

College Council: Policy and Procedure Review

10-7-2021

BP 6XXX Single Use Plastics (NEW) – This is a board-initiated policy from October 2020 that has been reviewed by the constituents as part of the participatory governance process. This proposed policy will go to the Board of Trustees on October 12, 2021 for a first read.

BP 2345 Public Participation At Board Meetings - This policy is legally required. The Service updated this policy (CCLC 38) to remove the requirement that a member of the public must submit written communication regarding a Board agenda item prior to the meeting.

BP 2715 Code of Ethics/Standards of Practice - Review by administration and board policy review committee requested. The code must contain a clearly defined statement for dealing with behavior that violates its code. The language in this reflects the accreditation standard.

BP 3225 Institutional Effectiveness - The Service updated this policy (CCLC 38) to add optional language to highlight diversity, equity, and inclusion issues.

BP 3507 COVID-19 Vaccination Requirements - Administrative initiated revisions.

AP 3507 COVID-19 Vaccination Requirements (NEW) - This procedure was created by the District in response to COVID-19 and the health and safety considerations of students, faculty, staff, and community. It's companion policy BP 3507 was passed by the Board of Trustees August 10, 2021.

BP 3518 Child Abuse Reporting - CCLC 37 Update with revised code references. This policy is legally advised.

AP 3518 Child Abuse Reporting - CCLC 37 Update and this procedure is legally advised. Revised code references, minor updates.

AP 4020 Program Curriculum and Course Development - CCLC Update 31 (October 2017) to add legal reference to 34 Code of Regulations. This procedure is currently under review by the Academic Senate.

AP 4500 Student News Media - CCLC 37 reference update. This procedure is legally advised.

BP 5035 Withholding of Student Records - CCLC 37 Update is legally advised. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt.

AP 5035 Withholding of Student Records - CCLC 37 update. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt. This procedure is legally required.

[BP 5500 Standards of Student Conduct](#) - CCLC 37 Update is legally required. The Board of Trustees establishes the standards of student conduct.

[AP 5520 Student Discipline and Due Process](#) - CCLC 37 Update is legally required. This procedure must comply with standards of due process although local practice may be added. Minor formatting issues corrected.

[AP 6370 Contracts - Personal - Other Services](#) - CCLC 36 legal update to include code reference and removed language as recommended. This procedure is legally required.

[AP 6800 Industrial Safety](#) - There is no legal update to the procedure. It is due for review as part of the regular cycle of review.

[BP 7310 Nepotism](#) - Legally advised CCLC language included, no new updates. Administrative review requested.

[AP 7310 Nepotism](#) - Legally advised procedure. No CCLC update, administrative review requested.

[BP 7330 Communicable Diseases](#) - There is no legal update to the procedure. It is due for review as part of the regular cycle of review. Legally required language from the CCLC is included in this revision.

[AP 7330 Communicable Diseases](#) - There is no legal update to the procedure. It is due for review as part of the regular cycle of review.

[AP 7343 Industrial Accident and Illness Leave](#) - This procedure is legally required. Last CCLC revision was in 2016 and last CCLC review 2018. Due for review as part of regular review cycle.

[AP 7344 Notifying the District of Illness](#) - No CCLC update. Due for review as part of regular review cycle. While there is no law or regulation requiring this procedure, it is legally advised to establish written procedures requiring employees to notify the District when ill, either here or through collective bargaining.

[BP 7350 Resignations](#) - CCLC update 38 adds optional language. This policy is also due for review as part of the regular review cycle.

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

Status Update - Currently Under Review

AP 3435 Discrimination and Harassment Complaints and Investigations - Administrative review

BP/AP 5010 Admissions – Academic Senate

AP 5015 Residence Determination – Academic Senate

AP 5017 Responding to Inquiries of Immigration Status – Academic Senate

AP 5040 Student Records and Directory Information – Academic Senate
BP/AP 5050 Student Success and Support - Academic Senate
BP/AP 5130 Financial Aid - Administrative review complete, to Academic Senate
AP 3434 Responding to Harassment Based on Sex under Title IX – Administrative review
AP 3435 Discrimination and Harassment Investigations NEW – Administrative review
AP 5530 Student Grievances – Administrative review

Administrative Services

Board initiated policy (NEW). 10-2-2020

Board Policy Review Committee edits 9-27-2021

BP 6XXX SINGLE-USE PLASTICS (NEW)

References:

Public Resources Code §§ 42280-42284

Public Resources Code §§ 42370-42370.7

Americans with Disabilities Act (ADA)

This policy articulates the Marin Community College District's (MCCD) requirements related to single-use plastics to ensure procurement and contracting activities that comply with the MCCD's sustainability goals and values.

The Superintendent/President shall establish purchasing practices to eliminate the purchase of single-use plastics including plastic straws, plastic water bottles, and plastic bags. Purchase preference shall be given to reusable products, followed by locally compostable and/or recyclable products. In purchasing goods or contracting for services that could require single-use plastics, stakeholders will work with District staff to assess and select sustainable alternatives.

This policy shall apply to the District's auxiliary organizations.

The District shall take the following actions no later than ~~January~~ July 1, 2021²:

Eliminate plastic straws and cutlery.

Eliminate single-use plastic carryout bags.

Eliminate all ~~single-use~~ polystyrene (e.g. STYROFOAM™) food service items.

Eliminate single-use plastic ~~water~~ beverage bottles upon contract renewal if existing contract terms prohibit.

A 25% reduction in single-use plastic ~~water~~ beverage bottles purchased and supplied will be achieved annually with a goal to eliminate all single-use plastic beverage bottles no later than December 31, 2023.

Replace single-use plastic items with materials that are reusable, locally compostable and/or recyclable.

Exceptions to the above are only to be made for complying with Americans with Disabilities Act (ADA) requirements. ~~or when it is demonstrated that compliance with the above will result in undue hardship on students or District organizations.~~

Date Adopted:

Board of Trustees

CCLC 38 – Legally required. The Service updated this policy to remove the requirement that a member of the public must submit written communication regarding a Board agenda item prior to the meeting.
Mici 6-8-2021

BP 2345 PUBLIC PARTICIPATION AT BOARD MEETINGS**References:**

Education Code Section 72121.5;
Government Code Sections 54954.3 and 54957.5

The Board shall provide opportunities for members of the general public to participate in the business of the Board. The order of business of any regular meeting shall include an opportunity for the public to address the Board on any item of business which is included on the agenda.

Members of the public may bring matters directly related to the business of the District to the attention of the Board in one of ~~two~~ three ways.

- Members of the public also may submit written communications to the Board on items on the agenda and speak to agenda items at the Board meeting. All such written communications shall be dated and signed by the author, and shall contain the residence or business address of the author and the author's organizational affiliation, if any.
- There also will be a time at each regularly scheduled meeting for the general public to discuss items not on the agenda. Members of the public wishing to present such items shall submit a written request that summarizes the item at the beginning of the meeting to the Clerk of the Board ~~that summarizes the item~~ and provide his/her /their name and organizational affiliation, if any. No action may be taken by the Board on such items.
- Members of the public may place items on the prepared agenda in accordance with BP 2340 ~~titled~~ Agendas. A written summary of the item must be submitted to the Superintendent/President at least fifteen (15) working days prior to the Board meeting. The summary must be signed by the initiator, and contain his/her /their residence or business address, and organizational affiliation, if any.

Written communications to the Board shall promptly be made available to all Board members.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board of Trustees under this rule, but shall be submitted to the District.

The President of the Board is authorized to fix such time limits on presentations as he/she/they deems appropriate to the occasion and may limit the number of spokespersons who appear before it in opposition to or in support of a given issue being considered by the Board. The Board, by majority vote, may extend such limits as it deems appropriate. Fixed time limits shall be doubled for a member of the

public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

Date Adopted: January 19, 2010 (*Replaced College of Marin Policy 1.5090*)

Date Revised: July 18, 2017

Date Revised:

Board of Trustees

Review by administration and board policy review committee requested. The code must contain a clearly defined statement for dealing with behavior that violates its code. The language in this reflects the accreditation standard. Mici 9-21-2021

BP 2715 CODE OF ETHICS/STANDARDS OF PRACTICE**References:**

ACCJC Accreditation Standard IV.C.11 (~~formerly IV.B.1.a, e, and h~~);
Title 5 Section 51016

The Board maintains high standards of ethical conduct for its members. Members of the Board are responsible to:

- Act only in the best interests of the entire community.
- Ensure public input into Board deliberations, adhering to the law and spirit of the open meeting laws and regulations.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a Board.
- Use appropriate channels of communication.
- Respect others and act with civility.
- Be informed about the District, educational issues, and responsibilities of trusteeship.
- Devote adequate time to Board work.
- Maintain confidentiality of closed sessions.

The Board President and Superintendent/President are authorized to consult with legal counsel when they become aware of or are informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources. Violations of law may be referred to the appropriate governing agency, District Attorney, or Attorney General as provided for in law.

Violations of this policy (BP 2715 ~~titled~~ Code of Ethics/Standards of Practice) will be addressed by the President of the Board, who will first discuss the violation with the Board member to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Board President may appoint an ad hoc committee composed of two Board members to examine the matter and recommend further courses of action to the Board. Sanctions will be determined by the Board officers (or committee) and may include a recommendation to the Board of Trustees to censure the Board member. If the President of the Board of Trustees is perceived to have violated the code, the Vice President of the Board of Trustees is authorized to pursue resolution.

