

October 13, 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	Action
3. President's Report	- PGS Revisions (on-line approval summer) - IVC Visioning / Farm - EEO Model Plan	Information
4. BP/AP Cycle Review System	Potential Development of Systematic Review System for BP/APs	Discussion/Ideas
5. Board Policies/Administrative Procedures	BP 3900 Speech: Time, Place and Manner (10 + 1) AP 3900 Speech: Time, Place and Manner (10 + 1) BP 6200 Budget Preparation (10+1) AP 6200 Budget Preparation (10 +1) BP 6250 Budget Management AP 6250 Budget Management AP 6251 Reserve Fund Management (New AP) AP 5030 Fees AP 2712 Conflict of Interest Code (Board)	Discussion/Action/ Information
6. Board of Trustees	Review 10/18/2016 Board Agenda	Information
7. Constituent Reports	Reports from senates and other constituent updates	Information
8. Meeting Wrap Up	Review/confirm actions made at meeting/ identify items for next meeting.	Discussion
9. Meeting Schedule Fall 2016	November 10, 2016, 3 pm, AC 303 December 1, 2016, 3 pm, AC 303	Information
10. 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

Marlene Knox/Dick Park-

ESCOM

ESCOM Co-Presidents

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.

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

Date Approved: June 22, 2010

(Replaces College of Marin Procedure 8.0021 DP.1)

Business and Fiscal Affairs

BP 6200 BUDGET PREPARATION**References:**

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

Each year, the Superintendent/President shall present to the Board a budget, prepared in accordance with Title 5 and the California Community Colleges Budget and Accounting Manual. The schedule for presentation and review of budget proposals shall comply with state law and regulations, and provide adequate time for Board study.

Budget development shall meet the following criteria:

- The annual budget shall support the District's master and educational plans.
- Both short-term and long-term goals and objectives, and broad based input are coordinated with District educational planning.
- Assumptions upon which the budget is based are presented to the Board for review.
- A schedule is provided to the Board by October of each year that includes dates for presentation of the tentative budget, required public hearing(s), and approval of the final budget. At the public hearings, interested persons may appear and address the Board regarding the proposed budget or any item in the proposed budget.
- Unrestricted general reserve shall be no less than 8%.
- Changes in the assumptions upon which the budget was based shall be reported to the Board in a timely manner.
- Budget projections address long-term goals and commitments.
- Business practices for fiscally sound financial planning will be followed.

Also see AP 6200 titled *Budget Preparation*; [AP 6251 Reserve Fund Management](#)

Date Adopted: April 20, 2010
(Replaces College of Marin Policy 6.0003)
Date Revised: June 21, 2016

9/2/2016 – Non-substantive Change – reference new reserve procedure

Business and Fiscal Affairs

AP 6200 BUDGET PREPARATION

References:

Education Code Section 70902(b)(5);
Title 5 Sections 58191-58194 and 58300 et seq.;
ACCJC Accreditation Standard III.D

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

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

~~Unrestricted general fund reserves shall be no less than the prudent reserve defined by the State Chancellor's Office and the Board of Trustees.~~

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

The District shall prepare ~~three-year long-term~~ budget projections annually.

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

The required number of copies of the adopted budget shall be submitted to the California Community Colleges Chancellor's Office before October 1.

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

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

[Also See AP 6251 Reserve Fund Management](#)

Office of Primary Responsibility: College Operations

Date Approved: March 16, 2010

(Replaces former College of Marin Procedures 6.0003 DP.1 and 6.0003 DP.3)

Business and Fiscal Affairs

BP 6250 BUDGET MANAGEMENT

References:

Title 5 Sections 58307 and 58308

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

Revenues accruing to the District in excess of amounts budgeted shall be added to the District's reserve for contingencies. They are available for appropriation only upon a resolution of the Board of Trustees that sets forth the need according to major budget classifications in accordance with applicable law.

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

Also see AP 6250 titled Budget Management, [AP 6251 Reserve Fund Management](#)

Office of Primary Responsibility: College Operations

Date Adopted: May 12, 2009

Non-substantive Change

Business and Fiscal Affairs

AP 6250 BUDGET MANAGEMENT**References:**

Title 5 Sections 58305, 58307, and 58308

Budget management shall conform to the following standards:

Total amounts budgeted as the proposed expenditure for each major classification of expenditures shall be the maximum expended for that classification for the academic year, except as specifically authorized by the Board of Trustees.

Transfers may be made from the reserve for contingencies to any expenditure classification by written resolution of the Board and must be approved by a two-thirds vote of the members of the Board of Trustees [per Administrative Procedure 6251 Reserve Fund Management](#).

~~Transfers may be made between expenditure classifications by written resolution of the Board and may be approved by a majority of the members of the Board of Trustees.~~

~~Excess funds must be added to the general reserve of the District and are not available for appropriation except by resolution of the Board of Trustees setting forth the need according to major classification.~~

Transfers of money within the same major classification of accounts may be made without prior Board approval.

During the final quarter of the fiscal year, budget categories shall be examined and the year-end status of each shall be estimated. Before the close of the fiscal year, appropriate amounts shall be transferred from those accounts in which a surplus is anticipated into those in which a deficit is anticipated. To expedite the year-end closing process, the Chief Business Officer may make such transfers without Board approval.

[Also see: AP 6251 Reserve Fund Management](#)

Office of Primary Responsibility: College Operations

Date Approved: April 21, 2009

Business and Fiscal Affairs

AP 6251 RESERVE FUND MANAGEMENT

The District sets forth the following principles governing the establishment and maintenance of reserve funds. A reserve fund is an established fiscal management tool which buffers cash flow fluctuations and provides a resource for contingencies and reasonable yet unforeseen operational needs.

These principles are built upon the expectation that:

1. the District's annual budget is reflective of a sound and reasonable estimate of actual revenues and expenditures;
2. any significant increase or decrease in reserves will be purposeful, deliberate, and transparent;
3. transfers in and out of the reserve fund will be transparent and reflected as an action item in the monthly agenda;
4. all elements of the reserve will support and advance the mission of the District.

The District shall have three (3) reserves established:

1. Unrestricted Fund Reserve
2. Capital Maintenance and Equipment Reserve
3. 2016 Measure B Reserve

The Unrestricted General fund Reserve shall include:

- 8%, with annual escalators per fiscal year. Each year the base percentage shall grow based on a prescribed schedule and annual review of the Board of Trustees.

The Capital Maintenance and Equipment Reserve shall include:

- The Board of Trustees has established a minimum base reserve. This base funding is designated as a minimum fund level within the specific reserve; however, it may be allocated if necessary for the intended purposes of the fund. The reserves can be funded from utility savings that occur annually, PG&E rebates, direct allocation to the fund via board action, or other items as approved by board resolution.
 - Capital maintenance fund and equipment: \$4.0 million base reserve (To be increased to this base amount by 2021).
 - Any transfer in or out of this fund must be approved as an action item of the board of trustees in a regularly scheduled meeting of the Board of Trustees.

2016 Measure B reserve fund shall include:

- The District will allocate any interest earned from bond proceeds, any state or other matching money, and any savings from any specific project to a "bond reserve" to be spent only with authorization of the Governing Board. Each bond project has a budget associated with it, and that budget may not be exceeded without authorization of the Governing Board.

The Superintendent/President shall:

- Add revenues accruing to the District in excess of amounts budgeted to the District's unrestricted reserve for contingencies on an annual basis equal to or greater than 0.5% per annum until the reserve meets a 12% threshold or Fiscal Year 2022, whichever comes first, but not to exceed 18%. The Board of Trustees will review this escalator annually on the basis of the current budget and economy.
- Maintain the unrestricted general fund reserve at/or above the following levels:
 - 8% for 2016/17
 - 8.5% for 2017/18
 - 9% for 2018/19
 - 9.5% for 2019/2020
 - 10% for 2020/21
 - 10.5% for 2021/2022
- Maintain and identify additional restricted reserves specific to short and long-term liabilities specific to CERBT Fund and ongoing increases to CalSTRS and CalPERS.
- Require two-thirds vote of the members of the Governing Board for transfers from the reserve for contingencies to any expenditure classification.
- Review the levels of reserve annually in the tentative budget, in percentages, to ensure the District is planning for economic indicators and long-term institutional planning accordingly.

Office of Primary Responsibility: College Operations

Date Approved:

New Administrative Procedure – 9/2/2016

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

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 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.

Update 28 (September 2016) Updated to change process of dropping of classes for non-payment of fees.

Update 29 (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. *(not in template)*

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;

BOARD OF TRUSTEES

Admin Edits July 6 2016

Update 27 (October 2015) to reflect amendment to Political Reform Act increasing annual gift limit from \$440 to \$460/calendar year.

Update 28 (April 2016) updated to clarify that it is strongly legally advised for districts to adopt this procedure to satisfy the Government Code Sections 87300 et seq. requirement that the District adopt a conflict of interest code.

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

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

Pursuant to Section 18730 of Title 2 of the California Code of Regulations, incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in Section 13 below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000 et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

Section 1 – Definitions

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

Section 2 -- Designated Employees

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

Section 3 -- Disclosure Categories

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

for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

- A. The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;
- B. The disclosure assigned in the code of the other agency is the same as that required under Article 2 of Chapter 7 of the Political Reform Act, Government Code Section 87200; and
- C. The filing officer is the same for both agencies.¹ Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in Section 13 specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his/her statement of economic interests those economic interests he/she has which are of the kind described in the disclosure categories to which he/she is assigned in Section 13. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he/she foreseeably can affect materially through the conduct of his/her office.

Section 4 -- Statements of Economic Interests

Place of Filing

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

Section 5 -- Statements of Economic Interests

Time of Filing

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

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

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he/she did not make or participate in the making of, or use his/her position to influence any

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

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

decision and did not receive or become entitled to receive any form of payment as a result of his/her appointment. Such persons shall not file either an assuming or leaving office statement.

