profiting from the instruction offered. If the Board of Trustees determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the Board of Governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This does not apply to persons in attendance in special classes and programs established for adults pursuant to Education Code Section 78401 or to any persons attending on a part-time basis only.
- May admit to a regular term as a special **full-time** student any student upon a parent or guardian's petition to, and authorized by, the governing board of the school district in which the student is enrolled. Such students are required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

- May admit to a regular term as a special **part-time** student any student whose admission is recommended by the high school principal and consented to by the parents. The students recommended by the school district are those who would benefit from advanced scholastic or vocational courses. Credit for courses completed shall be at a level determined to be appropriate by the school district and community college district.
 - A special **part-time** student, for purposes of Education Code Section 76001, i.e. one who attends special classes and programs established for adults or any persons attending on a part-time basis, may enroll in up to, and including eleven (11) units per semester.
- Any student who attends as a special part-time student under Education Code, Section 48800.5 and Education Code Section 76001(b) is exempt from compulsory school attendance.
- May admit students who are inmates of any city, county, or city and county jail, road camp, farm, or federal correctional facility.
- May admit international students.

The Chief Instructional Officer shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Also see AP 5011 ~~titled~~ Admission and Concurrent Enrollment of High School and Other Young Students

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

Date Approved: Approved August 21, 2012 (*Replaced part of College of Marin Procedure 4.0003 DP.1*)

Reviewed/Revised:

Student Services

CCLC Update 34 & 35 legally required legal citation and residence determination is not required in the enrollment situations as noted and a clarification in the law that exempts a student, other than a nonimmigrant alien, from nonresident tuition and specifies that 3 or more years of high school work must be in California. **Rules determining residence and determination of residence status spelled out in CCLC Updates, not our prior AP 5015.** Added to this AP.

Mici 9/21/2020

To J Horinek 10/1/2020; okayed 4/21/2021

To Academic Senate 9/21/21

Revised to add non-gendered terms (bullets) and grammar edits. Mici 2-28-2022

AP 5015 RESIDENCE DETERMINATION**References:**

Education Code Sections 66093.3, 68000 et seq., 68130.5, ~~and~~ 68074 - 68075.7, and 68086;

Title 5 Sections 54000 et seq.

38 U.S. Code Section 3679

Residence Classification

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

- A residence determination date is that day immediately preceding the opening day of instruction for any session during which the student proposes to attend.
- Residence classification is the responsibility of the Office of Enrollment Services.

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

A student seeking to enroll exclusively in career development and college preparation courses, and other courses for which no credit is given, shall not be subject to this residency classification requirement.

The District shall publish the residence determination date and summary of the rules and regulations governing residence determination and classification in the District catalog or addenda thereto.

Rules Determining Residence

- A student who has resided in the state for more than one year immediately preceding the residence determination date is a resident.
- A student who has not resided in the state for more than one year immediately preceding the residence determination date is a nonresident.

The residence of each student enrolled in or applying for enrollment in any class or classes maintained by this District shall be determined in accordance with the Education Code which states that every person has, in law, a residence. In determining the place of residence, the following rules are to be observed:

- Every person who is married or 18 years of age, or older, and under no legal disability to do so, may establish residence.
- A person may have only one residence.
- A residence is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which one returns in seasons of repose.
- A residence cannot be lost until another is gained.
- The residence can be changed only by the union of act and intent.
- A ~~man or a woman~~ person may establish his/her/their residence. A ~~woman~~ person's residence shall not be derivative from that of ~~her~~ their spouse~~husband~~.
- The residence of the parent with whom an unmarried minor child maintains his/her/their place of abode is the residence of the unmarried minor child. When the minor lives with neither parent, the minor's residence is that of the parent with whom the last place of abode was maintained, provided the minor may establish his/her/their residence when both parents are deceased and a legal guardian has not been appointed.
- The residence of an unmarried minor who has a parent living cannot be changed by the minor's own act, by the appointment of a legal guardian, or by relinquishment of a parent's right of control.

Determination of Resident Status

A resident is a student who has been a bona fide resident of the state for one year prior to the residence determination date. A bona fide resident is a person whose residence is in California as determined above except:

- A student who is a minor and remains in this state after the parent, who was previously domiciled in California and has established residence elsewhere, shall be entitled to retain resident classification until attaining the age of majority and has resided in the state the minimum time necessary to become a resident, so long as continuous attendance is maintained at an institution.
- A student who is a minor and who provides evidence of being entirely self-supporting and actually present in California for more than one year immediately preceding the residence determination date with the intention of acquiring a residence therein, shall be entitled resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who has not been an adult for one year immediately preceding the residence determination date for the semester for which the student proposes to attend an institution shall have the immediate pre-majority-derived California residence, if any, added to the post-majority residence to obtain the one year of California residence.
- A student holding a valid credential authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification

qualifications for the college year in which the student enrolls in an institution, shall be entitled to resident classification if each student meets any of the following requirements:

- He/she/they holds a provisional credential and is enrolled in courses necessary to obtain another type of credential authorizing service in the public schools.
- He/she/they holds a credential issued pursuant to Education Code Section 44250 and is enrolled in courses necessary to fulfill credential requirements.
- He/she/they is enrolled in courses necessary to fulfill the requirements for a fifth year of education prescribed by subdivision (b) of Education Code Section 44259.
- A student holding a valid emergency permit authorizing service in the public schools of this state, who is employed by a school district in a full-time position requiring certification qualifications for the academic year in which the student enrolls at an institution in courses necessary to fulfill teacher credential requirements, is entitled to resident classification only for the purpose of determining the amount of tuition and fees for no more than one year. Thereafter, the student's residency status will be determined under the other provisions of this procedure.
- A student who is a full-time employee of the California State University, the University of California or a community college, or of any state agency or a student who is a child or spouse of a full-time employee of the California State University, the University of California or a community college, or of any state agency may be entitled to resident classification, until the student has resided in the state the minimum time necessary to become a resident.
- A student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in this state on active duty and is attendance at, or has been admitted to the District shall be entitled to resident classification. If the member of the armed forces of the United States later transfers on military orders to a place outside this state, or retires as an active member of the armed forces of the United States, the student dependent shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A student who is a member of the armed forces of the United States stationed in this state, except a member of the Armed Forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification only for the purpose of determining the amount of tuition and fees. If the student later transfers on military orders to a place outside this state, the student shall not lose his/her/their resident classification, so long as he/she/they remains continuously enrolled in the District.
- A veteran who was discharged or released from at least ninety (90) days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her/their dependents, regardless of the veteran's state of residence is entitled to resident classification.

