

**November 10, 2016, 3:00 p.m. – 4:00 p.m.**  
Academic Center, Room 303, KTD

TOPIC	DESCRIPTION	Information/ Discussion Action
1. Agenda	Review/Revise/Approve	Action
2. Minutes	Approve Minutes from 9/15/2016 and 10/13/2016	Action
3. President's Report	- ISER Report - Equity and Inclusion -- Other	Approval Information
4. Board Policies/Administrative Procedures	BP 3900 Speech: Time, Place and Manner (10 + 1) AP 3900 Speech: Time, Place and Manner (10 + 1)  BP/AP 4010 Academic Calendar (10 +1)  BP/AP 5030 Fees (10+1)  AP 5520 Student Discipline and Due Process (10 + 1)	Discussion/Action/ Information
5. Board of Trustees	Review 11/15/2016 Board Agenda	Information
6. Constituent Reports	Reports from senates and other constituent updates	Information
7. Meeting Wrap Up	Review/confirm actions made at meeting/ identify items for next meeting. EEO Model Plan (December 1)	Discussion
8. Meeting Schedule Fall 2016	December 1, 2016, 3 pm, AC 303 Spring Meetings Determined after December Board Meeting	Information
9. Adjourn Meeting		



## College Council Agenda

### **Members:**

David Wain Coon, Chair

### **Faculty:**

Sara McKinnon/Meg Pasquel

Becky Brown

Patricia Seery

### **Classified:**

Paul Wilson

Lindsay Bacigalupi

Monica Rudolph/Maridel

Barr

### **Students:**

Amy Diaz, ASCOM President

Jessica Sanchez, ASCOM VP

Darlene Baten, Student

Trustee

Eric Sitzenstatter, Past

ESCOM President

### **Managers:**

Jonathan Eldridge

Greg Nelson

Christina Leimer

### **Resources:**

Cabinet Members

### **Staff Support:**

Kathy Joyner

### **Ex-Officio for CSEA**

Kelley Gaffney, CSEA Pres.

**September 15, 2016, 3:00 p.m.**  
Academic Center, Room 303, KTD

Present: Jonathan Eldridge, Sara McKinnon, Meg Pasquel, Becky Brown, Patricia Seery, Kim Foulger, Lindsey Bacigalupi, Amy Diaz, Jessica Sanchez, Darlene Baten, Jonathan Eldridge, Greg Nelson, Christina Leimer, Kathy Joyner

Absent: David Wain Coon, Paul Wilson, Monica Rudolph, Marlene Knox, Dick Park, Keli Gaffney

Guests: Tim Haley and Ellen Hooper

1. **Agenda** - *The agenda was approved by consensus.*
2. **Minutes** - *The minutes from the April 7, 2016 and the May 12, 2016 meetings were approved by consensus.*
3. **President's Report**  
*Vice President Eldridge chaired the meeting in Dr. Coon's absence and asked the committee members to introduce themselves. Vice President Eldridge gave a description of the committee charge as an advisory group to the Superintendent/President and communication vehicle between constituent groups through participatory governance. Members were provided with the committee charge as defined in the Participatory Governance System.*
4. **Facilities Master Plan** – *Because most of the council members had already participated in the Facilities Master Plan forums, Vice President Nelson provided details of recent changes that have been incorporated based on forum feedback. In Kentfield, the PE footprint has been consolidated, and now includes an outdoor teaching space with turf where the existing tennis courts are located. 4 new tennis courts will be added in an area that is currently gravel. In an attempt to keep the facility more secure, a perimeter fence will be installed. A fire sprinkler system will be added to the gymnasium. Other changes include a road for access to the new M&O space, which will also provide fire road access for Grover school, and new outside restrooms that will serve the fields. Kim commented that Classified Senate members had concerns about whether the new M&O space would create a hazard condition due to the location next to the creek, whether the new space was large enough, and concerns with the road and foot traffic safety. Mr. Nelson noted that the new building would have to be built to code and would address any potential hazardous material issues, that the space encompasses 4 acres and will accommodate M & O, vehicles and equipment, Campus Police and potentially the print shop and that blinking warning light, such as those used for crosswalks, will be installed to alert pedestrians to traffic. The existing storage containers will be moved and a berm installed as required by the County for flood control. At IVC, child care will be moved to building 18 which will accommodate the program better and allow easier access for drop off and pick up of children. Building 12 will be modified into a student center which includes a kitchen space and study rooms. There will be a new pool and locker/shower building. The old pool will be filled in and will be the site for tennis courts, bocce ball and volley ball. There will also be an outdoor teaching space added. The old locker/shower building will gutted to accommodate a fitness center. Accessible parking will be added between buildings. A full-campus tree study will be completed for the full property to identify dead trees for removal which are a fire hazard.*

5. **BP/AP Review Process** –*Kathy commented that the College does not have a regular systematic review process for Board Policies and Administrative Procedures. While many policies and procedures are reviewed and modified as a result of CCLC legal/recommended changes or at the request of a senate or department, many have not been reviewed since the full review and revision project that occurred starting in 2007. An option from CCLC is to review specific chapters each year. While this option seems reasonable, it is often difficult to stay on track and easy to fall behind. Kathy asked members to bring this topic up with their constituent groups to discuss ideas on how we might implement a review system. She suggested taking a look at BPs or APs that individuals reference frequently to check the last review date and see if there is information that should be updated. Getting this information out will help get people thinking about it and will help with the process until we can determine what review system might work for the College.*
6. **Board Policies and Procedures** –*APs 4022 Program Revitalization and 4105 Distance Education were provided as information from the Academic Senate. Kathy asked that members bring BP/APs 3900 Speech, Time, Place, Manner, BP/AP 6200 Budget Preparation, BP/AP 6250 Budget Management and AP 6251 Reserve Fund Management to their constituent groups for review and comment. She noted that the College recently received correspondence that we are out of compliance with BP/AP 3900. CCLC legal changes have been incorporated into BP/AP 3900 and review is needed to either update the language related to where these activities occur or select Option 2 (as noted on the AP) which should have legal review according to CCLC. Greg commented to the Budget BPs/APs noting that we are defining our reserve level and adding an administrative procedure to define management of three reserves, the unrestricted fund reserve, capital maintenance and equipment reserve and 2016 Measure B reserve. A defined reserve level will help us to achieve the best credit rating, which will result in savings to taxpayers for the bond. The Board is required to review the reserves annually and can only move funds by Board action by a two-thirds vote. Kathy asked for approval on BP/AP 6740 Citizens' Bond Oversight Committee stating that there are no recommended changes to the BP and that there is one change related to member terms from CCLC. Both have been reviewed by Greg with no other recommended changes. She asked for approval and that the BP/AP be provided to constituents for information.*