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

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

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

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

Section 7 -- Manner of Reporting

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

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

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

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

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

Section 8 -- Prohibition on Receipt of Honoraria

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

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

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

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

Section 8.1 -- Prohibition on Receipt of Gifts in Excess of ~~\$440~~ \$460

- A. No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than ~~\$440~~ \$460 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. This section shall not apply to any part-time member of the governing Bboard of any public institution of higher education, unless the member is also an elected official.
- B. Subdivisions (e), (f), and (g) of Government Code Section 89503 shall apply to the prohibitions in this section.

Section 8.2 -- Loans to Public Officials

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

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.
3. Loans from a person which, in the aggregate, do not exceed five hundred dollars (\$500) at any given time.
4. Loans made, or offered in writing, before January 1, 1998.

Section 8.3 -- Loan Terms

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

Section 8.4 -- Personal Loans

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.
2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:
 - a. The date the loan was made.
 - b. The date the last payment of one hundred dollars (\$100) or more was made on the loan.
 - c. The date upon which the debtor has made payments on the loan aggregating to less than two hundred fifty dollars (\$250) during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
2. A loan that would otherwise not be a gift as defined in this title.
3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

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

Section 9 -- Disqualification

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

- A. Any business entity in which the designated employee has a direct or indirect investment worth two thousand dollars (\$2,000) or more;
- B. Any real property in which the designated employee has a direct or indirect interest worth two thousand dollars (\$2,000) or more;
- C. Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- D. Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- E. Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating ~~\$440~~ \$460 or more provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Section 9.3 -- Legally Required Participation

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

Section 9.5 -- Disqualification of State Officers and Employees

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

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

Section 10 -- Disclosure of Disqualifying Interest

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

Section 11 -- Assistance of the Commission and Counsel

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

Section 12 -- Violations

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91015. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: The following designated positions are intended to be representative only. The job titles of the individual institution should be used.

Section 13 -- Designated Positions and Disclosure Requirements

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

- Board Members
- Chief Executive Officer
- Chief Business Officer

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

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

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the boundaries of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

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

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

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

Accountant	Categories 4,5
Assistant Deans	Category 6
Assistant Directors	Category 6
Chief Human Resources Officer	Category 6
Chief Instructional Officer	Categories 5,6
Chief Student Services Officer	Categories 5,6
Deans	Category 6
Director of Bookstore	Category 6
Director of Budget	Categories 4,5
Director of Purchasing	Categories 1,4,5
Director of Facilities	Categories 1,2,3,4
Director of Maintenance & Oper.	Category 2,3,6
Police Chief	Categories 5,6
Consultant	Categories 1,2,3,4,5,6

*Not all positions and/or titles are applicable to the Marin Community College District.

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

Date Approved: August 24, 2010

(Replaces College of Marin Policies 5.0030, 6.0017, 1.2092, and 1.6020)

Date (s) Revised:

November 18, 2011

February 26, 2013

October 14, 2014

- 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) – (Peggy to check)
(Above paragraph not in template)

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 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 at the discretion of the College.

Students will be dropped for non-payment on the identified COMMON DROP DATES determined and published 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.

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 Cashiering Services) and submitting it to the Office of Enrollment Services Admissions and Records Cashiering 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~~. (Carol Hildebrand 9/10/2015)

- **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 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 collected the enrollment fee would cause the student undue hardship.

Exemption of Fees for CCAP agreements students (Update 29) (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

Date Approved: October 19, 2010

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

Date Revised: March 19, 2013

October 13, 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	Action
3. President's Report	- PGS Revisions (on-line approval summer) - IVC Visioning / Farm - EEO Model Plan	Information
4. BP/AP Cycle Review System	Potential Development of Systematic Review System for BP/APs	Discussion/Ideas
5. Board Policies/Administrative Procedures	BP 3900 Speech: Time, Place and Manner (10 + 1) AP 3900 Speech: Time, Place and Manner (10 + 1) BP 6200 Budget Preparation (10+1) AP 6200 Budget Preparation (10 +1) BP 6250 Budget Management AP 6250 Budget Management AP 6251 Reserve Fund Management (New AP) AP 5030 Fees AP 2712 Conflict of Interest Code (Board)	Discussion/Action/ Information
6. Board of Trustees	Review 10/18/2016 Board Agenda	Information
7. Constituent Reports	Reports from senates and other constituent updates	Information
8. Meeting Wrap Up	Review/confirm actions made at meeting/ identify items for next meeting.	Discussion
9. Meeting Schedule Fall 2016	November 10, 2016, 3 pm, AC 303 December 1, 2016, 3 pm, AC 303	Information
10. 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

Marlene Knox/Dick Park-

ESCOM

ESCOM Co-Presidents

Managers:

Jonathan Eldridge

Greg Nelson

Christina Leimer

Resources:

Cabinet Members

Staff Support:

Kathy Joyner

Ex-Officio for CSEA

Kelley Gaffney, CSEA Pres.