- An individual who is the child or spouse of a person who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces who resides in California.
- An individual who is entitled to transferred Post-9/11 GI Bill program benefits by virtue of their relationship to a member of the uniformed services who is serving on active duty.
- A student who is a minor and resides with his/her/their parent in a district or territory not in a district shall be entitled to resident classification, provided that the parent has been domiciled in California for more than one year prior to the residence determination date for the semester, quarter or term for which the student proposes to attend.
- A student who is a Native American is entitled to resident classification for attendance at a community college if the student is also attending a school administered by the Bureau of Indian Affairs located within the community college district.
- A student who is a federal civil service employee and his/her/their natural or adopted dependent children are entitled to resident classification if the parent has moved to this state as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- A student who resides in California and is nineteen (19) years of age or under at the time of enrollment, who is currently a dependent or ward of the state through California's child welfare system, or was served by California's child welfare system and is no longer being served either due to emancipation or aging out of the system, may be entitled to resident classification until he/she/they has resided in the state the minimum time necessary to become a resident.
- A student who lives with a parent who earns a livelihood primarily by performing agricultural labor for hire in California and other states, and the parent has performed such labor in this state for at least two months per year in each of the two preceding years, and the parent resides in this District and the parent of the student has claimed the student as a dependent on his state or federal personal income tax return if he/she/they has sufficient income to have personal income tax liability shall be entitled to resident classification.
- A student who demonstrates financial need, has a parent who has been deported or was permitted to depart voluntarily, moved abroad as a result of that deportation or voluntary departure, lived in California immediately before moving abroad, attended a public or private secondary school in the state for three or more years, and upon enrollment, will be in his/her/their first academic year as a matriculated student in California public higher education, will be living in California, and will file an affidavit with the District stating that he/she/they intends to establish residency in California as soon as possible.
- A student who has a special immigrant visa that has been granted status under Section 1244 of Public Law 110-181 or under Public Law 109-163, or is a refugee admitted to the United States under Section 1157 of Title 8 of the United States Code, and who, upon entering the United States, settled in California, shall be exempt from paying the

nonresident tuition fee required by Education Code Section 76140 for the length of time he/she/they lives in this state up to the minimum time necessary to become a resident.

Right to Appeal

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

Appeal Procedure

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

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

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

Reclassification

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

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

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

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

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

- Has not and will not be claimed as an exemption for state and federal tax purposes by his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the year the reclassification application is made;
- Has not and will not receive more than seven-hundred and fifty dollars (\$750) per year in financial assistance from his/her/their parent in the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification; and

- Has not lived and will not live for more than six weeks in the home of his/her/their parent during the calendar year the reclassification application is made and in any of the three calendar years prior to the reclassification application.

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

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

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

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

Students have the right to appeal according to the procedures above.

Non-Citizens

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

Non-citizens present in the United States without documentation or with any type of temporary visa, will be classified as non-residents and charged non-resident tuition unless they meet the exceptions contained below.

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

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

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

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

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

- Three or more years of full-time high school coursework, and a total of three or more years of attendance in California elementary schools, or a combination of California elementary and secondary schools.

Additionally, the following requirements must be met:

- Graduation from a California high school or attainment of the equivalent thereof; or completed an associate degree from a California Community College; or completed the minimum requirements at a California Community College, or fulfill the minimum transfer requirements established for the University of California or the California State University for students transferring from a campus of the California Community Colleges;
- Registration or enrollment in a course offered by any college in the District for any term commencing on or after January 1, 2002,
- Completion of a questionnaire form prescribed by the Chancellor of the California Community Colleges and furnished by the District of enrollment, verifying eligibility for this nonresident tuition exemption; and
- In the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her/their immigration status, or will file an application as soon as he/she/they is eligible to do so.

Documents and information obtained in implementing this exemption are confidential.

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

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

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

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

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

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

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

Specifically, where District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the District shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.).

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

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: December 8, 2009 (*Replaced part of current College of Marin Procedure 4.0003 DP.1*)

Date Reviewed/Revised: February 12, 2019; April 16, 2019

Date Reviewed/Revised:

General Institution

CCLC Update #34 – NEW PROCEDURE – Legally Required. This content is already in updated in AP 5040 but has been created to conform with the CCLC model procedure. Mici 9/29/2020

To Jon Horinek 11/3/2020

Resent to AS 9/21/21

**AP 5017 RESPONDING TO INQUIRIES OF IMMIGRATION STATUS, CITIZENSHIP STATUS, AND
NATIONAL ORIGIN INFORMATION (NEW)**

References:

Education Code Sections 66093, 66093.3, and 68076;

Title 5 Section 41905

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

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

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

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

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

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

- Registering a motor vehicle operated in California;
- Obtaining a California driver's license or California identification card;
- Filing a resident or nonresident California state income tax return;
- Listing a California address on a federal income tax return;
- Listing a permanent military address or home of record in California;

- A professional or vocational license obtained from a California state licensing agency (e.g., nursing, teaching credentials);
- Maintaining active resident memberships in California based professional organizations (e.g., police union, teachers' union); and
- Maintaining an active bank account at a California bank.

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

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

Specifically, where the District must determine a student's residency for purposes of in-state tuition, the District shall not inquire about a parent/guardian's citizenship or immigration status, and shall enumerate alternative means of establishing a parent/guardian's residency. If the student is considered a minor dependent of a California resident, the college or university shall only require documents to determine whether the parent has resided in California for one year (e.g. vehicle registration, lease agreements, etc.)

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

Office of Primary Responsibility: Office of Enrollment Services

Date Adopted:

Student Services

CCLC Updates 34 (4/19), 36 (4/20) and Immigration Updates
Legally Required – Notes highlighted in yellow will not appear in final AP. Mici Revised – 9/21/2020
Jon H. approved without changes 11/18/2020
CCLC Immigration Updates for Consistency – Mia/Mici 12/3/2020
To AS 9-21-21

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

Education Code Sections 66093.3, 76200 et seq.;
Title 5 Section 54600 et seq.;
20 U.S. Code Section 1232g (j) (U.S. Patriot Act);
Civil Code Sections 1788.90 et seq. and 1798.85;
~~34 Code of Federal Regulations, Part 99.31~~
20 U.S. Code Section 1232g subdivision (j) (U.S. Patriot Act);
ACCJC Accreditation Standard II.C.8

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

Gathering and Handling Student Information~~Collecting and Retaining~~ Collection and Retention of Student Information

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

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

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

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

- The kind of information that the school has identified as directory information;
- The eligible student's ability to refuse to let the school designate the information as directory information, which could be disclosed to outside entities;
- The period of time in which the eligible student has to notify the school in writing that he or she does not want the information designated as directory information; and
- That opting out by the noted deadline is the students' only way to prevent the release of directory information.