Date Adopted: May 18, 2010 (*Replaced College of Marin Policies 1.2090 and 1.2091*)

Date Reviewed/Revised: July 18, 2017, November 13, 2018

Date Reviewed:

General Institution

CCLC 38 - The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues. Mici 6-8-2021

BP 3225 INSTITUTIONAL EFFECTIVENESS

References:

Education Code Sections 78210 et seq. and 84754.6:

ACCJC Accreditation Standard I.B.5 - 9

The Board is committed to developing goals that measure the ongoing condition of the District's educational environment. The Board regularly assesses the District's institutional effectiveness. Institutional effectiveness includes the assessment of goals and objectives with respect to the District's commitment to diversity, equity and inclusion to the fullest extent permitted by law.

Date Adopted: June 18, 2019

Date Reviewed/Revised:

General Institution

Mia 9-22-2021

BP 3507 COVID-19 VACCINATION REQUIREMENTS**References:**

Education Code Sections 76403, 87408, 87408.6, and 88021;
Regents of the University of California (2021) PERB Decision No. 2783-H;
U.S. Department of Justice Opinion 45 Op. O.L.C. [[TBD](#)] (July 6, 2021)

The Marin Community College District (District) is committed to protecting the health and wellbeing of students, faculty, staff, administrators, and the communities it serves, as well as maintaining higher education access and attainment for our students. As the District works toward the safe resumption of increased on campus learning, working and other activities, it embraces a comprehensive strategy designed to reduce the likelihood of transmission of the COVID-19 virus.

Present public health conditions related to the current status of the COVID-19 pandemic, including the rapid spread of a more aggressive variants, such as the Delta variant, requires immediate action by the District. The Marin County Department of Health and Human Services explained that “The Delta variant is much more adept at finding and infecting unvaccinated individuals than previous strains, and Delta is active as the predominant strain in our community and across the nation.” (Marin County Department of Health and Human Services, COVID-19 Status Update for 08/02/2021.) The Marin County Department of Health and Human Services confirmed that “Vaccination continues to protect against severe COVID19 illness” and that “Vaccination remains the most effective tool to reduce your risk associated with COVID-19.” (Marin County Department of Health and Human Services, COVID-19 Status Update for 08/02/2021.) This policy is to protect the health and wellbeing of, and improve health outcomes for, students, faculty, staff, administrators, and the communities the District serves.

In light of the evidence established to date regarding the safety and effectiveness of available COVID-19 vaccines, the District hereby requires that:

- (1) all District employees ~~who access campuses or other District facilities, and/or participate in off-site work in-person for the District,~~ must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations);
- (2) ~~as a condition of enrollment, uniformly required, necessary to protect the health or safety of students and others,~~ all District students ~~attending classes, programs, utilizing services or participating in any activity on any campus or otherwise in-person be~~ must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations); and
- (3) all District volunteers ~~who access campuses or other District facilities, and/or participate in off-site volunteer services in-person for the District,~~ must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations). Employees, ~~and~~ students, ~~and~~ volunteers who qualify as exempt may be subject to other safety measures in accordance with Cal/OSHA regulations ~~and as required by the District to protect the campus community.~~

As part of this vaccine requirement, the District may require vaccine boosters or supplemental administrations of vaccines as circumstances warrant.

This vaccine requirement is effective September 1, 2021. The vaccination requirement will remain in effect until it is terminated by the Board. The requirement will remain in effect during the present public health emergency as determined by objective criteria such as the local, state or federal declarations or proclamations of emergency or other criteria such as the incidence rate of COVID-19 in the community. This policy will be revisited once such emergencies conclude or the risk factors no longer present.

Contractors, subcontractors, consultants, facilities renters, leaseholders, community partner agencies, Emeritus Students College of Marin, auxiliary organizations, and other entities and individuals with which/whom the District has agreements (referred to collectively and individually as “Covered Entities”) must require vaccinations for their officers, employees, guests, users, agents, volunteers, visitors, and all others who access District campuses or facilities. Covered Entities must verify that all such individuals are vaccinated prior to their accessing District campuses or facilities. Covered Entities must process any exemption requests and approve only those that are required by law. Covered Entities may not allow testing in lieu of vaccination unless an individual receives a legally-required approved exemption to the vaccination requirement. Covered Entities also must comply with any other District COVID-19 health and safety protocols in effect, including those set forth in implementing administrative procedures.

In order to enter or participate in District events, visitors to campuses or other District facilities who are not otherwise covered by this Board Policy must show proof of vaccination or proof of a negative COVID-19 test result from a test taken within the 72 hours prior to the event.

All other visitors to campuses or other District facilities (e.g. those individuals not considered students, employees, or volunteers of the District; those individuals not associated or affiliated with Covered Entities as described above; and those individuals who are not attending District events) during normal hours of operations must comply with all Cal/OSHA safety guidelines and other District policies and procedures, as well as any other District COVID-19 health and safety protocols in effect as described in Administrative Procedure 3507 and as otherwise imposed by the district. Such health and safety protocols may include requiring vaccinations as deemed appropriate by the District.

The Superintendent/President shall establish administrative procedures to implement this policy.

Also see BP 7330 Communicable Disease, AP 7330 Communicable Disease, BP 5210 Communicable Diseases, AP 5210 Communicable Diseases, BP 7335 Health Examinations, and AP 7336 Certification of Freedom from Tuberculosis.

Date Adopted: August 10, 2021

Date Revised:

Chapter 3 General Institution

AP 3507 COVID-19 VACCINATION REQUIREMENTS (NEW)**References:**

Education Code Sections 70902, 76020, 76403, 87408;
Labor Code section 6400, et seq.;
United States Code Title 29 Section 654(a)(1);
Americans with Disabilities Act;
Title VII of the Civil Rights Act;
EEOC Technical Assistance, updated May 28, 2021;
DFEH Employment Information on COVID-19;
United States Equal Employment Opportunity Commission guidance;
California Community Colleges Chancellor's Office 2021-01 Advisory;
California Code of Regulations, Title 8, Section 3203;
California Constitution, Article IX, Section 14; and
Marin Community College District COVID-19 Prevention Plan.

The Marin Community College District (District) is committed to providing safe and healthy campuses and other District facilities. In furtherance of this commitment, the District is requiring that all District students, employees, and volunteers must be fully vaccinated against the virus that causes COVID-19. In addition, all individuals associated or affiliated with Covered Entities as further defined in Board Policy 3507 must be vaccinated.

The intent of this Procedure is to mitigate the risks surrounding exposure to COVID-19 by requiring that all individuals covered by Board Policy 3507 and this Procedure are fully vaccinated against the virus that causes COVID-19.

All District students, employees and volunteers will be directed to provide proof of having been fully vaccinated against COVID-19. Individuals may request a medical or religious exemption to the vaccination requirements in accordance with District procedures and applicable law. Students, employees, and volunteers who do not comply with these procedures or falsify information may face discipline up to and including termination or expulsion.

Effective November 1, 2021, contractors, subcontractors, consultants, facilities renters, leaseholders, community partner agencies, Emeritus Students College of Marin, auxiliary organizations, and other entities and individuals with which/whom the District has agreements (referred to collectively and individually as "Covered Entities") must require vaccinations for their officers, employees, guests, users, agents, volunteers, visitors, and all others who access District campuses or facilities. Covered Entities must verify that all such individuals are vaccinated prior to their accessing District campuses or facilities. Individuals who are not eligible to be vaccinated based on their age are not subject to the vaccine requirement but must comply with all other safety measures. Covered Entities must process any exemption requests and approve only those that are required by law. Covered Entities may not allow testing in lieu of vaccination unless an individual receives a legally approved exemption to the vaccination requirement, in which case the Covered Entities must require regular testing. Covered Entities also must comply with any other District COVID-19 health and safety protocols in effect, including those set forth in this Procedure and any other implementing administrative procedures.

Covered Entities are responsible for complying with this Administrative Procedure, as well as ensuring the compliance of their officers, employees, guests, users, agents, volunteers, visitors, and all others associated or affiliated with Covered Entities who access District campuses or facilities.

In order to enter or participate in District events, visitors and guests present on-campus or in other District facilities who are not otherwise covered by this Board Policy must show proof of vaccination or proof of a negative COVID-19 test result from a test taken within the 72 hours prior to the event. This requirement applies to all District events including, but not limited to, athletic events, book readings, musical performances, orientation and recruiting events, student organization events, and theater performances.

All other visitors to campuses or other District facilities (e.g. those individuals not considered students, employees, or volunteers of the District; those individuals not associated or affiliated with Covered Entities as described above; and those individuals who are not attending District events) must comply with all applicable District COVID-19 health and safety protocols in effect. As of October 2021, such health and safety protocols include 1) wearing facial coverings when indoors or within six feet of others; 3) frequent hand washing and cleaning; 4) practicing respiratory etiquette; and 5) compliance with CalOSHA standards as applicable.

Additional safety measures which the District may impose include, but are not limited to: asymptomatic (public health surveillance) testing and symptomatic testing; physical/social distancing; and avoiding large gatherings.

The Superintendent/President or the designee may, on rare occasions, consider extenuating or individual circumstances. Any such consideration shall be consistent with all applicable District policies including those prohibiting discrimination, harassment, and retaliation based on protected status or activity and will ensure that such individuals will be taking appropriate mitigation measures.

This procedure supplements and does not replace District policies and procedures governing other safety measures.