***The following BP/APs were approved by consensus:***

AP 4022 Program Revitalization (Information)  
AP 4105 Distance Education (Information)  
BP 6740 Citizens' Bond Oversight Committee (No Change)  
AP 6740 Citizens' Bond Oversight Committee (Term Change – CCLC)

***The following BP/APs were provided to committee members to review with constituent groups:***

BP/AP 3900 Speech: Time, Place, Manner  
BP/AP 6200 Budget Preparation  
BP/AP 6250 Budget Management  
AP 6251 Reserve Fund Management (New)

7. **Board of Trustees Meeting** – *Vice President Eldridge reviewed the agenda for the September 20*

*meeting noting that the meeting will start with a study session on the Facilities Master Plan and Measure B related items starting at 2:00 pm at IVC. The CEO report will include an update on accreditation and the IVC Farm.*

**8. Constituent Reports**

*ASCOM – Darlene reported that the ASCOM board approved supportive funding for the Puente Project, the drama department, the tutoring center, the student health center and ESCOM. The welcome back BBQ and two student success events were well attended. Amy commented that they are a new Board and enjoyed this meeting as it gives them ideas on how to conduct their meetings.*

*ESCOM – There was no ESCOM report.*

*Classified Senate – Kim reported that new officers have been elected and they are looking at ways to share duties and rotate obligations. They are also looking at shortening the term to 6 months which they hope will encourage greater participation. Plans are in the works for the Halloween party which will be held on October 31 between 11:30 and 1:30. VP Eldridge authorized release time on behalf of the President. Looking forward to the staff development day on October 14 from 10 – 2:00.*

*Academic Senate – Becky reported they had been working on APs 4022 and 4105 as presented this afternoon. Approved revitalization proposals from Environmental Landscaping and to programs ELAN and Business Office Systems. They will be reviewing FLIT next week.*

*Vice President Eldridge noted that there will be a special event to launch the new Humanities 101 course and there will be open and focused session on December 2 about multiple assessment measures. Vice President Nelson commented on the TedX event happening this weekend, which is sold out and a good opportunity for publicity.*

**9. Meeting Wrap-Up Items for follow-up or next agenda:**

**Next Meeting:**

BP/APs Review Process

Update on AP 6365 Accessibility of Information Technology

BP/APs

**10. Next Meeting – The next meeting is scheduled for October 13, 2016 in the Academic Center Conference Room 303.**

**11. Adjourn Meeting – Meeting was adjourned at 4:10 p.m.**

**October 13, 2016, 3:00 p.m.**  
Academic Center, Room 303, KTD

Present: David Wain Coon, Jonathan Eldridge, Meg Pasquel, Becky Brown, Patricia Seery, Kim Foulger, Lindsey Bacigalupi, Kathy Joyner

Absent: Paul Wilson, Amy Diaz, Jessica Sanchez, Darlene Baten, Monica Rudolph, Marlene Knox, Dick Park, Keli Gaffney, Christina Leimer, Greg Nelson

1. **Agenda** - *The agenda was approved by consensus.*
2. **Minutes** - *The minutes from September 15, 2016 were deferred to the next meeting for lack of quorum. Kathy will check calendar invites, since the meeting did not seem to be on calendars and there was low attendance at the meeting.*

3. **President's Report**

**PGS Revisions** – *Dr. Coon reminded the council members that they received the revised Participatory Governance Plan via e-mail for review and comment after the last College Council meeting in May in order to take action over the summer when there no scheduled meetings. Constituent review occurred, comments were incorporated, and the plan was approved on-line. This item is intended to confirm that action in the minutes.*

*Dr. Coon also briefly reviewed the changes made to the plan including definition of quorum, chair and co-chair designations and vacancies, teleconferencing and electronic actions, staff resource positions, and committee involvement in review of Board policy/procedure as applicable to a committee charge.*

**IVC Visioning/Farm** – *Vice President Eldridge updated the council on the change of management of the IVC farm to the College of Marin since the current plan is no longer financially feasible for the Conversation Corp of the North Bay. Plans are being made to add a classroom and demonstration kitchen. A farm supervisor will be hired and programs will be expanded to include hospitality, agriculture, increased environmental landscaping courses as well as increased community education courses and certificate programs. There will be a bridge year where the farm will be maintained during the transition and while the new building is constructed. The college will maintain its current partnerships at the farm and there will be volunteer and paid work positions available. Teachers and students will benefit from an additional learning space and opportunity to expand programs. Community forums will be held on October 24 and November 8 to outline details and solicit input.*

*There will also be a community forum held on November 2 to engage in discussions and solicit input for the IVC Visioning process. A steering committee has been meeting to*

*discuss options for the IVC campus including the farm and garden, the pool, the community center and expansion of programs and community education.*

***EEO Model Plan – Not discussed***

**4. BP/AP Cycle Review System – Not discussed**

**5. Board Policies and Procedures – BP/AP 3900 Speech: Time, Place and Manner and AP 5030 Fees, are still under review by the Academic Senate. AP 2710 Conflict of Interest Code was provided to College Council for information only as it relates specifically to the Board of Trustees.**

***The following BP/APs were approved to move forward:***

BP 6200 Budget Preparation

AP 6200 Budget Preparation

BP 6250 Budget Management

AP 6250 Budget Management

AP 6251 Reserve Fund Management

**6. Board of Trustees Meeting – Vice President Eldridge reviewed the agenda for the October 18 meeting noting that there would be recognition of our new faculty members, an update on where we are in the accreditation process, information on the bond projects and spending plan and Measure B processes and updates on the selection process for the Aquatics Center and PM/CM for the bond. The meeting will start at 6:30 in the Academic Center, Room 255.**

**7. Constituent Reports**

*ASCOM – There was no student report.*

*ESCOM – There was no ESCOM report.*

*Academic Senate – Patricia reported that the Senate had been working on the BPs and APs and approved 6200, 6250 and 6251 with one minor change to 6251 which Sara will provide to Kathy. They are still working on Speech and Fees.*

*Classified Senate – Monica reported that the classified senate is very excited about the staff development activity tomorrow and looking forward to seeing this happen more often. The Halloween party is happening and is scheduled for Monday, October 31 from 11:30 – 1:30. The senate also discussed the BPs and APs and there was one comment that AP 6251 does not identify the required 5% reserve minimum as designated by the Chancellor's office. This comment will be shared with Vice President Nelson.*

*There was discussion about the Bond Citizens' Oversight Committee and that applications are now being accepted. There was also discussion about the need to include faculty and staff in planning for buildings to assure there is appropriate space assigned for classrooms.*

8. Meeting Wrap-Up *Items for follow-up or next agenda:*

**Next Meeting:**

BP/APs Review Process

BP/AP 3900 Speech: Time, Place and Manner

AP 5050 Fees

AP 6365 Accessibility of Information Technology

EEO Model Plan

Minutes from 9/15/2016 and 10/13/2016

9. Next Meeting – The next meeting is scheduled for November 10, 2016 in the Academic Center Conference Room 303.

10. Adjourn Meeting – Meeting was adjourned at 4:00 p.m.



## General Institution

CCLC Update 23 (October 2013) to align with the requirements of Education Code Section 76120.

CCLC Update 25 (November 2014) are already incorporated.

Admin. Edits

**BP 3900 SPEECH: TIME, PLACE, AND MANNER****References:**

Education Code Sections 66301 and 76120

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The District is a non-public forum, except for those areas that are designated public forums available for the exercise of expression by students, employees, and members of the public. The Superintendent/President shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedures promulgated by the Superintendent/President shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions ~~in those parts of the District designated as areas generally available to students and the community~~, and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which so incites others as to create a clear and present danger of the commission of unlawful acts on District property or the violation of Board policies or administrative procedures, or the substantial disruption of the orderly operation of the District.

~~The District may adopt rules and regulations that are designed to prevent hate violence, as defined in subdivision (a) of Section 4 of Chapter 1363 of the Statutes of 1992, from being directed at students in a manner that denies them their full participation in the educational process, if the rules and regulations conform to standards established by the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution for citizens generally. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.~~

CCLC Version: Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process (Education Code Section 66301 (e)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected.

**Date Adopted: July 27, 2010**

*(Replaces College of Marin Policies 2.0004, 3.0022, 4.0027, and 8.0021)*

## General Institution

## Admin Edits/Notes

CCLC Update 23 (October 2013) removes the requirement that outside groups provide advance notice of speech or expressive activities.

CCLC Update 25 (November 2014) includes options to limit speech and expressive activity in common areas of campus, and to clarify the obligation of persons distributing printed materials to retrieve, remove or properly discard the materials.

**AP 3900 SPEECH: TIME, PLACE, AND MANNER****References:**

Education Code Sections 66301 and 76120

The students and employees of the District and members of the public shall be permitted to exercise their rights of free expression subject to the time, place and manner policies and procedures contained in [Board Policy 3900](#) titled Speech: Time, Place, and Manner and these procedures.

*(Option 1 and current procedure)* The campuses of the District are non-public forums, except for the following areas, which are reserved for expressive activities that do not violate Board policy and are lawful. *(Revise areas or choose option 2)* The designated areas at the Kentfield Campus include: South of Olney Hall near the student drop off area on College Avenue; North entrance to the Student Center; East side of the Student Center; and no closer than 30 feet to any academic or student service buildings. The designated area at the Indian Valley Campus is the Campus Green and no closer than 30 feet to any academic or student service buildings. These areas are chosen so as to provide visibility and allow communication to a large number of students, administrators, faculty, and others walking or traveling on campus but also so as not to disrupt the ~~orderly operation of the District including (per template)~~ educational and other activities on behalf of students:

- The areas are designated public forums. The District reserves the right to revoke that designation and apply a non-public forum designation.
- The District reserves the right to designate areas as non-public forums as necessary to prevent the substantial disruption of the orderly operation of the college. Areas of the District that are non-public forums specifically include campus offices, classrooms, warehouses, maintenance yards, or locker rooms, and any other area not specified above.

Option 2 (If the District does not wish to limit expressive activities by students and non-students to particular areas as described above, it can use the following language in place of the “list of areas” specified above: “those areas generally available to students and the community, defined as grassy areas, walkways, and other similar common areas.”

The use of these areas reserved and open for expressive activities is subject to the following:

- ~~Persons using and/or distributing material shall not impede the progress of passersby, nor shall they force passersby to take material.~~

- No person using the areas shall touch, strike, or physically impede the progress of passersby, except for incidental or accidental contact, or contact initiated by a passerby.
- Persons using areas shall not use any means of amplification that creates a noise or diversion that disturbs ~~or tends to disturb~~ the orderly conduct of the campus or classes taking place at that time.
- No persons using the areas generally available to students and the community shall solicit donations of money, through direct requests for funds, sales of tickets or otherwise, except where he/she is using the areas generally available to students and the community on behalf of and collecting funds for an organization that is registered with the Secretary of State as a nonprofit corporation or is an approved Associated Students Organization or club. – Not in template (legal review?)

Non-student, community groups wishing to engage in speech or expressive activities on campus, in the areas designated as public forums, must provide notification to the District through the Office of Student Affairs ~~not less than three business days in advance of~~ prior to engaging in the activities ~~and must describe the nature of the planned activities and the approximate number of participants. This does not involve an advance approval process.~~ No illegal activities will be permitted, no activities which violate District or campus rules, including rules and laws on illegal harassment and discrimination, and none that will substantially interfere with or disrupt activities already scheduled for that day and time in the designated areas, as described below. In the event the area sought to be used for expressive activities has already been reserved for another activity so that there will be substantial interference or disruption based on noise, overcrowding, or other considerations unrelated to content, the District will offer alternative available areas or if none are available offer alternative dates. Students, outside organization, and others are encouraged to make reservations in advance to use the areas for their expressive activities through the use of optional reservation forms. – Note The District can required advance notice, but not advisable to require notice more than (3) business days (Legal)

All persons using the areas that are designated public forums shall be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Such distribution shall take place only within those areas. ~~Those persons distributing printed material must, prior to their departure from the areas that day, make reasonable efforts to retrieve, remove or properly discard material distributed in the areas that is discarded or dropped in or around the areas other than in an appropriate receptacle. must be retrieved and removed or properly discarded by those persons distributing the material prior to their departure from the areas that day.~~

### **Posting**

Bulletin boards shall be provided for use in posting materials at campus locations convenient for use by students, employees and members of the public. All materials displayed on a bulletin board shall clearly indicate the author or agency responsible for its production and shall be dated with the date of posting by the Office of Student Affairs. Materials displayed shall be removed within ten days after the event.

Office of Primary Responsibility: Student Affairs

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**Date Approved: June 22, 2010**

*(Replaces College of Marin Procedure 8.0021 DP.1)*

Academic Affairs

**BP 4010      ACADEMIC CALENDAR**

**References:**

Education Code Sections 70902(b) (12) and 84890;  
Title 5 Sections 55700 et seq. and 58142

The Superintendent/President shall, in consultation with the appropriate groups, submit to the Board for approval an academic calendar.

Also see AP 4010 titled Academic Calendar

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**Date Adopted:** April 21, 2009  
(Replaces College of Marin Policy 7.0006)

No CCLC Changes  
To Cari Torres/Jon Eldridge/Sara McKinnon for Review

Approved by AS 10/20/2016

**AP 4010      ACADEMIC CALENDAR****References:**

Education Code Section 79020;  
Title 5 Sections 55700 et seq. and 58142

It shall be the responsibility of the Office of Student Learning to establish a process for determining the academic calendar in accordance with contractual mandates and to recommend the academic calendar which shall include:

- The number of days that define an academic year (traditionally, 175 days of instruction and evaluation)
- Flexible calendar options, if any
- ~~Processes for determining the academic calendar (already referenced above)~~
- Published holidays according to the California Community College Chancellor's Office and consistent with current collective bargaining agreements, which may include:
  - New Year's Day
  - Dr. Martin Luther King, Jr. Day
  - Lincoln Day
  - Washington Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Veterans Day
  - Thanksgiving Day
  - Christmas Day

**Other Holidays:** The Board of Trustees may declare other days to be holidays and close the college when good reason exists.

**Final Examinations:**

Final examinations are held at fixed times. Instructors are not to give examinations in advance of the regular schedule.

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**Date Approved:** March 17, 2009

*(Replaces College of Marin Policies 7.0012 and 5.0025 and portions of Procedure 4.0003 DP.10)*

*No CCLC Changes*

*To Cari/Jon/Sara for Review 9/19/2016*

*AS Changes/approval 10/20/2016*

**Student Services**

Admin comments 8/19/2015 &amp; 10/24/21016

Updates from staff as noted

Update 24 (April 2014) to clarify allowable auditing fees

Update 26 (April 2015) to reflect revised Accreditation Standard I.C.6. (Per ACCJC's June 2014 revisions) in the references.

Update 27 (October 2015) Updated to add a new fee that must be charged for student enrolled in a baccalaureate degree pilot program.

**BP 5030 FEES****References:**Education Code Sections [76300](#), [76141](#), [76142](#), and [76300](#) et seq.[Title 5 Section 58520](#);[ACCJC Accreditation Standard I.C.6](#)

The Board of Trustees authorizes the following fees. The Superintendent/President shall establish procedures for the collection, deposit, waiver, refund, and accounting for fees as required by law. The procedures shall also ensure ~~assure~~ (D Levy) those who are exempt from or for whom the fee is waived are properly enrolled and accounted for. Fee amounts shall be published in the catalog and schedules of classes.

**The Board of Trustees authorizes the deferral of payment of certain fees.**

**Baccalaureate Degree Pilot Program Fees (Title 5 Section 58520)**

Each student shall be charged a fee in addition to an enrollment fee for upper division coursework in a baccalaureate degree pilot program. (CCLC Update 27)

**Community Service Fee** (Education Code Section 78300): The District shall charge each student enrolled in community service classes a fee not to exceed the cost of maintaining community service classes. (Reviewed by C Hildebrand – OK – 9/10/2015)

**Course Auditing Fees** (Education Code Section 76370): Persons auditing a course shall be charged a fee of not more than \$15.00 per unit per semester. The fee amount shall be adjusted proportionally based upon the term length. (Update 24). Students enrolled in classes to receive credit for 10 or more semester credit units shall not be charged this fee to audit three or fewer units per semester.

**Credit by Examination Fee** (Title 5 Section 55753): The District shall charge a reasonable fee for credit by examination which shall be the per unit enrollment fee established by Education Code Section 76300.

**Enrollment Fee** (Education Code Section 76300): Each student shall be charged a fee for enrolling in credit courses as required by law.

**Fee Refunds** (Title 5 Section 58509, Education Code Section 66700): The refunding of various fees shall be in accordance with the law and AP 5030 titled Fees.

**General Education Diploma (GED) Administrative Testing/Retesting Fee:** The District shall charge a GED Testing/Retesting Fee not to exceed the cost of administering the GED Exam.

**Health Fee** (Education Code Section 76355): All students shall be charged the health fee equally, including full and part-time students, provided for in law and as approved by the Board of Trustees. Students who depend exclusively upon prayer for healing in accordance with the teachings of bona fide religious sect shall be considered for an exemption of this fee.

**International Student Application Processing Fee** (Education Code Section 76142): The District ~~may shall~~ charge students who are both citizens and residents of a foreign country a fee to process their application for admissions. This processing fee and regulations for determining economic hardship may be established by the Superintendent/President. The fee shall not exceed the lesser of 1) the actual cost of processing an application and other documentation required by the U.S. government; or 2) one hundred dollars (\$100), which may shall be deducted from the tuition fee at the time of enrollment. (Note - "may" is in Ed Code Section)

**Instructional Materials Fee** (Education Code Section 76365; Title 5 Sections 59400 et seq.): Students may be required to pay a fee for instructional and other materials for a credit or non-credit course, provided such materials are of continuing value to the student outside the classroom and provided that such materials are not solely or exclusively available from the District.

**International Students/Non-Resident Capital Outlay Fee** (Education Code Section 76141): The District ~~shall may~~ charge non-resident students ~~who are both citizens and residents of a foreign country~~ a capital outlay fee. The amount of the non-resident capital outlay fee must be the lesser of:

- ~~may not exceed~~ the amount that was expended by the District for capital outlay in the preceding fiscal year divided by the ~~total actual~~ full-time equivalent students of the District in the preceding fiscal year; or
- ~~Additionally, the fee cannot be more than~~ 50 percent of the preceding year non-resident tuition fee adopted pursuant to Education Code Section 76140. (Per Peggy in accordance with Chancellor's Office Non-Resident Fee Memo – 12/2/2015)

**Parking Fee** (Education Code Section 76360): Each student purchasing a parking permit shall be charged a Board approved fee. At the Board's discretion, parking fees for non-students parking on District property may be assessed.

**Physical Education Facilities** (Education Code Section 76395): Where the District incurs additional expenses because a physical education course requires the use of non-District facilities, students enrolled in the course shall be charged a fee for participating in the course. Such fee shall not exceed the student's calculated share of the additional expenses incurred by the District. (OK per Ryan B – 10/24/2016)

**Refund Processing Fee** (Title 5 Section 58508): The District shall retain the maximum amount as prescribed in Title 5 Section 58508 for the processing of refunds.

**Returned Check and/or Declined Credit Card Fee:** The District shall charge a fee not to exceed the cost for processing and administering a returned check and/or declined credit card ~~Visa or Master Card~~.

**Student Representation Fee** (Education Code Section 76060.5): Students ~~may will~~ be charged a \$1 fee per semester to be used to provide support for student government affairs representation. Students may

refuse to pay the fee for religious, political, financial, or moral reasons. ~~and shall submit such refusals in writing to the Director of Student Activities and Advocacy Affairs.~~ Waivers must be submitted to the Office of Enrollment Services upon registration. (Per Sadika – 9/9/2015)

**Student Activities Fee (California Community College Chancellor's Office (CCCCO) Student Fee Handbook)**

Students may pay an optional student activities fee to support campus clubs, organizations, and intercollegiate athletics and to sponsor educational and social events for the campus community. Waivers must be submitted to the Office of Enrollment Services upon registration. (Per Sadika – 9/9/2015)

**Student Transportation Fee** (added to address transportation fee – CCLC template language:) Students shall be charged a fee for the purpose of recovering transportation costs incurred by the District for services provided by common carriers to students. These fees were approved by students in accordance with Education Code.

**Transcript Fee/Verification of Enrollment** (Education Code Section 76223): The District shall charge a reasonable amount for furnishing copies of any student record to a student or former student. The Superintendent/President is authorized to establish a the fee, which shall not exceed the actual cost of furnishing copies of any student record. No charge shall be made for furnishing up to two transcripts of student records or for two verifications of various records. There shall be no charge for searching for or retrieving any student record.

Also see BP 4070 titled Auditing, BP 5020 titled Non-resident Tuition and BP 4400 titled Community Service Programs

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**Date Adopted:** April 20, 2010

*(Replaces College of Marin Policies 6.0011, 3.0041, and 3.0045)*

**Date Revised:** November 16, 2010

**Date Revised:** April 16, 2013



**Student Services**

Admin review against CCLC template – Aug 18 2015

Review w/Peggy I & Diane T 9/4/2015

Updates from Carol Hildebrand 9/10/2015

Updates from Diane T (September 2016)

Notes from K Joyner 10/20/2016

Additional review w/Robin D & Sara McK. 10/21/2016

CCLC Update 26 (April 2015) to reflect revised Accreditation Standard I.C.6 (per ACCJC's June 2014 revisions) in the references.

CCLC Update 27 (October 2015) Updated to add provision allowing districts to waive enrollment fees that were not collected due to district error in award a BOG fee waiver to an ineligible student. Also updated to include baccalaureate degree pilot program fee as required fee.

D Traversi (September 2016) Updated to change process of dropping of classes for non-payment of fees.

D Traversi (September 2016) Updated to add the exemption of enrollment fees for students enrolled in a program that is part of a CCAP agreement.

**AP 5030 FEES****References:**

Education Code Sections 70902(b)(9), 76300, 76300.5, 66025.3, and 68130.5;

Title 5 Sections 51012, 58520, 58629

California Community College Chancellor's Office (CCCCO) Student Fee Handbook;

ACCJC Accreditation Standard I.C.6

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

**Required fees include:**

- **Enrollment Fees** (Education Code Section 76300 and 76300.5; Title 5 Sections 58500-and 58509)
- Baccalaureate degree pilot program fees (Title 5 Section 58520 (Update 27))
- **Non-resident Tuition** with these permissive exemptions (Education Code Sections 76140 and 76140.5 address permissive exemptions):
  - All non-resident students enrolling in six or fewer units; or and (check with Legal)
  - A student who is a citizen and resident of a foreign country who demonstrates financial need and this required exemption (Education Code Section 68130.5);
- ~~Non-resident Tuition with this required exemption (Education Code Section 68130.5):~~  
~~(Diane to provide updated language)~~
  - All students, other than nonimmigrant aliens under 8 U.S. Code Section 1101(a)(15), who meet the following requirements:
    - high school attendance in California for three or more years;
    - graduation from a California high school or attainment of the equivalent thereof;

- registration or enrollment in a course offered for any term commencing on or after January 1, 2002;
- completion of a questionnaire form prescribed by the State Chancellor's Office verifying eligibility for this nonresident tuition exemption; and
- in the case of a student without lawful immigration status, the filing of an affidavit that the student has filed an application to legalize his/her immigration status, or will file an application as soon as he/she is eligible to do so.

**Fees authorized by law include:**

- Non-District physical education facilities (Education Code Section 76395)
- Non-credit courses (Education Code Section 76385)
- Community service courses (Education Code Section 78300)
- Auditing of courses (Education Code Section 76370)
- Instructional materials (Education Code Sections 73365, 81457, and 81458; Title 5 Sections 59400-59408)
- Athletic insurance (Education Code Section 70902(b)(9))
- Cross-Enrollment with CSU or UC (Education Code Section 66753)
- Health (Education Code Section 76355)
- Parking (Education Code Section 76360)
- Transportation (Education Code Sections 76361 and 82305.6)
- Student representation (Education Code Section 76060.5; Title 5 Sections 54801-(and) 54805)
- Student Center (Education Code Section 76375; Title 5 Section 58510)
- Copies of student records (Education Code Section 76223)
- Child care (Education Code Sections 79121 et seq. and 66060)
- Non-resident capital outlay (Education Code Section 76141)
- Non-resident application processing (Education Code Section 76142)
- Credit by Examination (Education Code Section 76300; Title 5 Section 55753)
- Use of facilities financed by revenue bonds (Education Code Section 81901(b)(3))
- Refund processing (Title 5 Section 58508)
- Telephone registration (Education Code Section 70902(a))
- Physical fitness test (Education Code Section 70902(b)(9))
- Instructional Tape Lease/Deposit (Education Code Section 70902(b)(9))
- Credit Card Use (Education Code Section 70902(b)(9))
- International Student Medical Insurance (Education Code Section 70902(b)(9))

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

- Optional student activities fee (CCCCO Student Fee Handbook)
- Technology Fee (CCCCO Student Fee Handbook) – (Note: 10/20/2016 Peggy confirmed – 4.15 in Student Fee Handbook (Oct 18 2012)- optional fee, but allowed if no state funds received for this purpose.)

**Prohibited fees include:**

- Late application (CCCCO Student Fee Handbook)
- Add/drop (CCCCO Student Fee Handbook)
- Mandatory student activities (CCCCO Student Fee Handbook)
- Student Identification Cards (CCCCO Student Fee Handbook)

- Student Body Organization (CCCCO Student Fee Handbook)
- Non-resident application (CCCCO Student Fee Handbook)
- Field trip (Title 5 Sections 55450 and 55451)
- For dependents of certain veterans (Education Code Section 66025.3)
- For dependents of certain victims of the September 11, 2001 terrorist attacks. (CCCCO Student Fee Handbook)
- For certain recipients of the Medal of Honor and certain children of the recipients of the Medal of Honor (Education Code Section 66025.3)
- Required or funded services (CCCCO Student Fee Handbook)
- Refundable deposits (CCCCO Student Fee Handbook)
- Distance education (other than the statutorily authorized enrollment fee) (CCCCO Student Fee Handbook)
- Mandatory mailings (CCCCO Student Fee Handbook)
- Rental of practice rooms (CCCCO Student Fee Handbook)
- Apprenticeship courses (Education Code Section 76350)
- ~~Technology fee (CCCCO Student Fee Handbook)~~
- Late payment fee (Title 5 Sections 58502 and 59410)
- Nursing/healing arts student liability insurance (Title 5 Section 55234)
- Cleaning (CCCCO Student Fee Handbook)
- Breakage (CCCCO Student Fee Handbook)
- Test proctoring (CCCCO Student Fee Handbook)
- ~~Collection and Refund of Fees~~

### Collection of Fees (Credit Classes)

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

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

~~All fees shall be assessed at the time of registration and must be paid in full or students must enroll in a payment plan within five (5) days after the time of registration (enrollment). Failure to pay all fees in full or enroll in a payment plan within five days (5) of registration (enrollment) will result in the student's dis-enrollment from all classes. (approved by AS and Robin D.)~~

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

### **Fees Collected in Error**

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

### **Refunds**

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

- **Enrollment Fees: (Title 5 Section 50508)**

Enrollment fees paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point of the length of a course for short-term a course.

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

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

- **Instructional Materials Fees Refund:**

Materials fees paid by the student provided that no materials have been used for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point of the length of a course for a short-term course and for action taken by the District to cancel or reschedule classes.

- **Non-resident and International Student Tuition:**

Non-resident or international student tuition paid by a student for program changes made during the first two weeks of instruction for a primary term-length course or by the ten percent point for the length of course for short-term courses shall be refunded.

The District shall refund the following fees upon the student filing a Refund Request Form within the fiscal year (July 1 – June 30):

- **Community Services Fees:**

Community services fees paid by a student for classes dropped at least three business days prior to the class start date ~~of the class~~.

- **Health Fees:**

Health fees paid by the student only if the District took action to cancel or reschedule a class(es) for which the student was enrolled and the student has no other enrollment for the term.

- **Parking Fees:**

Parking fees paid by the student may be refunded under the following conditions:

- The District has taken action to cancel a course for the student was enrolled and the student has no other enrollment for the term in credit, non-credit, community education, or emeritus college courses.

- The student has dropped all courses on or before the last day to qualify for an enrollment/tuition fee refund.
- The student has dropped all courses by the ten percent point of the length of a course for a short-term course.

**NOTE:** The parking permit sticker must be returned to the Office of Cashiers Office Admissions and Records when making the request for a refund.

- **Student Representation Fee:**

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

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

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

#### Waiver of Fees (Update 27)

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

#### Exemption of Fees for CCAP agreements students (AB288)

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

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

**Office of Primary Responsibility:** Office of Enrollment Services – Fees ~~Admissions and Records~~  
Fiscal Services – Payments and Refunds

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**Date Approved:** October 19, 2010

*(Replaces College of Marin Procedures 6.0011 DP.1 and 3.0045 DP.1)*

**Date Revised:** March 19, 2013

## Student Services

CCLC Update 27 (October 2015) to correct typographical errors and make clarifications.

**AP 5520 STUDENT DISCIPLINE AND DUE PROCESS****References:**

Education Code Sections 66017, 66300, 72122, 76030, 76032 and 76120 et seq.;  
Penal Code Section 626.4

The purpose of this procedure is to provide a prompt and equitable means of addressing alleged violations of the Standards of Conduct that guarantees the student of students involved the due process rights granted them under state and federal constitutional protections. This procedure will be used in a fair and equitable manner, not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically intended not to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code section 76120, and will not be used to punish protected expression.

**A. Definitions:**

1. **Class:** Any scheduled instructional period held on any day of the week.
2. **Day:** A day that the District is in session and regular classes are held, excluding Saturdays and Sundays.
3. **District:** The Marin Community College District.
4. **DSAA:** The Director of Student Activities & Advocacy or a designee acting in the place of the DSAA.
5. **Expulsion:** Permanent exclusion of the Student by the Board of Trustees from the District and all District programs.
6. **Instructor:** Any academic employee of the District in whose class a student subject to discipline is enrolled, or any counselor or librarian who is providing or has provided services to the student, or any other academic employee who has responsibility for the student's educational program.
7. **Long-term Suspension:** Exclusion of the Student by the VPSL/SS for good cause from one or more classes for 11 or more Days, for the remainder of the school term, or from all classes and activities of the District for one or more terms.
8. **Notice:** Written notice to the Student from the DSAA of the Student's alleged conduct that is purported to have violated the District's Standards of Student Conduct (BP 5500).
9. **President:** The Superintendent/President of the Marin Community College District.

10. **Removal from class:** Exclusion of the Student by an Instructor from his or her class for the day of the removal and the next class meeting.
11. **Short-term Suspension:** Exclusion of the Student for good cause by the VPSL/SS from one or more classes for a period of up to 10 consecutive Days.
12. **Student:** The individual currently enrolled as a student in any program offered by the District who is subject to discipline under these procedures.
13. **VPSL/SS:** Vice President of Student Learning & Student Services.
14. **Withdrawal of Consent to Remain on Campus:** Withdrawal of consent by the President or the District Chief of Police for any person to remain on campus in accordance with California Penal Code Section 626.4 when the President or the District Chief of Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.
15. **Written or verbal reprimand:** An admonition to the Student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of the Student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of the Student's record at the college for a period of up to one year.

**B. Short-term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:**

1. **Notice:** The DSAA will provide the Student with Notice of the alleged misconduct warranting discipline. The District will serve the Notice on the Student by personal delivery or sending copies by certified mail and by email to the Student's postal and email addresses on file. The Notice will include the following:
  - a) The specific section(s) of the Standards of Student Conduct that the Student is alleged to have violated;
  - b) The alleged Student misconduct that purportedly violated one or more of the Standards of Student Conduct;
  - c) The right of the Student to meet with the DSAA or designee to discuss the alleged misconduct, or to respond in writing; and
  - d) The nature of the discipline that is being considered.
2. **Time limits:** The Notice must be provided to the Student within 15 Days of either (1) the date on which the alleged conduct took place or (2) the date on which the District became aware of the alleged conduct. In the case of continuous, repeated, or ongoing conduct, the Notice must be provided within 15 Days of the date on which the conduct occurred that led to the decision to take disciplinary action.

3. **Meeting:** If the Student chooses to meet with the DSAA, the meeting must occur no sooner than 5 Days after the District sends the Notice to the Student in order to provide the Student with time to prepare for the meeting, unless the Student requests to meet sooner. At the meeting, the Student must again be told the allegations of fact(s) about the Student's conduct alleged to constitute violation(s) of the Standards of Student Conduct, and the Student must be given an opportunity to respond verbally or in writing to the allegations. The DSAA may adjourn the meeting to investigate alleged facts or issues raised by the Student and reconvene the meeting following the investigation.
4. **DSAA's Recommendation:** Upon completion of the investigation, and after the Student has been given the opportunity to respond to the allegations, if the DSAA finds that the Student violated the District's Standards of Student Conduct, the DSAA may recommend that the VPSL/SS impose disciplinary sanction(s) against the student. The DSAA shall prepare a written recommendation that includes findings of fact as to each allegation against the Student and determination(s) regarding the specific section(s) of the Standards of Student Conduct that the Student was found to have violated. The DSAA shall submit his or her recommendation to the VPSL/SS within 5 Days after the meeting described above is concluded.
5. **VPSL/SS's Decision:** Within 5 Days of receiving the DSAA's recommendation, the VPSL/SS will make a determination and the District will serve a notice with the VPSL/SS's decision on the Student by (1) personal delivery or (2) sending copies by certified mail and by email to the Student's postal and email addresses on file. VPSL/SS decisions may include those that follow:
  - a) **Short-term Suspension:** If the DSAA recommends a short-term suspension, the VPSL/SS may decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action and/or educational sanctions, or whether to dismiss the charges. The District will send written notice of the VPSL/SS's decision to the Student. The notice will include the length of time of any suspension or the nature of the lesser disciplinary action. The VPSL/SS's decision on a short-term suspension or lesser sanction shall be final.
  - b) **Long-term Suspension:** If the DSAA recommends a long-term suspension, the VPSL/SS may decide to impose a long-term suspension, a short-term suspension, some lesser disciplinary action, or to dismiss the charges. The VPSL/SS's decision to impose a short-term suspension or lesser sanction shall be final. If the VPSL/SS decides to impose a long-term suspension, the District will send written notice of the VPSL/SS's decision to the Student. The notice will advise the Student of his or her right to request a formal hearing before a long-term suspension is imposed. With the notice, the District must send a copy of this AP 5520 describing the procedures for formal hearings.
  - c) **Expulsion:** If the DSAA recommends expulsion, the VPSL/SS may (1) recommend expulsion to the President, (2) impose some lesser disciplinary action, or (3) dismiss the charges. The District shall provide the Student with written notice of the VPSL/SS's recommendation to the President or the VPSL/SS's decision regarding lesser discipline or dismissal.

If the VPSL/SS recommends expulsion or imposes a Long-Term Suspension, the notice shall include information advising the Student of his or her right to request a formal hearing before Expulsion or a Long-Term Suspension is imposed and shall include a copy of this AP 5520 describing the procedures for a hearing.



If the Student does not request a hearing, or if a hearing is held and the hearing panel recommends expulsion to the President, the President may recommend expulsion to the Board of Trustees, impose a lesser disciplinary sanction against the Student, or dismiss the charges.

If the President imposes a lesser disciplinary sanction or dismisses the charges, the President's decision shall be final. Only the District's Board of Trustees holds the authority to expel a Student.

## **6. Hearing Procedures**

- a) **Request for a Hearing:** Within 5 Days after the District sends the student notice of the VPSL/SS's decision to impose a long-term suspension or to recommend expulsion to the President, the Student may request a formal hearing. The Student's request must be made in writing and submitted to the VPSL/SS or designee by 5:00 p.m. on the 5th Day after the District sends the VPSL/SS's decision to the Student. If the Student fails to submit a timely request for a formal hearing, the Student shall be deemed to have waived his or her right to have a hearing.
- b) **Scheduling the Hearing:** The District will convene a formal hearing within 10 Days after receipt of a timely Student request for a formal hearing. For good cause, the President may extend this period as he or she deems necessary.
- c) **Hearing Panel:** Except as otherwise specified, the hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. If the disciplinary matter involves allegation(s) of sexual violence, the alleged victim and the accused shall each independently have the right, upon submission of a written request submitted to the VPSL/SS at least three Days before the date scheduled for the hearing, to have the student on the panel replaced with an administrator who shall be appointed by the President.

The President, the president of the Academic Senate, and the president of the Associated Students shall each, at the beginning of the academic year, establish a list of at least five people who will serve on student disciplinary hearing panels. The President shall appoint administrators, the president of the Academic Senate shall appoint faculty members, and the president of the Associated Students shall appoint students.

The President shall appoint the hearing panel from the listed names. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

The President shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

## **7. Conduct of the Hearing**

- a) The members of the hearing panel shall be provided, before the hearing begins, with a copy of the allegations of fact(s) about the Student's conduct alleged to constitute violation(s) of the Standards of Student Conduct and any written response provided by the Student.
- b) Evidence of the Student's alleged misconduct shall be presented by a college representative who shall be the DSAA or designee.
- c) The college representative and the Student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d) Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. The Chair may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation(s) including, but not limited to, personal character references, is not admissible.
- e) Unless the hearing panel elects to proceed otherwise, the college representative and the Student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the Student. The college representative may present rebuttal evidence after the Student completes his or her presentation of evidence. The burden shall be on the college representative to prove by a preponderance of the evidence (more likely than not) that the facts alleged are true.
- f) The Student may represent himself/herself, and he or she has the right to be represented by a person of his/her choice, except that the Student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the Student wishes to be represented by an attorney, the Student must submit a written request to the VPSL/SS not less than 3 Days prior to the date of the hearing. If the hearing panel permits the Student to be represented by an attorney, the college representative may request legal assistance. In all cases, the hearing panel may request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- g) The hearings shall be closed and confidential unless the Student requests that it be open to the public. Any such request must be made submitted in writing to the VPSL/SS no less than 3 Days prior to the date of the hearing. The panel may deny the request in order to protect the privacy interests of other parties, such as an alleged victim of the Student's alleged misconduct.
- h) Witnesses, except the Student, shall not be present at the hearing when not testifying unless all parties and the panel agree to the contrary.
- i) The hearing shall be recorded by the District either by tape recording (or similar recording technology) or stenographic recording. No other recording shall be permitted. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself/herself by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording of the hearing shall remain in the custody of the District at all times, unless released to a professional transcribing service. The Student may request a copy of the recording.

- j) All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not considered unavailable.
- k) Within 10 Days following the close of the hearing, the hearing panel shall prepare and send a written recommendation to the VPSL/SS. The recommendation shall include specific factual findings regarding each allegation of misconduct and specific conclusions regarding whether the Student violated any specific section(s) of the Standards of Student Conduct. The hearing panel shall also provide a specific recommendation regarding disciplinary action(s), if any, to be imposed. The recommendation shall be based only on the record of the hearing and not on any matter outside of that record. The record consists of the original allegations of misconduct and alleged violations of Standards of Student Conduct, the Student's written response, if any, and the oral and written evidence produced at the hearing.

#### **8. Decision Following a Hearing:**

- a) **Timeline for VPSL/SS's Decision or Recommendation:** Within 10 Days following receipt of the hearing panel's recommended decision, the VPSL/SS shall (1) render a final written decision imposing a Long-Term Suspension, a lesser disciplinary sanction, or dismissing the charges; or (2) make a recommendation to the President to recommend expulsion to the Board of Trustees. The VPSL/SS may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the VPSL/SS modifies or rejects the hearing panel's decision, the VPSL/SS shall review the record of the hearing and shall prepare a written decision containing specific factual findings and conclusions.
- b) **Long-term suspension:** If the VPSL/SS decides to impose a Long-Term suspension, or other sanction less severe than expulsion, the decision of the VPSL/SS shall be final.
- c) **Expulsion Recommendation:** If the VPSL/SS decides to accept the findings and recommendations of the hearing panel, the VPSL/SS may incorporate them by reference into his or her letter to the President recommending expulsion.

If the VPSL/SS decides that it is appropriate to expel the Student beyond the recommendations of the hearing panel, the VPSL/SS shall send his or her written recommendation to expel the Student to the President along with a written decision containing specific factual findings and conclusions.

The President may either recommend expulsion to the Board of Trustees or refer the matter back to the VPSL/SS directing him or her to impose a lesser disciplinary sanction or dismiss the charges. If the President recommends expulsion, he or she shall render and send the recommendation in writing to the Board.

- d) **Board of Trustees Decision on Expulsion Recommendation**

- (1) The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
  - (2) The Board shall consider an expulsion recommendation in closed session, unless the Student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).
  - (3) The Student shall be served with notice of the date, time, and place of the Board's meeting by registered or certified mail or by personal service to the address last on file with the District, at least three days prior to the meeting.
  - (4) The Student may, within forty-eight hours after service of the notice, request that the hearing be held as a public meeting by submitting a written request to the President.
  - (5) Even if the Student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any other student or an employee in closed session. Following consideration of an expulsion recommendation in a public meeting, the Board shall deliberate in closed session.
  - (6) The Board may accept the findings, decisions, and recommendations of the President or reject the President's recommendation and refer the matter back to the President for further action, if any. The decision of the Board whether to expel the Student shall be final. If the Board refers the matter back to the President, he or she may impose a lesser disciplinary sanction or dismiss the charges.
  - (7) The final action of the Board on an expulsion recommendation shall be taken at a public meeting, and the result of the action shall be a public record of the District.
- 9. Service of Notices:** Except as otherwise specified in these procedures, written notices shall be served by (1) personal delivery or (2) certified mail and by email to the Student's postal and email addresses on file. It is the Student's responsibility to ensure that the District has the Student's current postal and email addresses on file. Notice shall be deemed served two days after deposit in the mail with postage prepaid, upon personal delivery, upon receipt of a Student's reply to an email notification, or a Student's verbal confirmation that he or she received the notice. Service by mail on the President, VPSL/SS, or the DSAA shall be at 835 College Avenue, Kentfield, CA 94904.
- 10. Time Limits:** Any times specified in these procedures may be shortened or lengthened if there is mutual agreement by all parties.
- C. Immediate Interim Suspension** (Education Code Section 66017): The President may order immediate suspension of a student when he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases in which an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing when a long-term suspension or expulsion is recommended, will be afforded to the Student within 10 calendar days.

D. **Removal from Class** (Education Code Section 76032): Any Instructor may remove a student from his/her class for the day of the removal and the next class meeting. The Instructor shall immediately report the removal to the President, the VPSL/SS, and the DSAA via a COM Cares electronic report or other reasonable means. The VPSL/SS or designee shall arrange for a conference between the Student and the Instructor regarding the removal. If the Instructor or the Student so requests, the VPSL/SS or designee shall attend the conference. The Student shall not be returned to the class during the period of the removal without the concurrence of the Instructor. Nothing herein will prevent the VPSL/SS from recommending further disciplinary sanctions in accordance with these procedures based on the facts that led to the removal.

E. **Withdrawal of Consent to Remain on Campus**

1. When there is a reasonable belief that a person has willfully disrupted the orderly operation of the campus, the College President or the District Chief of Police may notify the person that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus.
2. If consent is withdrawn by the Chief of Police, he or she shall submit a written report to the President as soon as possible including (1) a description of the person from whom consent was withdrawn and (2) a statement of facts giving rise to the withdrawal of consent. If the President (or designee in the President's absence), upon reviewing the report, finds that there was reasonable cause to believe that the person willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation on the report of the action taken by the Chief of Police. If the President (or designee in the President's absence) does not confirm the action of the Chief of Police within 24 hours after the time that consent was withdrawn, the action of the Chief of Police shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.
3. The person from whom consent has been withdrawn may submit a written request to the President for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than 7 calendar days from the date of receipt of the request. The hearing will be conducted in accordance with the Hearing Procedures set forth herein.
4. In no case shall consent be withdrawn for longer than 14 calendar days from the date upon which consent was initially withdrawn.
5. Any person from whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to attend a meeting or hearing by invitation of a District official, is subject to arrest (Penal Code Section 626.4).

See also: Board Policy 5500 Standards of Conduct

Office of Primary Responsibility: Student Learning/Student Services

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Date Approved: January 17, 2012

*(Replaces part of College of Marin Procedures 4.0003 DP.10 and 4.0022 DP.1)*

Revised: April 16, 2013

**Revised:** September 15, 2015

Updated in accordance with CCLC Update 27. To Sadika, Jon E., Derek L & Sara McKinnon on 9/19/2016

Academic Senate Approval 10/27/2016

Draft 9/19/2016