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

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

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

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

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

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

Release of Student Records

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

- Student records shall be released pursuant to a student's written consent by completing and submitting an Authorization for Release of Information Form to the Office of Enrollment Services.
- Directory information may be released in accordance with the definitions in BP 5040 titled Student Records, Directory Information and Privacy.
- Currently enrolled students may request that directory information be permanently kept confidential by filing a Request to Withhold Directory Information Form with the Office of Enrollment Services.
- Student records shall be released pursuant to a judicial order or a lawfully issued subpoena. Upon receipt of a judicial order or lawfully issued subpoena the Office of Enrollment Services will notify the student of the request. If there is no written objection from the student within two weeks of notification, the requested records will be released. (34 Code of Federal Regulations, Part 99.31)
- Student records shall be released pursuant to a federal judicial order that has been issued regarding an investigation or prosecution of an offense concerning an investigation or prosecution of terrorism.
- Student records may be released to officials and employees of the District only when they have a legitimate educational interest to inspect the record. Officials and employees of the District having a legitimate educational interest to inspect the records of a student must receive authorization from the Dean of Enrollment Services.
- Student records may be released to authorized representatives of the Comptroller General of the United States, the Secretary of Education, an administrative head of an education agency, state education officials, or their respective designees or the United States Office of Civil Rights, where that information is necessary to audit or evaluate a state or federally supported educational program or pursuant to state or federal law. Exceptions are that when the collection of personally identifiable information is specifically authorized by federal law, any data collected by those officials shall be protected in a manner that will not permit the personal identification of students or their parents by other than those officials, and any personally identifiable data shall be destroyed when no longer needed for that audit, evaluation, and enforcement of federal legal

requirements. A request to release student records to the agencies listed above must be made in writing to the Dean of Enrollment Services.

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

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

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

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

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

- Contact information ~~[name, title, e-mail addresses, and phone numbers]~~ for the correct person to review and respond to a request for student records.
- Access to sample warrant and subpoena documents that could be used for access onto campus property, or to seize or arrest students or other individuals on campus.
- District personnel shall provide a set of responses for personnel to use in response to officers seeking access to records for immigration enforcement purposes.

In addition to notifying the District's General Counsel [and Dean of Enrollment Services](#), personnel shall take the following action steps in response to an officer other than campus police requesting access to student records:

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

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

Unless District is served with a judicial subpoena or court order that by its terms prohibits disclosure to the student, the student must be notified of any judicial order or subpoena before the institution complies with the order in accordance with [the Family Educational Rights and Privacy Act \(FERPA\)](#).

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

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

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

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

If District learns of a student's immigration status through its application process (including the students' personal statement or answers to personal insight questions), District shall create policies and procedures to protect such personal identifiable information and retain the information only to the extent it is necessary or required by law. The District shall avoid the disclosure of information that might

indicate a student or family's citizenship or immigration status if the disclosure is not authorized by ~~the~~ Family Educational Rights and Privacy Act (FERPA) or state law.

Charge for Transcripts or Verifications of Student Records

A student/former student shall be entitled to two free copies of the transcript of his/her/their record or to two free verifications of various student records. Additional copies shall be made available to the student, or to an addressee designated by him/her/them, at the rate published in the most current Catalog and Schedule of Classes. The District will not refuse to provide a transcript for a current or former student on the grounds that the student owes a debt; condition the provision of a transcript on the payment of a debt, other than a fee charged to provide the transcript; charge a higher fee for obtaining a transcript, or provide less favorable treatment of a transcript request because a student owes a debt; or use transcript issuance as a tool for debt collection

Electronic Transcripts

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

Use of Social Security Numbers

The District shall not do any of the following:

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

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

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

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

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: November 18, 2011 (*Replaced Procedure 4.0021 DP.1 and portions of 4.0003 DP.1*)

Dates Revised: January 15, 2013; May 15, 2018

Date Reviewed/Revised:

Student Services

CCLC Update #34 - updated to add a note as a reminder that districts are required to comply with Student Success and Support Program requirements even though the California Community Colleges Chancellor's Office has implemented its integrated plan. Mici 2/04/2021

Tonya H. Revisions 2/06/2021

To JE for Review 9-21-21

To AS for Review 9-24-21

AP 5050 STUDENT SUCCESS AND SUPPORT PROGRAM**References:**

Education Code Sections 78210 et seq.;

Title 5 Section 55500;

ACCJC Accreditation Standard II.C.2-

The Student Success and Support Program enhances student access to the District, promotes and sustains the efforts of students to be successful in their educational endeavors, and brings the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements. The agreement is implemented by means of the Student Educational Plan.

Each student, in entering into an educational plan, will do all of the following:

- identify an educational and career goal;
- identify a course of study (major);
- be assessed to determine appropriate course placement;
- complete orientation;
- participate in the development of the Student Educational Plan;
- complete this Student Educational Plan no later than the term after which the student completes fifteen (15) semester units of degree applicable credit coursework;
- diligently attend class and complete assigned coursework; and
- complete courses and maintain progress toward an educational goal.

Student Success and Support Program services include, but are not limited to, all of the following:

- Orientation on a timely basis, which shall include, but not be limited to, information concerning campus procedures, academic expectations, financial assistance, and any other appropriate matters;
- Assessment and counseling before or upon enrollment, which may include, but not be limited to, all of the following:
 - Administration of assessment instruments to determine student competency in computational and language skills;
 - Assistance to students in the identification of aptitudes, interests, and educational objectives, including, but not limited to, associate of arts/science degrees, associate degrees for transfer; transfer for baccalaureate degrees, career/technical certificates and licenses, and lifelong learning;
 - Evaluation of student study and learning skills;

- Referral to specialized support services as needed, including, but not limited to, local, state, and federal financial assistance; health services; mental health services; employment placement services; Extended Opportunity Programs and Services; campus child care services, programs that teach English as a second language; and services for students with disabilities;
- Counseling concerning course selection; and/or
- Follow-up services and required advisement or counseling for students who:
 - are enrolled in basic skills courses,
 - have not declared an educational objective as required, or
 - are on academic and/or progress probation.