Definitions

Approved Vaccine: A COVID-19 vaccine that has received full approval from the U.S. Food & Drug Administration (FDA) and is recommended for use by the U.S. Centers for Disease Control and Prevention (CDC). The following COVID-19 vaccines shall also be deemed to be approved vaccines for the purpose of satisfying the vaccination requirement in this policy:

- (a) a COVID-19 vaccine administered under an FDA Emergency Use Authorization; or
- (b) a COVID-19 vaccine administered outside of the United States that has been approved by the World Health Organization.

Campus/Programs: Any campus, property or facility owned or operated by the District in connection with its teaching, public service, or other programs and services. Any in-person program or activity (on- or off-campus) operated or controlled by the District.

Contractor: A person or entity, including an auxiliary organization, that agrees to conduct work for the District as specified under the terms of a contract or agreement.

Covered Entities: contractors, subcontractors, consultants, facilities renters, leaseholders, community partner agencies, Emeritus Students of the College of Marin, and other entities and individuals with which/whom the District has agreements.

Employees: Faculty, staff, volunteers, student workers, and administrators of the Marin Community College District.

Exemption: An approval from the District made after a request from a District student, employee, or volunteer that allows the individual not to become fully vaccinated for medical or religious reasons. The District will grant exemptions according to legal requirements and according to District protocols. A person who is granted an exemption may be required to adhere to other safety measures for the health and safety of the campus community.

Fully Vaccinated: Two weeks after receiving the second dose in a two-dose series or following a single-dose vaccine.

Other Safety Measures: Any action, as determined by the District, other than getting an approved vaccine, that decreases the likelihood of COVID-19 transmission or illness and allows the core mission and activities of the campus to continue. Other safety measures may include but are not limited to asymptomatic (public health surveillance) testing and symptomatic testing; physical/social distancing; avoiding large gatherings; wearing face coverings and/or personal protective equipment; frequent hand washing and cleaning; and practicing respiratory etiquette.

Proof of Vaccination: Submission of information establishing that a student, employee and volunteer has received an approved vaccine or qualifies for an exemption from the vaccine requirement. The District will collect from every student, employee or volunteer who seeks access to campus/programs the following, as applicable:

- (1) Verification of current COVID-19 vaccination status (with an approved vaccine) and a signed Confidentiality of Medical Information Act release;
- (2) Verification of medical exemption; or
- (3) Verification of religious exemption.

All students, employees and volunteers' vaccination verification or exemption request shall include an attestation that the information provided is accurate and truthful. The District may request information including, but not limited to, a CDC Vaccination Card or a note from their health provider who administered the vaccine, date of full vaccination, vaccine type, and lot number.

Student: Any person admitted to or enrolled in Marin Community College District as a student.

Visitors: Visitors and other third parties (non-District) that are not otherwise covered in this Procedure or Board Policy 3507 (e.g. those individuals not considered students, employees, or volunteers of the District; those individuals not associated or affiliated with Covered Entities as described above; and those individuals who are not attending District events).

Proof of Vaccination

All students, employees and volunteers submitting a verification of current COVID-19 vaccination status (with an approved vaccine above) shall verify that, at the District's request, they promptly will provide

proof of vaccination against COVID-19. The District will not request any health or medical information for the purpose of enforcement of this policy other than proof of vaccination or in connection with requests for medical exemptions.

Students must provide to the District proof of the first dose of a vaccination and a signed Authorization for Use and Disclosure of Medical Information by September 1, 2021 in order to be physically present on campus as described above for the Fall 2021 semester. Employees and volunteers must provide to the District proof of the first dose of a vaccination and a signed Authorization for Use and Disclosure of Medical Information by September 1, 2021.

The District will accept either of the following documentation: a CDC Vaccination Card or a note from their health provider who administered the vaccine, date of full vaccination, vaccine type, and lot number. Once fully vaccinated with the COVID-19 vaccine, students, employees and volunteers must provide proof of full vaccination by October 15, 2021.

For future terms after Fall 2021, as a condition of enrollment, uniformly required, necessary to protect the health or safety of students and others, students must provide the District with proof of their vaccination prior to enrollment.

Students, employees and volunteers will be asked to complete the Vaccination Confirmation Form and the Authorization for Use and Disclosure of Medical Information through an online tool. The process may require individuals to complete the form by entering their vaccine type, lot number, and dates, and upload their CDC Vaccination Card or note from the health care provider who administered the vaccine. At any time, the District may request further documentation of an individual's vaccination status (e.g., a copy of the vaccine card or other similar official document confirming vaccination status).

Students, employees and volunteers who have been vaccinated are required to continue to abide by all District policies, procedures, and protocols regarding COVID-19 until the District directs otherwise. The District's COVID-19 Prevention Plan is available at <http://www1.marin.edu/news/coronavirus-covid-19-updates-and-resources>

Exemption from Vaccination Requirement/Accommodation Process

If the District determines that an employee is exempt from the requirement to receive the COVID-19 vaccination due to disability or medical condition, or a sincerely held religious belief, the District will engage in an accommodations process to determine whether a reasonable accommodation can be provided. The accommodations process will determine whether a reasonable accommodation exists to enable an employee to perform the "essential functions" of their job. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. Accommodations may not be possible depending on the particular circumstances.

The District will attempt to provide reasonable academic accommodations to students who the District determines are exempt from the requirement to receive the COVID-19 vaccination due to disability, medical condition, or sincerely-held religious beliefs. When a student is granted an exemption, the accommodation process will determine what academic adjustments and/or modifications can be made to provide for full participation in academic courses and support services. This may include offering distance or hybrid learning to the extent practicable. Accommodations may not be possible depending on the particular circumstances.

Vaccine Boosters

To the extent that this procedure remains in effect if COVID-19 vaccine boosters become necessary to prevent the contraction and transmission of the virus that causes COVID-19, this operational protocol and the requirements and limited exemptions set forth herein shall apply to COVID-19 vaccine boosters.

Under such circumstances, all students, volunteers, employees, visitors and others subject to the District's vaccination requirements must receive a COVID-19 vaccine booster when public health authorities, including the CDC, the California Department of Public Health ("CDPH"), or the County Department of Public Health indicate that a COVID-19 vaccine booster is necessary based on the COVID-19 vaccine that the individual received and the date upon which they became fully vaccinated. All Marin Community College District students, employees, and volunteers must submit proof they received this vaccine booster and may use any of the methods permitted to submit proof of their original vaccination or another method if required by the District.

Broad Dissemination of Policy Information

Information about the COVID-19 vaccination requirement shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs. Such information shall provide appropriate points of contact, including email and telephone numbers.

Access and Availability of Vaccinations and Testing

The District shall provide students, employees and volunteers with information about the availability of approved vaccines and COVID-19 testing, including those offered free-of-charge. This information shall be widely disseminated through any combination of written information statements, verbal communications, or online or in-person training programs.

All students, employees and volunteers shall receive information as part of ongoing training and education, concerning:

- a. The potential benefits of COVID-19 vaccination;
- b. The potential health consequences of COVID-19 illness for themselves, family members and other contacts, coworkers, patients, and the community;
- c. Occupational exposure to COVID-19 and how to prevent exposure;
- d. The epidemiology and modes of transmission, diagnosis, and non-vaccine infection control strategies in accordance with their level of responsibility in preventing COVID-19 infections.
- e. The safety profile and potential risks of any COVID-19 vaccine; and
- f. Requirements for compliance with the COVID-19 vaccination interim policy.

General Provisions

Confidentiality of Information: This procedure (including in connection with data collection) shall be governed by applicable District policies regarding confidentiality, privacy, and security of health records, as well as state and federal law. Information shall be used only for the specific purpose intended and only be accessible to District personnel who have a business need-to-know.

Accessibility: This procedure shall be governed by applicable District policies regarding accessibility, as well as applicable state and federal law.

Face covering and mask guidance as it relates to COVID-19: Face coverings are required when individuals are inside any District facility except when in a room alone, when eating or drinking, or when performing a task that cannot be performed with a face covering. If an individual is not required to wear a face covering as described above, the individual must wear an effective non-restrictive alternative, such as distancing or a clear face shield. A face shield must extend below the chin and around to the ears, with no gap between the forehead and visor, and must have a cloth drape attached to the bottom edge of the face shield and tucked into the individual's shirt.

Where Masks Are Not Required: To better align with updated guidance from the California Department of Public Health (CDPH), face coverings are no longer required while outdoors on College of Marin campuses as long as six feet of physical distance from others is maintained.

Superseding Public Health Directives

In the event that a federal, state, or local governing public health agency imposes a requirement that restrictively conflicts with this policy or implementation of this policy, the applicable public health mandate shall govern and be implemented.

Dual Enrollment Students

The District shall coordinate with local K-12 school districts and their respective county offices of education regarding applicability of the provisions of the COVID-19 vaccination policy and this administrative procedure to dual-enrolled students.

Apprenticeship Sites

Apprenticeship sites are not operated and controlled by the District and are not subject to this administrative procedure.

Prohibition of Harassment Discrimination

The District will not discriminate against any student, volunteer, or employee who receives an exemption from receiving the COVID-19 vaccine, although the District will take any legitimate business action to maintain the safety of the campus(es) and community. The District will not tolerate any discrimination or harassment against students, volunteers, or employees based on vaccination status or individuals taking mitigation measures, such as wearing a face mask. Employees, volunteers, and students found to be engaging in such discrimination or harassment may face discipline up to and including termination or expulsion.

Also see BP 3507 COVID – 19 Vaccination Requirements, BP 7330 Communicable Disease, AP 7330 Communicable Disease, BP 5210 Communicable Diseases, BP 5140 Student Accessibility Services, AP 5140 Student Accessibility Services, AP 5210 Communicable Diseases, AP 7348 Accommodations, BP 7335 Health Examinations, and AP 7336 Certification of Freedom from Tuberculosis.

Office(s) of Primary Responsibility: Administrative Services; Human Resources; Student Learning & Success

Date Adopted:

General Institution

CCLC 37 Update – Legally advised. Revised code references. Mici 6-3-2021

BP 3518 CHILD ABUSE REPORTING**References:**

Penal Code Sections ~~261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164~~ et seq. - ~~11174.3~~;

~~Welfare and Institutions Code Sections 300, 318, and 600~~

~~Family Code Sections 7802, 7807, 7808, 7820-7827, 7890, and 7892~~

The Superintendent/President shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

The Superintendent/President shall ensure that all employees are informed of their reporting responsibilities and indicate their willingness to comply with these codes.

Date Adopted: May 18, 2010 (~~Replaced~~ds College of Marin Policy 5.0033)

Revised: December 11, 2018

Date Reviewed/Revised:

General Institution

CCLC 37 Update – Legally advised. Revised code references, minor updates. Mici 6-3-2021

AP 3518 CHILD ABUSE REPORTING**References:**

Education Code Sections 76200 et seq. and 87044;

Penal Code Sections ~~261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164~~ et seq.-11174.3;

~~Welfare and Institutions Code Sections 300, 318, and 600;~~

~~Family Code Sections 7802, 7807, 7808, 7820-7827, 7890, and 7892~~

Health and Safety Code Section 1596.866 and 1596.8662

The Superintendent/President recognizes the responsibility of employees to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty members, educational and classified administrators, and classified staff members. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, ~~and/or~~ emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, ~~and/or~~ sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe ~~and/or~~ general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position drawing when appropriate on his/her/~~their~~ training and experience, to suspect child abuse” (Penal Code Section 11166 subdivision (a)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. District Police departments are not child protective agencies (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172 subdivision (a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her/~~their~~ identity to the employer (Penal Code Section 11166 subdivision (h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and ~~or~~ up to a \$1,000 fine (Penal Code Section 11172 subdivision (e)).

Mandated reporters must report immediately any reasonable suspicion of child abuse to local law enforcement and/or the Marin County Child Protective Services Department and follow up with a written

report within 36 hours. The follow-up report may be mailed or submitted by facsimile or electronic transmission.

Child abuse reporting forms are available from the Marin County Child Protective Services Department.

No mandated reporter who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by the Penal Code. Any person other than a child care custodian reporting a known or suspected instance of child abuse shall not incur any liability as a result of making any report of child abuse, unless it can be proven that a false report was made and the person knew that the report was false (Penal Code Section 11172 subdivision (a)).

When the Senior Vice President of Student Learning and Student Services or designee releases a minor to a peace officer for the purpose of removing the minor from the campus, the District official shall take immediate steps to notify the parent or guardian regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken (Education Code Section 87044), except when a minor has been taken into custody as a victim of suspected child abuse, as defined in Penal Code Section 11165, or pursuant to Welfare and Institutions Code Section 305. In those cases, the official shall provide the peace officer with the address and telephone number of the minor's parent or guardian.

Non-accidental physical injury is considered to be a health and safety emergency, and parental consent is not required for release of student information under the Family Education Rights and Privacy Act or the California Student Records Act (Education Code Sections 76200 et seq.).

Information relevant to the incident of child abuse may be given to an investigator from a child protective agency who is investigating the known or suspected cause of child abuse (Penal Code Section 11167 subdivision (b)).

The District shall provide a mandated reporter with a statement informing the employee that he/she/they is a mandated reporter and inform the employee of his/her/their reporting obligations under Penal Code Section 11166 and of his/her/their confidentiality rights under subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing his/her/their employment and as a prerequisite to that employment, the employee shall sign and return the statement to the District. The signed statements shall be retained by the District (Penal Code Section 11166.5).

Pursuant to California State licensing requirements for child day care facilities, any person whose duties bring them into direct contact and supervision of children is required to complete the online Mandatory Child Abuse Reporting Training (and provide a Certificate of Completion) within 90 days of accepting a position or student teacher placement at the District and prior to any work conducted at the District's Child Development Program facility, and to renew the training every two years.

The District will distribute this procedure to all employees.

Offices of Primary Responsibility: District Police Department, Child Development Center, and Human Resources

Date Approved: April 20, 2010, February 12, 2019

Date Reviewed/Revised:

Student Services

CCLC 37 – Legally advised. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt.

Mici 6-3-2021

BP 5035 WITHHOLDING OF STUDENT RECORDS

Reference:

Title 5 Section 59410

Students or former students who have been provided with written notice that they have failed to pay a proper financial obligation shall have grades, ~~transcripts~~, diplomas, and registration privileges and other services withheld.

Date Adopted: October 13, 2009

Reviewed/Revised:

Student Services

CCLC 37 – Legally required. Effective January 1, 2020, the Educational Debt Collection Practices Act prohibits Districts from withholding a transcript on the grounds that the student owes a debt.
Mici 6-3-2021

AP 5035 WITHHOLDING OF STUDENT RECORDS

Reference:

Title 5 Section 59410

The District may withhold grades, ~~transcripts~~, diplomas, and registration privileges from any student or former student who fails to pay a proper financial obligation. The student shall be given written notification and the opportunity to explain if the financial obligation is in error.

The definition of proper financial obligation shall include, but is not limited to:

- student fees;
- non-resident tuition;
- international student tuition;
- obligations incurred through the use of facilities, equipment, or materials;
- library fines;
- unreturned library books;
- materials remaining improperly in the possession of the student; ~~and/or~~
- any other unpaid obligation a student or former student owes to the District.

A proper financial obligation does not include any unpaid obligation to a student organization.

Students may access their account detail and financial obligations through the MyCOM portal.

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

Date Approved: September 10, 2009

Reviewed/Revised:

Student Services

CCLC 37 Update – Legally required. The Board of Trustees establishes the standards of student conduct.
Mici Rev. 6-3-2021

BP 5500 STANDARDS OF STUDENT CONDUCT**References:**

Education Code Sections 66300 and 66301
ACCJC Accreditation Standards I.C.8 and 10 ~~(formerly II.A.7.b;~~

The Superintendent/President shall establish procedures for the imposition of discipline on students in accordance with the requirements for due process of the federal and state law and regulations. (See AP 5520 Student Discipline and Due Process).

This procedure defines the conduct that is subject to discipline, and identifies potential disciplinary actions, including but not limited to the removal, suspension, or expulsion of a student.

The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion. The Board shall consider an expulsion recommendation in closed session unless the student requests that the matter be considered in a public meeting. Final action by the Board on the expulsion shall be taken at a public meeting.

The procedures shall be made widely available to students through the college catalog, the college website, and other means.

When a student is suspended or expelled for disrupting the orderly operations of a District campus or facility, or both, the student may be denied access to the campus or facility, or both, for a period of one year or the term of the suspension. Sanctions imposed as a result of violations of the standards of student conduct are intended to maintain order within the District. If the sanction includes removal, suspension, or expulsion, the Senior Vice President of Student Learning and Student Services or designee who authorized the sanctions shall give written notice to the student's instructor(s) of the sanctions within 15 days of imposing the sanctions.

The following conduct shall constitute good cause for discipline, including but not limited to removal, suspension, or expulsion of a student—, except for conduct that constitutes sexual harassment under Title IX, which shall be addressed under BP 3433 Prohibition of Sexual Harassment under Title IX:

1. Causing, attempting to cause assault, battery, or attempted assault or battery, or any threat of force or violence upon a student or District personnel.
2. Possession, sale or otherwise furnishing any firearm, dirk, dagger, ice pick, knife, explosive or other dangerous object, including but not limited to any facsimile of the foregoing objects, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Chief of Police who has the concurrence of the Superintendent/President. Possession of a knife does not violate this provision if possession is at

the direction of an academic employee for use in a District-sponsored activity or class, for a lawful purpose within the scope of the student's employment with the District, or for lawful use in food preparation or consumption. (See BP/AP 3530 ~~titled~~ Weapons on Campus)

3. Unlawful possession, use, sale, offering to sell, or furnishing, or being under the influence of, any controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code, an alcoholic beverage, or an intoxicant of any kind; or any poison defined in Business and Professions Code Section 4240, or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in Health and Safety Code Section 11014.5.
4. Committing, attempting, or being an accomplice to robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property, or knowingly receiving stolen private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or regulation of the District.
8. Sexual assault or sexual exploitation regardless of the victim's affiliation with the District.
9. Committing sexual harassment as defined by law or by District policies and procedures.
10. Engaging in harassing or discriminatory behavior based on ethnic group identification, national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, genetic information, or on the basis of one or more of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
11. Engaging in intimidating conduct or bullying against another student or District personnel through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying
12. Willful misconduct which results or has the potential to result in injury or death to a student or to District personnel or which results in cutting, defacing, or other damage to any real or personal property owned by the District or on campus. The District may require students who cause damage to replace property or pay the cost of damages.
13. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent interruption or abuse of, District personnel.
14. Cheating, plagiarism (including plagiarism in a student publication), or knowingly engaging in other forms of academic dishonesty, including, but not limited to:
 - a. Copying, in part or whole, from someone else's quiz, examination, or work. For purpose of this item, "examination" includes quizzes, tests, and other graded or evaluated exercise.

- b. Submitting work presented previously in another course, if contrary to the rules of either course.
 - c. Altering or interfering with grading.
 - d. Using or consulting any sources or materials, including electronic devices, not authorized by the professor during an examination.
 - e. Committing other acts which defraud or misrepresent one's own academic work.
 - f. Incorporating sentences, paragraphs, or parts of another person's writing, without giving appropriate credit, and representing the product as one's own work.
 - g. Representing another's artistic/scholarly works (such as musical compositions, computer programs, photographs, paintings, drawings, or sculptures) as one's own.
 - h. Submitting an academic assignment purchased from a research/term paper service, or written by another individual; or work obtained electronically (e.g. via the internet) and representing it as one's own work.
 - i. Purposefully allowing another student to copy from your paper during an examination.
 - j. Giving your homework, term paper, or other academic work to another student to plagiarize.
 - k. Having another person fraudulently submit any work in your name.
 - l. Lying to an instructor or District official to improve your grade.
 - m. Allowing other persons to misrepresent themselves as the student for any purpose, including interacting with any District employees, submission of work, attendance, or taking examinations.
 - n. Misrepresenting circumstances in an effort to improve a grade.
 - o. Altering graded work after it has been returned and then submitting the work for re-grading without the instructor's permission.
 - p. Removing tests or examinations from the classroom or other area without the approval of the instructor.
 - q. Stealing or being an accomplice to stealing tests or examinations.
 - r. Forging signatures on drop/add slips or altering other District documents.
15. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
16. Unauthorized possession, duplication, or use of keys to any District premises or unauthorized entry upon or use of District facilities.
17. Lewd, indecent, or obscene conduct on District-owned or controlled property or at District-sponsored or supervised functions.
18. Engaging in expression which is libelous or slanderous; or which so incites others as to create a clear and present danger of the commission of unlawful acts on District premises or at District-sponsored or supervised functions, or the violation of lawful District administrative procedures, or the substantial disruption of the orderly operation of the District.
19. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
20. Unauthorized preparation, giving, selling, transferring, distributing, or publishing for any commercial purpose, of any contemporaneous recording of an academic presentation in a

classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any District Policy or Administrative Procedure.

21. The use by a student of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic adjustments or accommodations to a student with a disability.
22. Violation of BP/AP 3720 ~~titled~~ Information Technology Use or any conduct that constitutes a computer-related crime pursuant to Penal Code Section 502.
23. The offering of any inducement or item of value to influence the awarding of any grade or to alter any official District record.
24. Solicitation or acceptance of money or other item of value as an inducement, encouragement, or reward for intercollegiate participation in violation of Education Code Section 67361 or false declarations regarding eligibility for participation in intercollegiate athletics under Education Code Section 67362.
25. Accessing and/or disclosing confidential District information, including student records, without authorization. Also see BP/AP 3300 ~~titled~~ Public Records, BP/AP 4231 ~~titled~~ Grade Changes, and BP/AP 5040 ~~titled~~ Student Records.
26. Failure to obey federal, state, and local laws in connection with District attendance or activity.
27. Tampering with the election of any student organization recognized by the District.
28. Hazing defined as a “method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, ‘hazing’ does not include athletic events or school-sanctioned events.” (Education Code Section 48900(q))
29. Abuse of the Student Conduct System, including but not limited to:
 - a. Failure to obey the summons of the Student Conduct Hearing Committee or District official.
 - b. Falsification, distortion, or misrepresentation of information.
 - c. Disruption or interference with the orderly conduct of a judicial proceeding or Student Conduct Hearing Committee.
 - d. Attempting to discourage an individual’s proper participation in, or use of, the District judicial system.
 - e. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of, the judicial proceeding or Student Conduct Hearing Committee.

- f. Failure to comply with the sanctions imposed under the Standards of Conduct and/or Education Code.
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
30. Operating bicycles or motorized bicycles, skateboards, roller skates, roller blades, scooters, and other similar devices on any property owned, maintained, or controlled by the District in violation of AP 6850 ~~titled~~ Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other Similar Devices on Campus.
31. Stalking another student or District personnel, including engaging in a course of conduct or repeated conduct (in person or virtual) directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
32. Non-compliance with the direction of District personnel or designated persons acting in the performance of their duties to maintain the order of the District.

Students who engage in any of the above conduct are subject to the procedures outlined in AP 5520 ~~titled~~ Student Discipline and Due Process.

Also see AP 5520 Student Discipline and Due Process, BP/AP 3540 Sexual and Other Assaults on Campus, BP/AP 3530 ~~titled~~ Weapons on Campus, BP/AP 3720 Information Technology Use, BP/AP 6850 Bicycles, Skateboards, Roller Skates, Roller Blades, Scooters and Other Similar Devices on Campus, AP 6520 Security for District Property, BP/AP 3410 Nondiscrimination, BP/AP 3300 Public Records, BP/AP 4231 Grade Changes, BP/AP 5040 Student Records and Directory Information, and BP/AP 3900 ~~titled~~ Speech: Time, Place, and Manner

Date Adopted: May 17, 2011 (~~Replaced~~ College of Marin Policies 4.0020, 4.0022, and 4.0025)

Date Revised: June 18, 2013, April 18, 2017

Date Revised:

Student Services

CCLC 37 Update – Legally required. Must comply with standards of due process although local practice may be added. Mici 6-3-2021

Mia 8-25-2021

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 or 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.

For discipline resulting from a sexual harassment complaint under Title IX, the procedure in AP 3434 Responding to Harassment Based on Sex under Title IX, must be used.

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. **Student:** The individual currently enrolled as a student in any program offered by the District who is subject to discipline under these procedures and who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.
7. **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.

8. **Short-term Suspension:** Exclusion of the student by the Vice President of Student Learning and Success (VPSSL) for good cause from one or more classes for a period of up to ten consecutive days of instruction.

9. **Long-term Suspension:** Exclusion of the Student by the VPSSL 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.

10. **Expulsion:** Permanent exclusion of the student by the Board of Trustees for good cause from all colleges in the District for one or more terms.

11. **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).

12. **President:** The Superintendent/President of the Marin Community College District.

13. **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.

~~14. **Short-term Suspension:** Exclusion of the Student for good cause by the VPSSL/SS from one or more classes for a period of up to 10 consecutive Days.~~

~~15. **Student:** The individual currently enrolled as a student in any program offered by the District who is subject to discipline under these procedures.~~

16. **VPSSL/SS:** Vice President of Student Learning & Student Services.

17. **Withdrawal of Consent to Remain on Campus:** Withdrawal of consent by the President, ~~or~~ the District Chief of Police, or their authorized designee for any person to remain on campus or in a District facility in accordance with California Penal Code Section 626.4 when the President, ~~or~~ the District Chief of Police, or their authorized designee has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or District facility.

18. **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 ~~S/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 ~~S/SS~~ within 5 Days after the meeting described above is concluded.
5. **VPSL ~~S/SS~~'s Decision:** Within 5 Days of receiving the DSAA's recommendation, the VPSL ~~S/SS~~ will make a determination and the District will serve a notice with the VPSL ~~S/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 ~~S/SS~~ decisions may include those that follow:
- a) **Short-term Suspension:** If the DSAA recommends a short-term suspension, the VPSL ~~S/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 ~~S/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 ~~S/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 ~~S/SS~~ may decide to impose a long-term suspension, a short-term suspension, some lesser disciplinary action, or to dismiss the charges. The VPSL ~~S/SS~~'s decision to impose a short-term suspension or lesser sanction shall be final. If the VPSL ~~S/SS~~ decides to impose a long-term suspension,

the District will send written notice of the VPSL ~~S/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 ~~S/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 ~~S/SS~~'s recommendation to the President or the VPSL ~~S/SS~~'s decision regarding lesser discipline or dismissal.

If the VPSL ~~S/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 ~~S/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 ~~S/SS~~ or designee by 5:00 p.m. on the 5th Day after the District sends the VPSL ~~S/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 /they 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 ~~S/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/themselves, and he/~~or~~ she/they has the right to be represented by a person of his/her/their 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 S/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 S/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 ~~S/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 ~~S/SS~~'s Decision or Recommendation:** Within 10 Days following receipt of the hearing panel's recommended decision, the VPSL ~~S/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 ~~S/SS~~ may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the VPSL ~~S/SS~~ modifies or rejects the hearing panel's decision, the VPSL ~~S/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 ~~S/SS~~ decides to impose a Long-Term suspension, or other sanction less severe than expulsion, the decision of the VPSL ~~S/SS~~ shall be final.
- c) **Expulsion Recommendation:** If the VPSL ~~S/SS~~ decides to accept the findings and recommendations of the hearing panel, the VPSL ~~S/SS~~ may incorporate them by reference into his or her letter to the President recommending expulsion.

If the VPSL ~~S/SS~~ decides that it is appropriate to expel the Student beyond the recommendations of the hearing panel, the VPSL ~~S/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 ~~S/SS~~ directing him or her to impose a lesser disciplinary sanction or dismiss the charges. If the President recommends expulsion, he ~~/-or~~ she /they 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~~ 48 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 /they 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 /they received the notice. Service by mail on the President, VPSL ~~S/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/~~they~~ 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 ~~S/SS~~, and the DSAA via a COM Cares electronic report or other reasonable means. The VPSL ~~S/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 ~~S/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 ~~S/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 or District facility, the College President or the District Chief of Police may notify the person that consent to remain on campus or in the District facility has been withdrawn. If the person is on campus or in the facility at the time, he/she/~~they~~ must promptly leave or be escorted off campus.
2. If consent is withdrawn by the Chief of Police or an authorized designee of the President or Chief of Police, he/~~or~~ she/~~they~~ 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/~~they~~ may enter written confirmation on the report of the action taken by the Chief of Police or authorized designee. If the President (or designee in the President's absence) does not confirm the action of the Chief of Police or authorized designee within 24 hours after the time that consent was withdrawn, the action of the Chief of Police withdrawal of consent 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 must specify the address to which notice of hearing is to be sent. 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. The President or authorized designee shall grant a hearing no later than 7 calendar days from the date of receipt of request and shall mail notice of the time, place, and date of the hearing to the person. This hearing will provide an opportunity to be heard by the President or, in his/her/their absence, his/her/their designee, and

will not be conducted in accordance with the Hearing Procedures set forth herein. At the hearing the person for whom consent has been withdrawn may explain their views on the incident giving rise to withdrawal and may request the President reduce any remaining period of the withdrawal of consent.

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

Date Approved: January 17, 2012 (*Replaced~~ds~~ part of College of Marin Procedures 4.0003 DP.10 and 4.0022 DP.1*)

Revised: April 16, 2013, September 15, 2015

Revised:

Human Resources

Legally advised CCLC language, no new updates. Administrative review requested. Mici 9-21-21

BP 7310 NEPOTISM**References:**

Government Code Sections 1090 et seq. and 12940 et seq.

The District does not prohibit the employment of relatives or domestic partners as defined by Family Code Sections 297 et seq. in the same department or division, with the exception that they shall not be assigned to a regular position within the same department, division, or site that has an immediate family member who is in a position to recommend or influence personnel decisions.

Personnel decisions include appointment, retention, evaluation, tenure, work assignment, promotion, discipline, demotion, or salary of the relative or domestic partner as defined by Family Code Sections 297 et seq.

“Immediate family member” is defined in Administrative Procedure 7310 Nepotism.

The District will make reasonable efforts to assign job duties to minimize the potential for creating an adverse impact on supervision, safety, security, morale, or creating other potential conflicts of interest.

Notwithstanding the above, the District retains the right where such placement has the potential for creating an adverse impact on supervision, safety, security, morale, or involves other potential conflicts of interest, to refuse to place spouses in the same department, division or facility. The District retains the right to reassign or transfer any person to eliminate the potential for creating an adverse impact on supervision, safety, security, morale, or involves other potential conflicts of interest.

This rule is subject to the following limitations:

1. The spouse of a member of the Board of Trustees or the spouse of the Superintendent/President may not be hired as an employee of the District. The spouse of a Board member may continue employment with the District, provided the Board member's spouse was employed by the District prior to the Board member's selection or appointment.
2. The Board of Trustees may, upon recommendation by the Superintendent/President, deny employment to a spouse of any current employee or a family member of any current employee or Board member based on the individualized assessment of the work situation. The Board's assessment must demonstrate a reasonable potential for a financial conflict of interest wherein the employee or Board member would stand to personally profit from decisions he/she/they would make or effectively recommend on behalf of the District concerning his or her or their spouse or family member.

If current employees of the District marry, are married to, or are family members of current employees, the Superintendent/President or designee will assess the individual work situation as needed. If the assessment demonstrates a conflict of interest described above or evidence of a family member improperly providing benefits in initial appointment, evaluation, assignment of work, promotion, retention, salary determination, leave of absence, or other conditions of work the Superintendent/President will direct the reassignment of job responsibilities so as to minimize the resulting problems of supervision, safety, security, or morale and eliminate the potential for conflict of interest. Individuals whose duties are reassigned as result of this policy shall not suffer a change in employment status or a decrease in pay solely through application of this paragraph.

Also see AP 7310 Nepotism and BP 7510 ~~titled~~ Domestic Partners

Date Adopted: August 23, 2011 (*Replaced College of Marin Policy 5.0024*)

Reviewed/Revised: May 15, 2019

Reviewed/Revised:

Human Resources

Legally advised procedure. No CCLC update, administrative review requested. Mici 9-21-21

AP 7310 NEPOTISM**References:**

Government Code Sections 1090 et seq. and 12940 et seq.

The employment of relatives, immediate family members, or domestic partners as defined by Family Code Sections 297 et. seq. in the same facility, department, division, office, or line of supervisory authority may adversely impact the nature of the necessary working relationships between supervisors and employees and between co-workers. Such employment can raise issues which adversely affect the public trust and confidence in the fairness and efficiency of the employment policies and operations of the District.

- A. "Immediate family member" is defined as father, mother, brother, sister, spouse, registered domestic partner, child, grandchild, stepfather, stepmother, stepson, stepdaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandfather, grandfather-in-law, grandmother, grandmother-in-law, foster parents in lieu of father or mother, foster children, or any other relative living in the immediate household. Pursuant to BP 7510 ~~titled~~ Domestic Partners, a domestic partner and his/her their immediate family members shall have, insofar as permitted by California law, the same consideration as a spouse.
- B. At any time that an immediate family member of a member of the Board of Trustees is being considered for employment in any regular full-time, part-time, or hourly capacity by the District, said member of the Board of Trustees shall make known the family relationship before action is taken.
- C. Immediate family members of current District employees may be hired by the District as employees, promoted, or transferred but the District may consider the following issues before taking these personnel actions:
 - 1. will the individuals concerned work in a direct supervisory relationship with one another, or be in the same line of authority or supervision;
 - 2. will the individuals concerned work in divisions, departments, offices, or facilities which would allow or require that their work or work products are shared or dependent on one another;
 - 3. will the employment, promotion or transfer pose any reasonably foreseeable problems or conflicts involving supervision, security, confidentiality, performance, or morale.
- D. Current District employees are prohibited from participating in, or influencing or attempting to influence the selection process or employment, promotion, or transfer of a relative or immediate family member as described in BP 7310 ~~titled~~ Nepotism.
- E. Current District employees are prohibited from participating in, or influencing or attempting to influence decisions regarding admission, financial aid, work-study, student hourly employment or

internship for students or prospective students who are their immediate family members as described in BP 7310 ~~titled~~ Nepotism.

- F. The District reserves the right to take prompt action to prevent the attempt of any immediate family members from influencing any personnel action.
- G. No personnel action will be based on an individual's status as an immediate family member of a current District employee except in the following circumstances:
 - 1. for business reasons of supervision, safety, security, ~~or~~ morale, or a direct reporting relationship; and
 - 2. for business reasons of supervision, safety, security, or morale, the District may refuse to place both members of an immediate family in the same department, division or facility if the work involves reasonably foreseeable conflicts of interest.
- H. Applicants for employment must declare on their District applications their immediate family members who are current District employees.

Present employees who become members of the same immediate family must notify their supervisors and/or the Human Resources Office. Any supervisor who receives a report of change in status of two employees such that they become immediate family members of one another will notify the Human Resources Office. If that relationship causes or it is reasonably foreseeable that it will cause a conflict of interest or any of the problems listed above in this procedure, the District will make every attempt to reassign one of the employees or will make arrangements which mitigate the problems until such a transfer is possible.

Also see BP 7510 ~~titled~~ Domestic Partners

Office of Primary Responsibility: Human Resources

Date Approved: November 18, 2011

Date Reviewed/Revised: April 16, 2019

Date Revised:

Human Resources
CCLC 37 Update – Legally required.
Mici Rev. 6-3-2021

BP 7330 COMMUNICABLE DISEASE**References:**

Education Code Sections 87408, 87408.6, and 88021

All newly hired academic employees, sworn police officers, and Child Development Center employees shall have on file a medical certificate indicating freedom from communicable diseases unfitting the employee to instruct or associate with students, including tuberculosis. No academic employee shall commence service until such medical certificate has been provided to the District.

All newly hired academic or classified employees must show that they have been examined within the past 60 days to determine that they are free from active tuberculosis, by providing the District with a certificate from the employee's examining physician showing that the employee was examined and found to be free from active tuberculosis.

All employees shall be required to undergo an examination within four years of employment and every four years thereafter, to determine if they are free from tuberculosis.

Also see BP 7335 ~~titled~~ Health Examinations and AP 7336 ~~titled~~ Certification of Freedom from Tuberculosis

Date Adopted: August 23, 2011 (*Replaces College of Marin Policy 5.0034*)

Date Revised: May 17, 2016

Date Revised:

Human Resources

CCLC Update 27 (October 2015) – updated to clarify that only successful applicants for academic positions are required to submit certification that they applicant is free from any communicable disease. It is optional for the District to require academic employees to undergo periodic medical examinations to determine if they are free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students. If the district does so, similar statutes apply. **It is legally advised** that “communicable disease” also includes (but is not limited) to hepatitis. Procedures should also address: Process of notification to employees, Examination process, and Certification process. Mici 9-21-2021

AP 7330 COMMUNICABLE DISEASE**References:**

Education Code Sections 87408, 87408.6, and 88021

For successful applicants for academic positions:

- A medical certificate is required showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students.
- The medical certificate shall be submitted by a physician as authorized by code.
- The medical examination is conducted not more than six months before the submission of the certificate and is at the expense of the applicant.
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate.
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his or her designee.

Also see BP COVID-19 Vaccination Requirements, 3507 BP 7335 ~~titled~~ Health Examinations, and AP 7336 ~~titled~~ Certification of Freedom from Tuberculosis

Office of Primary Responsibility: Human Resources

Date Approved: July 19, 2011 (*Replaced College of Marin Procedure 5.0034 DP.1*)

Date Reviewed/Revised:

Academic Affairs

CCLC Update 31 (October 2017) to add legal reference to 34 Code of Regulations. This procedure is currently under Academic Senate review. Mici 9-21-2021

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

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

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

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

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

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

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

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

1. Functions:

The functions of the College Curriculum Committee are as follows:

- a. Recommend all credit and non-credit courses for approval by the Board of Trustees. To be recommended, credit courses must meet the standards set forth by the Education Code, the mission of the College and demonstrate educational need.
- b. The Curriculum Committee does not approve Community Education courses. However, the Community Education Program will send all new course outlines to the Curriculum Committee at least two weeks prior to submission to the Board of Trustees to ensure there is no conflict with credit or non-credit courses. If the Curriculum Committee identifies a potential conflict, Community Education and the Department Chair will work together to find a resolution and inform the Curriculum Committee Chair in writing.
- c. Recommend all new credit and noncredit programs for approval by the Board of Trustees.
- d. Recommend program changes, course revisions, additions, deactivations, or deletions for approval by the Board of Trustees, making sure such changes meet the standards set forth by the Education Code.
- e. Review the Master Schedule and recommend modifications as necessary.
- f. Recommend requirements for skills certificates and certificates of achievement.
- g. Recommend graduation requirements and general education requirements for the A.A., A.S., A.A.-T and A.S.-T degrees for approval by the Board of Trustees.
- h. Recommend for approval by the Board of Trustees, baccalaureate level courses for submission to the California State University system for inclusion on the transfer list of courses which satisfy the state universities' general education requirements.
- i. Support development of new curricula and dissemination of curricular material.

2. Membership:

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

- a. Voting Members: One faculty member elected from each Department and Community Education; one classified member who is directly related to Student Learning selected by the official classified staff appointing body, and one student selected by the Student Senate.
- b. Non-voting Staff Resource: The Evaluation Analyst from Enrollment Services.
- c. Department Chairs serve as ex-officio members of the Committee and all Department Chairs are welcome to attend at all times. Particular Department Chairs will be invited to attend Curriculum Committee meetings when there are proposals originating from their department; further, Department Chairs shall be invited when proposals are presented from other departments that will affect their courses and/or programs.

3. Operating Guidelines:

- a. According to the UPM/MCCD Collective Bargaining Agreement Article 8.12.2, Department Chair Responsibilities, Department Chairs shall: in conjunction with the department's faculty, develop and/or modify curriculum, subject to departmental and District approval as recommended by the College Curriculum Committee; and assist faculty in up-dating course outlines, degrees and certificates and communicate these updates in writing within the department and to the appropriate instructional office(s) through recommendations of the College Curriculum Committee.
- b. The Curriculum Committee Chair is elected by voting members of the Committee.
- c. Additional support is provided by the Office of Instructional Management.

- d. Curriculum Committee agendas, approved minutes and updated Curriculum Committee approval schedules are posted on the Curriculum Committee website.

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

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

See *also* BP and AP 4021 ~~titled~~ Program Revitalization and Discontinuance and AP 4022 Program Revitalization

Office of Primary Responsibility: ~~Office of~~ Student Learning and Success

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

Date Revised: August 21, 2012, May 16, 2017

Date Reviewed/Revised:

Academic Affairs

CCLC 37 – Legally advised. Reference updated
Mici 6-3-2021

AP 4500 STUDENT NEWS MEDIA**References:**

First Amendment, U.S. Constitution;
California Constitution, Section 2, Article 1;
[Education Code Section 66301](#)

Student news media are any news/feature publications issued under the name of the college, funded by the District, and produced by students as an integral part of instruction in Journalism and Mass Communication Program. It may include, but is not limited to, student newspaper reporting, broadcast news journalism, and internet news journalism. The term "editorial" refers to all content other than advertising.

Student news media, as laboratory publications of the Journalism and Mass Communication Program curriculum, shall provide vehicles to train students for careers in mass communication. Student news media shall also serve the entire college community by reporting the news, including college events and activities, providing a forum for comment and criticism, and encouraging free expression as guaranteed in the First Amendment to the Constitution of the United States.

Student news media are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion. Student news media shall exercise editorial freedom in order to maintain their integrity as vehicles for free inquiry and free expression in the college community. At the same time, the editorial freedom of the student news media shall entail corollary responsibilities to uphold professional ethics and use professional practices as defined by leading professional organizations.

Each college newspaper or other news medium is published as a learning experience, offered under the Journalism and Mass Communication Program. The editorial and advertising materials published in each news medium, including any opinions expressed, are the responsibility of the student staff. An editorial board should be formed for the news media involved. Under appropriate state and federal court decisions, these materials are free from prior restraint by virtue of the First Amendment to the United States Constitution. These procedures are adopted so as to encourage a responsible exercise of such freedom.

Journalism Grievance Procedures

A grievance is a complaint that alleges facts which, if true, would demonstrate a violation of the grievant's right to free inquiry, free speech, or fair treatment. All grievances must be brought first before the Student Chief Editor and the Faculty Advisor of the student news media. No initial grievance shall receive a hearing in the absence of the Student chief Editor or the Faculty Advisor, both of whom are jointly responsible to see the grievance case is addressed in a timely fashion. It is the responsibility of the grievant to produce evidence to support his/her/[their](#) allegation(s) which must appear to be substantially credible.

- **Grievance from Student News Media Staff**

If the Student Chief Editor and the Faculty Advisor cannot jointly resolve a student news media staff member's grievance to the complainant's satisfaction, the appropriate dean, the Chief Instructional Officer, and/or the Petitions Committee may be appealed to, in consultation with the Student Chief Editor and the Faculty Advisor.

- **Grievance from Member(s) of the Student Body**

If the Student Chief Editor and the Faculty Advisor cannot jointly resolve a student's grievance to the complainant's satisfaction, the appropriate dean and/or the Chief Instructional Officer may be appealed to, in consultation with the Student Chief Editor and the Faculty Advisor.

- **Grievance from General Readership/Advertisers**

The editorial and advertising materials published in each news medium, including any opinions expressed, are the sole responsibility of the student news media staff. No legal action may be taken against the District.

Letters to the Editor

All letters must be accompanied by the author's name and must contain the author's address, telephone number, and/or e-mail address. The author should be contacted to confirm he/she/they wrote the letter. Letters or portions of letters that are obscene, libelous, or contain confidential personal information shall not be published.

Also see AP 5530 ~~titled~~ Student Rights and Grievances

Office of Primary Responsibility: ~~Office of~~ Student Learning and Success

Date Approved: May 18, 2010

Reviewed/Revised:

Business and Fiscal Affairs

CCLC 36 Update – Legally required. Mici Rev. 3-4-2021

To Peggy Isozaki 4/19/2021

To Isidro Farias, Katy Bauer 4/19/2021; follow up 9/21/21

AP 6370 CONTRACTS – PERSONAL/OTHER SERVICES

References:

Education Code Section 88003.1;
Government Code Section 53060;
Labor Code Sections [2750.3](#) and 3353;
Public Contract Code Section 10335.5

The District may enter into service contracts to achieve cost savings when each of the following conditions are met:

- It can be clearly demonstrated that the proposed contract will result in actual overall cost savings to the District;
- The contractor's wages are at the industry's level and do not undercut District pay rates;
- The contract does not cause the displacement of District employees;
- The savings are large enough to ensure that employees will not be eliminated by private sector and District cost fluctuations that could normally be expected during the contracting period;
- The amount of savings clearly justifies the size and duration of the contracting agreement;
- The contract is awarded through a publicized, competitive bidding process if required;
- The contract includes specific provisions pertaining to the qualifications of the staff that will perform the work under the contract as well as assurance that the contractor's hiring practices meet applicable nondiscrimination standards;
- The potential for future economic risk to the District from potential contractor rate increases is minimal;
- The contract is with a legal entity; and
- The potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by the District.

Service contracts are also permissible when any one of the following conditions is met:

- The contract is for new functions mandated or authorized by the Legislature to be performed by independent contractors;
- The services are not available within the District or cannot be satisfactorily performed by District employees;
- The services are incidental to a purchase or lease contract;
- The policy, administrative, or legal goals and purposes of the District cannot be accomplished through the regular or ordinary hiring process;
- The work meets the criteria for emergency appointment;
- Equipment, materials, facilities, or support services could not feasibly be provided by the District; or
- The services are of an urgent, temporary, or occasional nature.

Professional Experts – Contracts for the services of persons who qualify as professional experts may be let without competitive bidding. Professional experts are persons specially qualified to provide services and advise in financial, economic, accounting, engineering, legal, or administrative matters. They must be specially trained, experienced, and competent to perform the services required. Compensation for special services and advice from professional experts may be paid from available funds in the amounts deemed proper for the services rendered.

Independent Contractors – To be an independent contractor, substantial conformance with all the following conditions must exist:

- The contractor is free from the control and direction of the District in connection with the performance of the work, both under the contract for the performance of the work and in fact;
- The contractor performs work that is outside the usual course of the District's business; and
- The contractor is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.
- ~~The contractor controls the way in which work is performed.~~
- ~~The contractor sets his or her own hours.~~
- ~~The contractor is not restricted from taking jobs from other businesses at the same time that they are doing work for the District.~~
- ~~No District employees have duties similar to the independent contractor.~~
- ~~The District does not provide assistants to the contractor.~~
- ~~The duration of employment is for a specific job, not for a specified period of time.~~
- ~~The District does not furnish tools, training, or equipment to the contractor. Contractors should be able to perform their services without the District's facilities (e.g., equipment, office furniture, machinery).~~
- ~~The contractor's investment in his or her trade must be real, essential, and adequate.~~
- ~~The contractor has employer identification numbers with the Internal Revenue Service and the California Employment Development Department for reporting employer payroll taxes and employee wages.~~
- ~~The individual is not presently employed by the District to do the same type of work.~~
- ~~Contractors are hired to provide a result and usually have the right to hire others to do the actual work.~~
- ~~Contractors are hired for the final result, and therefore should not be asked for progress or interim reports.~~
- ~~Contractors are generally responsible for their incidental expenses.~~
- ~~Contractors should be able to make a profit or a loss. Five circumstances show that a profit or loss is possible:~~
 - ~~If the contractor hires and pays assistants~~
 - ~~If the contractor has his own office, equipment, materials, or facilities~~
 - ~~If the contractor has continuing and reoccurring liabilities~~
 - ~~If the contractor has agreed to perform specific jobs for prices agreed upon in advance~~
 - ~~If the contractor's services affect his own business reputation~~

Contractors cannot be fired as long as they produce a result that meets the contract specifications. Termination of a contractor must abide by the law and be in accordance with the specifications in the contract or agreement for services. The District shall use a District contract or Agreement for Services and not rely on the contractor's contract.

Contractors are responsible for the satisfactory completion of a job or they may be legally obligated to compensate the ~~hiring firm~~ District for failure to complete.

Consultants – Consulting services contracts refer to all services that:

- Are of an advisory nature,
- Provide a recommended course of action or personal expertise,
- Have an end product which is basically a transmittal of information either written or verbal, and
- Are obtained by awarding a procurement-type contract, a grant, or any other payment of funds for services of the above type.

The product may include anything from answers to specific questions to design of a system or plan, and includes workshops, seminars, retreats, and conferences for which paid expertise is retained by contract.

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

Date Approved: April 21, 2009 (*Replaced College of Marin Procedure 5.0011 DP.1*)

Date Reviewed/Revised: June 20, 2017

Date Reviewed/Revised:

Business and Fiscal Affairs

Legally required, no CCLC update. Part of regular review cycle. Safety conditions of employment are a mandatory subject of bargaining, and may be more specific than the following procedures, which are minimum standards to cover students and unrepresented employees. AP 3510 Workplace Violence covers many of the same requirements, and some districts may prefer to not include a similar procedure here. Local practice may be inserted. The following will comply with requirements. Font updated. Mici 9-21-21

AP 6800 INDUSTRIAL SAFETY**References:**

[California Occupational Safety and Health Administration \(Cal/OSHA\);](#)

Labor Code Sections 6300 et seq;

Title 8 Section 3203;

Code of Civil Procedure Section 527.8;

Penal Code Section 273.6

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Date Approved: February 12, 2009

(Replaced current College of Marin Procedures 8.0001 DP.1, 8.0001 DP.2, and 8.0001 DP.3)

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

Date Reviewed/Revised:

Human Resources

This procedure is **legally required**. Last CCLC revision 2016 (not included here) and last CCLC review 2018. Due for review as part of regular review cycle. Mici 9-21-21

AP 7343 INDUSTRIAL ACCIDENTS AND ILLNESS LEAVE**References:**

Education Code Sections 87787 and 88192

Academic Employees

Academic employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness in any one fiscal year for the same accident.

Allowable leave shall not be accumulated from year to year.

Industrial accident or illness leave shall commence on the first day of absence.

When an academic employee is absent from his/her/their duties on account of an industrial accident or illness, the employee shall be paid the portion of the salary due him/her/them for any month in which the absence occurs as, when added to his/her/their temporary disability indemnity under the Labor Code, will result in a payment to the employee of not more than his/her/their full salary. "Full salary," shall be computed so that it shall not be less than the employee's "average weekly earnings" as that phrase is used in ~~Section 4453 of the~~ Labor Code Section 4453. For purposes of this section, however, the maximum and minimum average weekly earnings set forth in ~~Section 4453 of the~~ Labor Code Section 4453 shall otherwise not be deemed applicable.

Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award.

When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him/her/them for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Education Code Sections 87780, 87781, and 87786, and, for the purposes of each of these sections, his/her/their absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave. However, if the employee continues to receive temporary disability indemnity, he/she/they may elect to take as much of his/her/their accumulated sick leave which, when added to his/her/their temporary disability indemnity, will result in a payment to the employee of not more than his/her/their full salary.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her/their industrial accident or illness. The District shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

Any employee receiving benefits as a result of this section, during periods of injury or illness, shall remain within the State of California unless the Chief Human Resources Officer authorizes travel outside the state.

Classified Employees

Classified employees shall be entitled to not less than 60 days leave on account of an industrial accident or illness, in any one fiscal year for the same accident.

Allowable leave shall not be accumulative from year to year.

Industrial accident or illness leave of absence will commence on the first day of absence.

Payment for wages lost on any day shall not, when added to an award granted the employee under the workers' compensation laws of this state, exceed the normal wage for the day.

Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workers' compensation.

When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Education Code Section 88191. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workers' compensation, the person shall be entitled to use only so much of the person's accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workers' compensation award, provide for a full day's wage or salary.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During any paid leave of absence, the employee may endorse to the District the temporary disability indemnity checks received on account of his/her/their industrial accident or illness. The District, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement, other authorized contributions, and the temporary disability indemnity, if any, actually paid to and retained by the employee for periods covered by the salary warrants.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of the person's position, the person, if not placed in another position, shall be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, the person shall be employed in a vacant position in the class of the person's previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case the person shall be listed in accordance with appropriate seniority regulations.

Pursuant to Education Code Section 88192, the District may require that an employee serve, or have served continuously, three years before the benefits provided by this section are made available to the person. All service of an employee prior to the effective date of any such requirement shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the Chief Human Resources Officer authorizes travel outside the state.

A classified employee who has been placed on a reemployment list, as provided above, who has been medically released for return to duty and who fails to accept an appropriate assignment, shall be dismissed.

See applicable collective bargaining agreement for additional [relevant](#) information.

Office of Primary Responsibility: Human Resources

Date Approved: December 13, 2011 *(Replaced College of Marin Policy 8.0007)*

Date Reviewed/Revised:

Human Resources

CCLC update 38 adding optional language and due for review as part of the review cycle. Mici 9-21-21

Added language to address privacy concerns. Mia 9-21-21

Nikki approved 9-24-21

BP 7350 RESIGNATIONS**References:**

Education Code Sections 87730 and 88201

The Board of Trustees shall accept the resignation of any employee and shall fix the time when the resignation takes effect, which shall not be later than the close of the academic year during which the resignation has been received by the Board.

The Board of Trustees hereby delegates to the Superintendent/President the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board of Trustees when accepted in writing by the Superintendent/President. When accepted by the Superintendent/President, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board of Trustees for ratification.

The District, through its Human Resources staff, will encourage employees to participate in an exit interview when resigning.

Resignation Report

The Superintendent/President shall provide the Board, when requested, with a report regarding employee resignations. This report must disaggregate employee resignations by race, age, gender, gender expression, gender identity, or any other characteristic identified by the Board to the extent that the District has such information about the employees and to the extent that the privacy of the employees included in the report can be maintained. The report will include a summary of reasons or comments by employees during their exit interview to the extent that employee privacy can be maintained.

Date Adopted: August 25, 2009

Date Reviewed/Revised:

Human Resources

No CCLC update. Due for review as part of regular review cycle. While there is no law or regulation requiring this procedure, it is **legally advised** to establish written procedures requiring employees to notify the District when ill, either here or through collective bargaining. Mici 9-21-21

Nikki H. revision 9-24-21

AP 7344 NOTIFYING THE DISTRICT OF ILLNESS**References:**

Education Code Section 88191

Employees are required to provide immediate notification to their appropriate supervisor or designee when they are absent for any length of time. In the event the supervisor or designee cannot be contacted, notification of the absence must be made to the Office of Human Resources, during the hours of [8:30 a.m.](#) - [4:30 p.m.](#) If the illness is extended, notification of absence must be made daily until an official medical verification has been provided to the District detailing the employee's necessary absence from work.

Absences

- A. Absences must be recorded on employees' time sheets or on applicable absence report forms.
- B. Absences due to illness or injury shall be charged to accumulated sick leave credit in accordance with Education Code. Employees who have a negative balance of sick leave may be eligible to receive compensation under applicable state laws.
- C. Absences for other reasons shall be subject to salary deduction.
- D. Excessive absence or tardiness is grounds for disciplinary action.
- E. Employees participating in their respective Catastrophic Leave Program may be eligible for additional compensated leave of absence.

Additional procedures for notification of employee illness or absence are delineated in the applicable collective bargaining agreement.

Primary Office of Responsibility: Human Resources

Date Approved: July 19, 2011

Date Reviewed/Revised: