

## College Council: Policy and Procedure Review

10-7-2021

(From 9-9-2021)

**BP 1200 Mission** – This CCLC 38 update is legally required by the Western Association of Schools and Colleges (WASC)/Accrediting Commission of Community and Junior Colleges (ACCJC) accreditation standards. The accreditation standard requires that “the mission describes the institution’s broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement.” The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

**BP 2200 Board Duties and Responsibilities** – For discussion. CCLC 38 updated this policy with optional language. This policy is suggested as good practice. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715 Code of Ethics/Standards of Practice. Recommended added anti-racism language. The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

**BP 2220 Committees of the Board** - CCLC 38 updated this policy to add optional language to highlight diversity, equity, and inclusion issues.

**BP 2340 Agendas** – **PULLED FROM REVIEW/REVISION.** Revision by the Board Policy Review Committee on 9-1-2021 to refine agenda items by request of trustees.

**AP 2340 Agendas** - Administrative review completed. No changes needed. Linked in main agenda for information.

**BP 2345 Public Participation at Board Meetings** – This is a CCLC 38 legally required update. 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.

**BP 2435 Evaluation of the Superintendent-President** – The CCLC 37 update included the addition of the education code and CCLC 38 update recommended optional language to highlight diversity, equity, and inclusion issues.

**AP 2435 Evaluation of Superintendent-President** – Administrative review completed, CCLC 37 education code reference updated. Attached for information.

**BP 2720 Communications Among Board Members** – CCLC 38 updated this policy to reflect new Brown Act requirements allowing members of the Governing Board to engage in conversations on social media platforms that are open and accessible to the public so long as the purpose of the communication is to answer questions, provide information to the public, or solicit information from the public; and as long as the majority of the members of the Board do not discuss District business among themselves.

**BP 2725 Board Member Compensation** - CCLC Update 37 update includes optional language.

**BP 2745 Board Self Evaluation** - CCLC 38 updates this policy to add optional language to highlight diversity, equity, and inclusion issues.

[AP 3507 COVID-19 Vaccination Requirements \(NEW\)](#) – This procedure was created to accompany BP 3507 COVID-19 Vaccination Requirements passed by the Board August 10, 2021.

[AP 5520 Student Discipline](#) - CCLC 37 Update – Legally required. Must comply with standards of due process although local practice may be added. Additional revisions to allow the District a chance to correct an operational issue.

[BP 7340 Leaves](#) – Changed initiated by Administration. MSC will move to the typical operational workweek of 40 hours/week on 1-1-2022, but the District plans to keep the current vacation cap based on total hours. The reference to days is removed.

[AP 7340 Leaves](#) – Administrative review completed. No changes needed.

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

**The District**

**CCLC 38 – Required by** the Western Association of Schools and Colleges (WASC)/Accrediting Commission of Community and Junior Colleges (ACCJC) accreditation standards. The accreditation standard requires that “the mission describes the institution’s broad educational purposes, its intended student population, the types of degrees and other credentials it offers, and its commitment to student learning and student achievement.” The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues. MAB 6-8-2021

**BP 1200          MISSION****Reference:**

ACCJC Accreditation Standard I.A.

The mission of the Marin Community College District:

College of Marin’s commitment to educational excellence is rooted in providing equitable opportunities and fostering success for all members of our diverse community by offering:

- preparation for transfer to four-year colleges and universities;
- associate degrees and certificates
- career technical education
- basic skills improvement
- English as a second language
- lifelong learning
- community and cultural enrichment

College of Marin responds to community needs by offering student-centered programs and services in a supportive, innovative learning environment that promotes social and environmental responsibility.

The District believes a commitment to diversity, equity, and inclusion enriches the District’s mission and supports students in achieving their educational goals.

The mission is evaluated and revised on a regular basis.

---

Date Adopted: December 9, 2008 (*Replaced College of Marin Policy 1.7020*)

Date Revised: April 20, 2010, April 11, 2015

**Date Revised:**

**Board of Trustees**

**CCLC 38 – Optional language.** This policy is suggested as good practice. Board duties and responsibilities are also reflected throughout the Board Policy Manual and are addressed in BP 2715 Code of Ethics/Standards of Practice. Recommended added anti-racism language. The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues. Mici 6-8-2021

**BP 2200 BOARD DUTIES AND RESPONSIBILITIES****References:**

Education Code Section 70902;  
ACCJC Accreditation Standard IV (*formerly IV.B.1.d*);

The Board of Trustees governs on behalf of the citizens of the Marin Community College District in accordance with the authority granted and duties defined in Education Code Section 70902

The Board is committed to fulfilling its responsibilities to:

- Represent the public interest, including but not limited to:
  - Establishing policies that define the institutional mission and ensure the District operates in an anti-racist manner;
  - Setting prudent, ethical, and legal standards for District operations; and
  - Assuring the Board is open, accessible, and welcoming.
- Hire and evaluate the Superintendent/President;
- Delegate power and authority to the Superintendent/President to effectively lead the District;
- Assure fiscal health and stability;
- Monitor institutional performance and institutional quality; and
- Advocate for and protect the District.

---

Date Adopted: July 21, 2009 (*Replaced current College of Marin Policy 1.2080*)

Date Revised: May 16, 2017

**Date Reviewed/Revised:**

**Board of Trustees**

CCLC 38 - The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues. The Board Policy review Committee chose not to add the DEI Standing Committee because DEI should be infused with all committees. Mici 9-7-2021

**BP 2220 COMMITTEES OF THE BOARD****Reference:**

Government Code Section 54952

The Board of Trustees may by action establish committees that it determines are necessary to assist the Board in its responsibilities. Any standing committee established by Board action shall comply with the requirements of the Brown Act and with these policies regarding open meetings.

Board committees that are composed solely of less than a quorum of members of the Board of Trustees that are advisory are not required to comply with the Brown Act, or with these policies regarding open meetings, unless they are standing committees.

Board committees that are only advisory have no authority or power to act on behalf of the Board of Trustees. Findings or recommendations shall be reported to the Board of Trustees for consideration.

The Board of Trustees has established the following standing committees:

- **Board of Trustees Self-Evaluation Committee:** This standing committee is charged with conducting the annual Board Evaluation Survey and develops recommendations for the Board to become more efficient and effective. (Also see BP 2745 titled Board Self-Evaluation)
- **Superintendent/President Evaluation Committee:** This standing committee is charged with conducting the annual evaluation of the Superintendent/President. (Also see BP 2435 titled Evaluation of the Superintendent/President)
- **Policy Review Committee:** This standing committee is charged with reviewing and revising Board Policies and Administrative Procedures relating to the operation of the Board of Trustees as a whole.
- **Sustainability Committee:** This standing committee is charged with the development and monitoring of the sustainability initiatives.

---

Date Adopted: September 21, 2010 (*Replaced College of Marin Policies 1.4010, 1.4020, and 1.4030*)

Date Revised: November 17, 2020

**Date Reviewed/Revised:**

## 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 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 wishing to present such items shall submit a written request 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, 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 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**

**CCLC 38** - The Service updated this policy to add optional language to highlight diversity, equity, and inclusion issues. This was added to the procedure AP 2435 instead. Mici 6-8-2021

**BP 2435          EVALUATION OF THE SUPERINTENDENT/PRESIDENT****Reference:**

Education Code Section 87663;

ACCJC Accreditation Standard IV.C.3. ~~(formerly IV.B.1)~~

The Board of Trustees shall conduct an evaluation of the Superintendent/President at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the Superintendent/President as well as this policy.

The Board shall evaluate the Superintendent/President using an evaluation process and instrument developed and jointly agreed to by the Board and the Superintendent/President.

The criteria for evaluation shall be based on Administrative Procedure 2435 Evaluation of the Superintendent/President, the Superintendent/President's job description and performance goals and objectives developed in accordance with BP 2430 ~~titled~~ Delegation of Authority to Superintendent/President.

*See also* AP 2435 Evaluation of the Superintendent/President

---

Date Adopted: July 21, 2009

Reviewed/Revised: November 14, 2017

**Reviewed/Revised:**



## Board of Trustees

**CCLC Update 37** – reference added. Mici 6-3-21

**CCLC 38** - The Service updated the policy to add optional language to highlight diversity, equity, and inclusion issues. This was included in the procedure instead. Mici 9-7-2021

**AP 2435 EVALUATION OF THE SUPERINTENDENT/PRESIDENT****Reference:**

Education Code Section 87663;

ACCJC Accreditation Standard IV.C.3 (*formerly IV.B.1*)

The Superintendent/President shall be evaluated annually based upon the date specified in the Superintendent/President's contract. The Board President will appoint a committee of the Board of Trustees to conduct the evaluation process. The criteria for evaluation of the Superintendent/President shall also include performance goals and objectives related to the District's commitment to diversity, equity, and inclusion.

The process for evaluating the Superintendent/President is delineated in the current Superintendent/President's contract.

All materials pertaining to the evaluation of the Superintendent/President will be retained for a period not to exceed two years in an "Access by Board Only" file and thereafter shredded.

The Superintendent/President's annual evaluation shall be done solely by the Board, utilizing input from the Board members. The Board may request input from campus and community representatives. The evaluation forms will be distributed to these individuals at the same time they are distributed to the Board.

---

Date Approved: June 23, 2009, October 17, 2017

**Reviewed/Revised:**

**Board of Trustees**

**CCLC 38** - The Service updated this policy to reflect new Brown Act requirements allowing members of the Governing Board to engage in conversations on social media platforms that are open and accessible to the public so long as the purpose of the communication is to answer questions, provide information to the public, or solicit information from the public; and as long as the majority of the members of the Board do not discuss District business among themselves. Mici 6-8-2021

**BP 2720            COMMUNICATIONS AMONG BOARD MEMBERS****Reference:**

Government Code Section 54952.2

A majority of the members of the Board of Trustees shall not, outside a regularly scheduled meeting, use a series of communications of any kind, directly or through intermediaries, to hear, discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the Board.

This policy shall not be construed as preventing an employee or official of the District from engaging in separate conversations or communications with members of the Board outside of a meeting in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of Board, if that person does not communicate to members of the Board the comments or position of any other member or members of the Board.

This policy also shall not be construed as preventing a member of the Governing Board from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Board. In doing so, a majority of the members of the Board may not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the Board. However, a member of the Board shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the Board that another member of the Board has made, posted, or shared.

---

Date Adopted: July 19, 2011

Revised: July 18, 2017; December 11, 2018

**Revised:**

## Board of Trustees

CCLC Update 37 – optional language added. Mici 6-3-21

**BP 2725      BOARD MEMBER COMPENSATION****Reference:**

Education Code Section 72024

Members of the Board who attend all Board meetings shall receive compensation in accordance with Education Code Section 72024. The Student Trustee will receive compensation at the discretion of the Board of Trustees (*see* BP 2015 ~~titled~~ Student Trustee). A member of the Board of Trustees who does not attend all Board meetings in any month shall receive, as compensation, an amount not greater than the pro rata share of the number of meetings actually attended. The amount of compensation provided is listed on the Board of Trustees webpage on the College of Marin website.

A member of the Board of Trustees may be paid for a meeting when absent if requested by the Trustee, and if the Board, by resolution, finds that at the time of the meeting the member is performing services outside the meeting for the District, is ill, on jury duty, or the absence is due to a hardship deemed acceptable by the Board.

Compensation will not be awarded for absence during the Budget Meeting at which the Annual Budget is approved.

---

Date Adopted: March 16, 2010 (*Replaced~~s~~ current College of Marin Policy 1.2060*)

Revised: ~~11/18/2014~~ November 18, 2014, June 20, 2017

**Revised:**

## Board of Trustees

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

**BP 2745 BOARD SELF-EVALUATION****References:**

ACCJC Accreditation Standard IV.C.10 ~~(formerly IV.B.1.e and g)~~

The Board of Trustees is committed to annually assessing its own performance as a Board in order to identify its strengths and areas in which it may improve its functioning.

To that end, the Board of Trustees has established the following processes:

- A committee of the Board shall be appointed at the annual organizational meeting in December to determine the instrument or process to be used in Board self-evaluation.
- Any evaluation instrument shall incorporate criteria contained in these Board policies regarding Board operations, Board effectiveness, and the Board's actions related to anti-racism, diversity, equity, and inclusion. ~~as well as criteria defining Board effectiveness promulgated by recognized practitioners in the field.~~
- The process and the instrument for evaluation shall be recommended to and approved by the Board of Trustees.
- All Board members will be asked to complete the evaluation instrument and submit them to the Board Committee on Self-Evaluation.
- A summary of the evaluations will be presented and discussed at a regular meeting of the Board. The results will be used to identify accomplishments in the past year, areas of improvement, and goals and objectives for the following year.

---

Date Adopted: April 20, 2010

Reviewed/Revised: November 14, 2017

**Reviewed/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 is committed to providing a safe and healthy campus. In furtherance of this commitment, the District is requiring that all students, employees, and volunteers who access campuses or other District facilities, or participate in off-site work in-person for the District must be fully vaccinated against the virus that causes COVID-19. The intent of this Procedure is to mitigate the risks surrounding exposure to COVID-19 by requiring that all students, employees, volunteers, and visitors who are on District premises and participating in District activities are fully vaccinated against the virus that causes COVID-19.

In order to access campus/programs, students, employees and volunteers will be asked to provide proof of having been fully vaccinated against COVID-19. Individuals may request an exemption to the vaccination requirements in accordance with District procedures. In order to ensure campus safety, the District may deny access to campus or District activity to any student, employee or volunteer who does not provide verification of vaccination and does not qualify for a medical or religious exemption. 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 October 1, 2021, all visitors to campuses or other District facilities (e.g. those individuals not considered students, employees, or volunteers of the District) 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. Effective October 1, 2021, such health and safety protocols include 1) requiring vaccinations for visitors who are eligible for vaccinations; 2) 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.

Such health and safety protocols currently include 1) requiring vaccinations for visitors who are eligible for vaccinations; 2) 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 may be imposed include, but are not limited to: asymptomatic (public health surveillance) testing and symptomatic testing; physical/social distancing; and avoiding large gatherings.

Contractors, vendors, facilities renters, and other third parties (non-District) with employees, visitors, or guests on campus are responsible for ensuring compliance with this Administrative Procedure, including administering the vaccination requirement and granting any exemptions that are required by law.

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.

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

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.

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 volunteer's 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 or enrolled Marin Community College District as a student participating in any in-person activities.

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.

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

Visitors: Contractors, vendors, facilities renters, guest and other third parties (non-District) that are not considered students, employees, or volunteers of the District.

Exemption: An approval from the District made after a request from a student, employee, or volunteer that allows the individual to not become fully vaccinated for medical or religious reasons. The District will grant exemptions according to legal requirements and according to the procedures described below. 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.

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.

### **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.

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

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, 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.

### **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: Human Resources

---

**Date Adopted:**

## 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~~S/SS~~ for good cause from one or more classes for 11 or more Days, for the remainder of the school term, or from all classes and activities of the District for one or more terms.
  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~~S/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/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/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~~s~~ 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

MSC will move to the typical operational workweek of 40 hours/week on 1-1-2022, but the District plans to keep the current vacation cap based on total hours. The reference to days is removed. **Mici Revised 8-24-2021**

**BP 7340 LEAVES****References:**

Education Code Sections 87763 et seq. and 88190 et seq. and cites below:

Labor Code Sections 245 et seq.

The Superintendent/President shall establish procedures for employee leaves as authorized by law and by any collective bargaining agreements entered into by the District. Such leaves shall include, but are not limited to:

- illness or injury leaves for all classes of permanent employees (Education Code Sections 87781 and 88192);
- paid sick leave (Labor Code Section 246);
- vacation leave for members of the classified service, administrators, supervisors, and managers;
- leave for service as an elected official or steward of a community college district public employee organization or of any statewide or national employee organization with which the local organization is affiliated or leave for a reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization (Education Code Sections 87768.5 and 88210; Government Code Section 3558.8);
- leave of absence to serve as an elected member of the legislature (Education Code Section 87701);
- pregnancy leave (Education Code Sections 87766 and 88193; Government Code Section 12945);
- leave to bond with a new child (Education Code Sections 87784.5 and 88207.5);
- use of illness leave for personal necessity (Education Code Sections 87784 and 88207);
- industrial accident and illness leave (Education Code Sections 87787 and 88192);
- bereavement leave (Education Code Sections 87788 and 88192);
- jury service or appearance as a witness in court (Education Code Sections 87036 and 87037);
- military service (Education Code Section 87700);
- sabbatical leaves, if applicable; and
- release time for participation in special assignments (i.e. accreditation related business, statewide taskforce, etc.).

Vacation leave for members of the classified service, educational administrators and classified supervisors and managers shall not accumulate beyond ~~32 days of paid leave or~~ 240 hours of paid leave. Employees shall be permitted to take vacation in a timely manner to avoid accumulation of excess vacation.

In addition to this policy and collective bargaining agreements, the Board of Trustees retains the right to grant leaves with or without pay for other purposes or for other periods of time.

*See also AP 7340 Leaves*

---

Date Adopted: January 17, 2012

Date Revised: January 19, 2016, November 17, 2021

**Date Reviewed/Revised:**