The District shall not use any assessment instrument except those specifically authorized by the Board of Governors of the California Community Colleges.

The District shall do all of the following:

- Inform students of their rights to access transfer-level coursework in English, mathematics (or quantitative reasoning), credit English as a Second Language and of the multiple measures placement policies or other college placement processes including the availability of challenge processes;
- Include information about the student's course placement options in the college catalog, in orientation and advisement materials, on the college's website, and in any written communication by counseling services;
- Provide annual reports to the California Community Colleges Chancellor's Office in a manner and form described by the California Community Colleges Chancellor's Office; and
- Publicly post the college's placement results, including the number of students assessed and the number of students placed into transfer-level coursework, transfer-level coursework with concurrent support, or transfer-level or credit English as a Second Language coursework, disaggregated by race and ethnicity.

~~Although all credit students are given the opportunity to participate, the District has elected to exempt certain students from assessment in order to earn priority enrollment (Section 55532(a)). Exempted students are identified and informed through the matriculation process. Exemption criteria are outlined in the Student Success and Support Programs plan for the District as well as in the Catalog and Schedule of Classes.~~

Assessment Recency and Frequency

Recency

~~Assessments in English, Math, or credit and noncredit English as a Second Language (ESL) completed at College of Marin (or equivalent assessments from other colleges whose instruments have been approved by the content area department at COM) are valid for purposes of placement for up to one year (two years for English) from date of last assessment.~~

Frequency

~~Assessments in English, Math, or credit and noncredit English as a Second Language (ESL) completed at College of Marin (or equivalent assessments from other colleges whose instruments have been approved by the content area department) may be retaken once no sooner than two (2) weeks after the first assessment, allowing time for the student to further prepare. A third retake may be done within a year to reflect course work or independent study the student may have completed. After one year has elapsed since last assessment, a student is eligible to reassess.~~

~~Individual exceptions to either of these policies would be reviewed on a case by case basis and must be approved by either the content area department chair or Dean of Student Success.~~

Office of Primary Responsibility: Office of Student Learning and Student Services

Date Approved: May 18, 2010 (*Replace ~~ds~~ a portion of College of Marin Procedure 4.0003 DP.1*)

Revised: November 17, 2015, May 17, 2016

Revised:

Student Services

CCLC Update 34 – Legally required. Effective January 1, 2020 Districts must provide students with the Financial Aid Shopping Sheet as developed by the U.S. Department of Education when it provides a financial aid award package to an individual who is offered admission. Districts should ensure their locally created practice or financial aid handbooks incorporate this requirement. Mici Rev. 9/21/2020

Jon H. reviewed and approved 2/22/2021

To Peggy I. - no changes 4/19/2021

To AS 9-24-2021

AP 5130 FINANCIAL AID**References:**

Education Code Sections 66021.3, 66021.6, 66025.9, 69514, 76300, and 94912.5;

Title 5 Sections 55031 and 58600 et seq.;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668 (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended.)

Information about the various financial aid programs offered to students including: application procedures, eligibility, disbursements, etc. can be found on the District website.

The Financial Aid Director will continually review processes and procedures and to ensure student access to appropriate financial services.

Student Services, Information Technology, and Fiscal Services are responsible for assisting in the disbursement of financial aid funds. The Chief Admissions and Records Officer is responsible for maintaining the accuracy of the data to ensure the financial aid offices have the ability to meet all regulations.

Misrepresentation

Misrepresentation is defined as any false, erroneous, or misleading statement that the District, a representative of the District, or a service provider with which the District has contracted to provide educational programs, marketing, advertising, recruiting, or admissions services, makes directly or indirectly to a student, prospective student, a member of the public, an accrediting agency, a state agency, or the United States Department of Education.

A misleading statement includes any statement that has the likelihood or tendency to deceive or confuse. If a person to whom the misrepresentation was made could reasonably be expected to rely, or has reasonably relied, on the misrepresentation, the misrepresentation would be substantial.

This procedure does not apply to statements by students through social media outlets or by vendors that are not providing covered services, as reflected herein.

Loss of Eligibility for California College Promise Grant (formerly known as a BOG Fee Waiver)

A student shall become ineligible for a California College Promise Grant if the student is placed on academic or progress probation, or any combination thereof, for two consecutive primary terms. Loss

of eligibility shall become effective at the first registration opportunity after such determination is made.

The District shall notify students of their placement on academic or progress probation no later than thirty days following the end of the term that resulted in the student's placement on probation. The notification must clearly state that two consecutive primary terms of probation will lead to a loss of the California College Promise Grant until the student is no longer on probation. The notification must also advise students about the available student support services to assist them in maintaining eligibility.

The District shall adopt, prominently display, and disseminate policies ensuring that students are advised about the student support services available to assist them in maintaining and reestablishing California College Promise Grant eligibility. Dissemination includes, but is not limited to, information provided in college catalogs and class schedules.

The District shall establish written procedures by which a student may appeal the loss of a California College Promise Grant due to extenuating circumstances, or when a student with a disability applied for, but did not receive, a reasonable accommodation in a timely manner. Extenuating circumstances are verified cases of accidents, illnesses, or other circumstances that might include documented changes in the student's economic situation or evidence that the student was unable to obtain essential student support services. Extenuating circumstances also includes special consideration of the specific factors associated with Veterans, CalWORKs, EOPS, and DSPS student status.

Foster Youth shall not be subject to loss of California College Promise Grant due to placement on academic or progress probation. This exemption for Foster Youth is effective until the date specified in Education Code Section 66025.9 subdivision (c).

Office of Primary Responsibility: Financial Aid Office

Date Approved: April 19, 2011

Revised: April 17, 2012

Reviewed/Revised:

Student Services

CCLC Title IX Update – Suggested good practice. Rev. 1-26-2021 Mici

Added grade changes reference to the end to avoid confusion of grades with grievance issues. Mia/Mici
9-29-2021

Updated procedure according to reflect current practice. Mici 10-7-2021

To Meg AS 10-7-2021 – DUE 11-8-2021

AP 5530 STUDENT **RIGHTS AND** GRIEVANCES

References:

Education Code Section 76227 subdivision (a);Title 5 Sections 59300 et seq.ACCJC Accreditation Eligibility Requirement 20;ACCJC Accreditation Standard IV.D

The purpose of this Administrative Procedure is to provide a prompt and equitable means of resolving student grievances when no other administrative procedure, ~~Marin Community College District~~ departmental procedure, collective bargaining agreement, or statutory procedure applies.

See Section III, below, for a list of other procedures applicable to concerns related to harassment, discrimination, unsafe assignments, grade changes, academic probation, dismissal and readmission, student discipline, student records, residency, and police department citations.

Any students or applicants who have questions about which procedure applies to their particular concerns are encouraged to go to the Office of the Vice President of Student Learning and Success Services for assistance.

I. Definitions

Applicant – A person whose application for admission to the District has been denied.

Day – Unless otherwise provided, day shall mean any day on which the District's Administrative Office is open for business.

District – Marin Community College District.

Grievance – ~~A charge, complaint, or appeal claim by any currently-enrolled student or applicant based on an action by a District employee or agent that allegedly (1) violates a specific law or written Board Policy or Administrative Procedure, or (2) constitutes an arbitrary, capricious, or unequal application of a specific law or written Board Policy or Administrative Procedure and for which no other administrative procedure or department process for review, investigation, or resolution of the matter exists. A grievance by an applicant to the college shall be limited to the denial of admission. who reasonably believes a College decision or action has adversely affected his/her/their status, rights, or privileges as a student. A Grievance includes but is limited to, claims regarding:~~

- Financial aid; and/or
- Course grades, to the extent permitted by Education Code Section 76224 subdivision (a), which provides: "When grades are given for any course of instruction taught in a

community college district, the grade given to each student shall be the grade determined by the instructor of the course and the determination of the student's grade by the instructor, in the absence of mistake, fraud, bad faith, or incompetency, shall be final." "Mistake" may include, but is not limited to errors made by an instructor in calculating a student's grade and clerical errors;

- The exercise of rights of free expression protected by state and federal constitutions and Education Code Section 76120.

A Grievance is not:

- Student disciplinary actions, which are covered under separate board policies and administrative procedures.
- Grade appeals, covered by BP/AP 4231 Grade Changes.
- Complaints of unlawful harassment or discrimination, covered under AP 3434 Responding to Harassment Based on Sex under Title IX and AP 3435 Discrimination and Harassment Complain Procedures, as applicable.
- ⊖ Police citations (i.e. "tickets"); complaints about citations must be directed to the Marin Parking Authority, within 21 days after the citation was issued or within fifteen (15) days of the date of the notice of delinquent parking violation. ~~County Courthouse in the same way as any traffic violation.~~

Grievant – A student who has filed a Grievance.

Party – The student or any persons claimed to have been responsible for the student's alleged Grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

Grievance Facilitator – District administrator appointed by the Superintendent/President to facilitate resolution of grievances by mutual agreement of the parties.

Grievance Officer – A District administrator or administrators appointed by the Superintendent/President to review a specific Grievance and render a final decision.

Grievance Statement – A written statement which clearly and concisely states (1) the law or Board Policy or Administrative Procedure that allegedly has been violated or arbitrarily, capriciously, or unequally applied; (2) the facts and circumstances giving rise to the grievance and name(s) of all District employees and/or agents whose acts or omissions are at issue; (3) the desired remedy; (4) a brief description of informal resolution efforts and whether informal resolution efforts are still in progress; and (5) the student's or applicant's mailing address and/or email address and telephone number for notices and other communications in relation to the grievance.

Superintendent/President – The District's Superintendent/President or a designated representative of the Superintendent/President.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A Grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to Grievances relating to course grades to the extent permitted by Education Code Section 76224 subdivision (a).

~~**Grievant** – A student or applicant who submits a sufficient Grievance Statement.~~

~~**Party**—The grievant or any District employee or agent who is allegedly responsible for the violation or arbitrary, capricious or unequal application of a law or Board Policy or Administrative Procedure.~~

~~**Respondent** – Any District employee or agent alleged by a student or applicant to be responsible for the alleged violation or arbitrary, capricious, or unequal application of a law or Board Policy or Administrative Procedure. Any person the Grievant claims to be responsible for the alleged Grievance.~~

~~**Student**—A student currently enrolled in the District~~

~~**Superintendent/President**—The District's Superintendent/President or a designated representative of the Superintendent/President.~~

~~**Day** – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.~~

~~**Informal Resolution** – Each student who has a Grievance shall make a reasonable effort to resolve the matter on an informal basis prior to requesting a Grievance hearing, and shall attempt to solve the problem with the person with whom the student has the Grievance, that person's immediate supervisor, or the local college administration.~~

Unsafe Assignments - A student may file a grievance if he or she believes a faculty member has given the student an assignment that is unreasonable or unsafe, i.e., an assignment that subjects a student to unreasonable demands or requirements, or to unsafe conditions as determined by state or federal law.

II. Grievance Resolution Procedures

A. Informal Resolution

Students and applicants shall make a reasonable effort to communicate with the respondent(s) and, if unsuccessful, with the respondent's(s') immediate supervisor(s) to try to resolve the matter.

B. Facilitated Voluntary Resolution

If an Informal Resolution has not been reached and the student or applicant desires to continue to pursue resolution, he/she/they shall submit a written Grievance Statement to the Grievance Facilitator's Office within 30 days after the act or omission giving rise to the grievance.

The Grievance Facilitator shall determine whether, as submitted, the Grievance Statement is sufficient. A Grievance Statement shall be deemed sufficient if:

1. The Grievance Statement specifies facts which, if true, would constitute a grievance under this procedure;
2. The person submitting the Grievance Statement is a "student" or "applicant," as defined in this procedure, and has made a reasonable effort to meet with the respondent(s) and respondent's(s') immediate supervisor(s) to try to resolve the matter;
3. The student or applicant is personally and directly affected by the act(s) or omission(s) alleged in the Grievance Statement;
4. The Grievance Statement was filed in a timely manner; and
5. The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment.

If a Grievance Statement is not sufficient, the Grievance Facilitator shall notify the student or applicant in writing within ten (10) days whenever practicable. The Notice of Insufficiency shall identify the reason(s) for insufficiency.

A student or applicant shall be given an opportunity to submit a revised Grievance Statement which must be received in the Grievance Facilitator's office within ten (10) days after the Grievance Facilitator either mailed or emailed the Notice of Insufficiency, whichever is later. If a revised Grievance Statement is not timely received or is also determined to be insufficient by the Grievance Facilitator, the student or applicant shall be notified, and no further action under this procedure shall ensue.

The Grievance Facilitator shall try to facilitate a resolution through conference(s) with the parties, individually or together, and any other voluntary means designed to facilitate a mutually agreeable, voluntary resolution. If the Grievance Facilitator concludes that the parties are unable to reach a mutually agreeable, voluntary resolution, the Grievance Facilitator shall issue a Notice of Non-Resolution to the Grievant with a copy to the respondent(s).

C. Administrative Resolution

If the Grievant desires to seek an Administrative Review of the Grievance, within ten (10) days after the Grievance Facilitator mailed or emailed the Notice of Non-Resolution, whichever is later, the Grievant shall submit a written Request for Administrative Review to the Grievance Facilitator, who shall forward it to the Superintendent/President, or designee, with a copy of the Grievance Statement, for assignment to a Grievance Officer. If the Grievance concerns a District employee, the Grievance Facilitator shall also forward a copy of the Request for Administrative Review to the employee within five days after receipt and notify the employee of the District's intention to investigate in accordance with these procedures.

Unless other procedures are required by applicable laws or regulations, the Grievance Officer shall set an Administrative Review Conference ("ARC") as soon as practicable. At the ARC, the Grievance Officer shall give the parties an opportunity to present information in support of, or to rebut, the Grievance and to state any proposed resolution(s). The Grievance Officer may ask the parties and non-parties questions and request that they provide relevant documents. Presentation of information and/or appearances by non-parties shall be permitted only with the Grievance Officer's express authorization or as permitted under an applicable collective bargaining agreement.

The Grievance Officer shall issue a Notice of Decision to the parties within ten (10) days after conclusion of the ARC whenever practicable and send a copy to the Grievance Facilitator. The Grievance Officer's decision shall be final.

III. Other Available Procedures.

The District has specific procedures in place to address various concerns. The list below is intended to assist in identifying the appropriate procedure for the specific complaints. Any questions about which procedure applies should be directed to the Office of the Vice President of Student Learning and SuccessServices.

BP/AP 3430 Prohibition of Harassment (~~BP/AP 3430~~): Contact the Chief Human Services Officer

BP/AP 3410 Nondiscrimination ~~(BP/AP 3410)~~ and AP 3435 Discrimination and Harassment ~~Investigations Complaint Procedures (AP 3435)~~: Contact the Chief Human Services Officer

BP/AP 4231 Grade Changes ~~(BP/AP 4231)~~: Contact the Admissions and Records Office.

BP 4250 Academic Probation, Dismissal, and Readmission ~~(BP 4250)~~ AP 4250 Probation ~~(AP 4250)~~, and AP 4255 Academic Dismissal and Readmission (AP 4255): Contact the Admissions and Records Office.

BP 5500 Standards of Student Conduct ~~(BP 5500)~~ and AP 5520 Student Discipline and Due Process ~~(AP 5520)~~: Contact the Office of the Vice President of Student ~~Services~~ Learning and Success.

BP/AP 5015 Residence Determination ~~(BP/AP 5015)~~: Contact the Admissions and Records Office.

BP/AP 5040 Student Records, ~~and~~ Directory Information, and Privacy (BP/AP 5040): Contact the Admissions and Records Office.

AP 5045 Student Records ~~—Student Challenging~~ Content and Access Log ~~(AP 5045)~~: Contact the Admissions and Records Office.

BP/AP 5035 Withholding of Student Records ~~(BP/AP 5035)~~: Contact the Admissions and Records Office.

Police Citations (i.e., tickets, etc.): Contact the Marin ~~County Courts~~ Parking Authority in ~~San Rafael~~ Newport Beach, CA.

~~Complaints against Faculty re: unsafe assignments, harassment or unlawful discrimination. (See MCCD/UPM collective bargaining agreement, Article 24.14, Student Complaints, for supplementary procedures.) Contact the Office of the Vice President of Student Learning and Success Services.~~

Board Policy 5530 contains items which may impact the United Professors of Marin (UPM) and its unit members' rights as provided for under the MCCD/UPM collective bargaining agreement. To the extent the Procedure impacts conflicts with such rights, the MCCD/UPM collective bargaining agreement controls ~~as provided in Article 13.2.~~

~~Neither the UPM nor its unit members waive any rights they may have in disciplinary, professional standards (including Article 24.14), evaluations, and other contexts under the MCCD/UPM collective bargaining agreement, the Educational Employment Relations Act (EERA), the Education Code and/or other sources of federal and state law.~~

See also BP/AP 4231 Grade Changes

Primary Offices of Responsibility: Student Learning and Success, Student Services

Date Approved: March 19, 2013 ~~(Replaces)~~ College of Marin Policies 4.0023 and 7.0003 and Procedure 4.0023 DP.1)

Reviewed and Revised:

Business and Fiscal Affairs

Legally required, no CCLC update. Part of regular review cycle. Safety conditions of employment are a mandatory subject of bargaining, and may be more specific than the following procedures, which are minimum standards to cover students and unrepresented employees. AP 3510 Workplace Violence covers many of the same requirements, and some districts may prefer to not include a similar procedure here. Local practice may be inserted. The following will comply with requirements. Font updated. Mici

9-21-21

To Greg N. 10-7-2021, 1-31-2022

AP 6800 INDUSTRIAL SAFETY**References:**

California Occupational Safety and Health Administration (Cal/OSHA);

Labor Code Sections 6300 et seq;

Title 8 Section 3203;

Code of Civil Procedure Section 527.8;

Penal Code Section 273.6

Definitions: Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff members to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of daily work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual, or property.

Workplace includes off-campus locations as well as District-sponsored activities where faculty, staff members, or student employees are engaged in District business or locations where incidents occur as a result of the person's relationship to the District community.

Emergencies: Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire, or medical personnel by first dialing 911 and then notifying law enforcement.

Equipment and Sanitation: Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation, and working conditions shall be discussed with his/her/their supervisor who may then forward the concern to the Human Resources Office for review.

Crisis and Conflict Intervention: Any employee experiencing an unsafe work condition should immediately contact his/her/their supervisor who may then forward the concern to the Human Resources

Office. The supervisor or Human Resources Office shall immediately notify the District Police Department about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

It is the responsibility of all employees to immediately report threats, acts of violence, or any other behavior which deliberately hurts or harms another person at the District to their supervisor and District Police Department. Such reports will be promptly and thoroughly investigated.

Crisis Intervention Team: The Team is established to provide regular training and advice to individuals and departments. Training activities may include, but not be limited to, skill development in conflict resolution, communication, anger management, and early identification of unsafe working conditions in the workplace.

Team advising activities may include individual consultations, peer mediation, conflict resolution services, and referral to outside sources.

Immediately upon notification of an act of violence or threat of violence involving an employee, the team member notified will initiate the Crisis Intervention Team procedures as stated below.

In the event of an act or threat of violence, the District Police Department will investigate the incident and forward the results of the completed investigation to the District Attorney's Office for consideration. Law enforcement will take appropriate action if the incident involves injuries or criminal activity.

The Team will coordinate available resources to provide intervention, consultation, or referral, which may include arranging for counselors to work with victims and observers of the incident.

Restraining Orders/Court Orders: An employee shall notify his/her/their supervisor and the District Police Department of any restraining orders/court orders when named as a plaintiff, and provide a copy of the order. The supervisor and/or employee will contact the District Police Department and the Human Resources Office to ensure they are aware of it and that a copy of the restraining order is placed on file.

If a student informs a faculty or staff member of a restraining order, the faculty or staff member will contact the District Police Department to ensure the District Police Department is aware of it and that a copy of the restraining order is placed on file.

Installation of Equipment: To assure that applicable health, safety, and other legal requirements are met, all plans for installation shall be approved in advance by Administrative Services. ~~the Office of College Operations~~

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

Date Approved: February 12, 2009 (Replaced current College of Marin Procedures 8.0001 DP.1, 8.0001 DP.2, and 8.0001 DP.3)

Date Revised: February 16, 2016, April 19, 2016

Date Reviewed/Revised:

Academic Affairs

CCLC Update 23 October 2013 and due for review. This procedure is currently and has been under Academic Senate review and overdue for an update and review. Mici 9-21-2021

Mia 9-21-2021

To AS 9-22-2021

Added "student" third to last paragraph. Mici 2-28-2022

BP 4250 ACADEMIC PROBATION, DISMISSAL, AND READMISSION**References:**

Education Code Sections 70902(b)(3);

Title 5, [California Code of Regulations](#), Sections ~~55030—55034~~ [55031 et seq.](#)

The College of Marin has established standards of scholarship that reflect academic achievement appropriate to higher education and the community college curriculum. Grades serve as the two indices of academic standards; academic achievement and academic progress. On occasion, students who do not satisfy those standards may find themselves on academic or progress probation or even subject to academic disqualification. The philosophy of College of Marin is that the college community will

- notify students in a timely manner so they may take action to improve their academic standing, and
- offer appropriate services to support student work in this regard.

Students will also be provided the opportunity and means to petition for readmission to the College upon satisfying certain conditions as described below.

Probation

A student shall be placed on academic probation if he or she has attempted a minimum of 12 semester units of work and has a grade point average of less than a "C" (2.0).

A student shall be placed on progress probation if he or she has enrolled in a total of at least 12 semester units and the percentage of all units in which the student has enrolled, for which entries of "W," "I," "NC," and "NP" were recorded reaches or exceeds 50 percent.

A student who is placed on probation may submit an appeal in accordance with procedures to be established by the Superintendent/President.

A student on academic probation shall be removed from probation when the student's accumulated grade point average is 2.0 or higher. A student on progress probation shall be removed from probation when the percentage of units in the categories of "W," "I," "NC," and "NP" drops below 50 percent.

Dismissal

A student who is on academic probation shall be subject to dismissal if the student has earned a cumulative grade point average of less than 1.75 in all units attempted in each of three consecutive semesters.

A student who is on progress probation shall be subject to dismissal if the cumulative percentage of units in which the student has been enrolled for which entries of "W," "I," "NC," and "NP" are recorded in at least three consecutive semesters reaches or exceeds 50 percent.

A student who is subject to dismissal may submit a written appeal in compliance with administrative procedures. Dismissal may be postponed and the student continued on probation if the student completes a petition that provides evidence of extenuating circumstances and/or that shows significant improvement in academic achievement.

Readmission

A student who has been dismissed may request reinstatement by submitting a petition that demonstrates that a minimum of one semester has passed and the student has worked with a counselor to develop a plan of academic improvement. The petition may also show that the extenuating circumstances resulting in dismissal have changed. Readmission may be granted, denied, or postponed according to criteria contained in administrative procedures.

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

Office of Primary Responsibility: Student Learning and Success

Date Adopted: March 18, 2008

Date Reviewed/Revised:

Academic Affairs

No CCLC Update – Legally required policy due for review. AP 4260 with CCLC 36 update also under review. Mici 3/9/21
To AS 9-21-21

BP 4260 PREREQUISITES, CO-REQUISITES, AND ADVISORIES**References:**

Title 5 Sections 55000 and 55003

College of Marin affirms that students are entitled to pursue intellectual, physical, social, ethical, and career development, and that prerequisites, co-requisites, advisories and certain enrollment limits should be established only in accordance with the standards set out in Title 5 that provide for the establishment, review, and challenge of course requirements.

The Superintendent/President is authorized to establish prerequisites, co-requisites, and advisories regarding recommended preparation for courses in the curriculum and will rely primarily on the Academic Senate. All such prerequisites, co-requisites, and advisories shall be established in accordance with the standards set out in Title 5. Any prerequisites, co-requisites, or advisories shall be necessary and appropriate for achieving the purpose for which they are established. The procedures shall include a way in which a prerequisite or co-requisite may be challenged by a student on grounds permitted by law. Prerequisites, co-requisites, and advisories shall be identified in District publications available to students.

Date Adopted: March 18, 2008 (*Replaces~~ed~~ current College of Marin Policy 2.0021*)

Date Reviewed:

Academic Affairs

CCLC 36 Update added “family and consumer sciences” as community service courses. Mici Rev. 2-9-2021

To Jon E., Cari T., Carol Hildebrand 4-22-2021

To AS 9-24-2021

BP 4400 COMMUNITY SERVICE COURSES**References:**

Education Code Section 78300;
Title 5 Sections 55002 and 55160

The District shall maintain community service courses which may include coursework in civic, career/technical, literacy, health, family and consumer sciences, and general education, including but not limited to course offerings in the fields of music, drama, art, handicrafts, science, literature, nature study, aquatic sports, and physical activities.

The community service courses shall contribute to the physical, cultural, intellectual, economic, ethical, civic, or professional development of the individuals or groups enrolled in it.

Community service courses shall be open for admission to adults and minors who can benefit from the programs.

No General Fund monies may be expended to establish or maintain community service courses. Students involved in community service courses shall be charged a fee not to exceed the cost of maintaining the courses. Courses may also be offered for remuneration by contract or with contributions or donations of individuals or groups.

Community Service courses shall not be offered for college credit, but may provide continuing education units.

Date Adopted: May 17, 2011 (*Replaced College of Marin Policies 3.0001, 3.0002, and 3.0005*)

Reviewed/Revised: May 14, 2019

Reviewed/Revised:

Student Services

CCLC 36 Update – Legally required citations and language added. Mici revised 2/9/2021

Jon H. added eligible grades 9, 10, 11, and 12 on 4-13-2021

To AS 9-21-21

Changed "9, 10, 11, and 12" Mici 2-28-2022

BP 5010 ADMISSIONS AND CONCURRENT ENROLLMENT**References:**

Education Code Sections 52620, 52621, 76000, 76001, ~~and 76002~~, and 76038;

Labor Code Sections ~~3074 and~~ 3077;

34 Code of Federal Regulations Part 668.16 (p) (U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended);

~~Title 5 Section 58008;~~

Apprenticeship Attendance Report (CCFS-321);

ACCJC Accreditation Standard II. C.6.

~~U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;~~

~~34 Code of Federal Regulations Part 668.16(p)~~

The District shall admit students who meet one of the following requirements and who are capable of profiting from the instruction offered:

- Any person over the age of 18 and possessing a high school diploma or its equivalent.
- Other persons who are over the age of 18 years and who, in the judgment of the Superintendent/President or his/her /their designee, are capable of profiting from the instruction offered. Such persons shall be admitted as provisional students, and thereafter shall be required to comply with the District's rules and regulations regarding scholastic achievement and other standards to be met by provisional or probationary students as a condition to being readmitted in any succeeding semester.
- Persons who are apprentices as defined in Labor Code Section 3077.
- Secondary school students and other special admit students who are able to demonstrate their ability to benefit from advanced scholastic or vocational work and who meet the specified admissions and enrollment criteria per applicable Education Code, state regulations, and Board policies and administrative procedures.

The District shall in its discretion, or as otherwise federally mandated, evaluate the validity of a student's high school completion. The Superintendent/President shall establish procedures for evaluating the validity of a student's high school completion.

International Students

International students seeking admission to the College of Marin credit program under an F-1 student visa must file a Foreign Student Admissions Application by the published deadlines. These students must meet all United States Immigration requirements and District's admissions requirements as published in the current Catalog. (~~See~~ AP 5012 ~~titled~~ International Students)

International students seeking admission to the College of Marin Intensive English Program under an F-1 student visa must file an Intensive English Language Application for Admissions by the published deadline dates. These students must meet United States Immigration requirements.

Admission – Any student whose age or class level is equal to grades 9, 10, 11, and/or 12 is eligible to attend as a special part-time student for advanced scholastic or vocational courses.

Any student in an adult education program administered by a school district or noncredit program administered by a community college district that is pursuing a high school diploma or high school equivalency certificate, and receives the recommendation of the administrator of the student's adult school or noncredit program of attendance, is eligible to attend as a special part-time student.

Any student whose age or class level is equal to grades 9, 10, 11, and/or 12 is eligible to attend as a special full-time student.

Any student enrolled in grades 9, 10, 11, and/or 12 may attend summer session.

Admissions to Special Programs

In addition to meeting the standards for admission to the District, students wishing to enroll in a special course of study or to an impacted program must satisfy additional admission requirements. Specific criteria for admission to such programs shall be approved by the Superintendent/President and published in the Catalog.

The Superintendent/President or designee shall establish procedures regarding ability to benefit and admission of high school students, including students who are home-schooled and/or exempt from compulsory high school education. Those procedures will be described in AP 5011 titled Admission of High School and Other Young Students and the current Catalog.

Admission of Special Part-Time, Full-Time, and Summer School High School Students

Any high school student is eligible to attend as a special part-time, full-time, or summer school student provided he/she/they is able to demonstrate his/her/their ability to benefit from advanced scholastic or career/technical courses and who meet the specified admissions and enrollment criteria per applicable Education Code, state regulations, and Board policies and administrative procedures as described in AP 5011 ~~titled~~ Admission of High School and Other Young Students.

Admission of Other Young Students

The Superintendent/President or designee shall establish procedures regarding evaluation of requests for special full-time, part-time, or summer school enrollment by a pupil who is enrolled in grades kindergarten through eighth grade or identified as highly gifted.

If the request for admission is denied, the applicant may appeal according to the process below.

Denial of Requests for Admission of High School and Younger Students

If the Board of Trustees denies a request for special full-time or part-time enrollment by a pupil who is identified as highly gifted, the Board will record its findings and the reason for denying the request in writing within sixty (60) days.

The written recommendation and denial shall be issued at the next regularly scheduled Board meeting that occurs at least thirty (30) days after the pupil submits the request to the District.

Claims for State Apportionment for Concurrent Enrollment

~~Any~~ **c**laims for state apportionment submitted by the District based on enrollment of high school pupils shall satisfy the criteria established by statute and any applicable regulations of the Board of Governors.

The Superintendent/President or designee shall establish procedures regarding compliance with statutory and regulatory criteria for concurrent enrollment.

Date Adopted: July 27, 2010 (*Replaced College of Marin Policy 4.0002 and a portion of Procedure 4.0003 DP.1*)

Date Revised: July 17, 2012

Date Reviewed/Revised:

Student Services

No CCLC Update, review as part of cycle of review process. The policy provisions are **legally required** to show compliance with the applicable federal regulations. Mici 9-21-2021

To Jon H. no changes 9-21-2021

To AS 9-24-2021, 1-31-2022

BP 5130 FINANCIAL AID**References:**

Education Code Sections 69500-69566 and 76300;

20 U.S. Code Sections 1070 et seq.;

34 Code of Federal Regulations Section 668;

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;

[ACCJC Accreditation Standard III.D.15](#)

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work and employment programs.

All financial aid programs will adhere to guidelines, procedures, and standards issued by the funding agency, and will incorporate state, federal, and other applicable regulatory requirements.

The Superintendent/President shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

Misrepresentation

Consistent with the applicable federal regulations for federal financial aid, the District shall not engage in “substantial misrepresentation” of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates.

The Superintendent/President shall establish procedures for regularly reviewing the District’s website and other informational materials for accuracy and completeness and for training District employees and vendors providing educational programs, marketing, advertising, recruiting, or admission services concerning the District’s educational programs, financial charges, and employment of graduates to assure compliance with this policy.

The Superintendent/President shall establish procedures wherein the District shall periodically monitor employees’ and vendors’ communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its Governing Board do not waive any defenses or governmental immunities by enacting this policy.

Date Adopted: May 17, 2011 (*Replaced College of Marin Policy 4.0031*)

Date Revised: February 26, 2013

Date Reviewed/Revised: