# College Council

## Agenda

**September 10, 2015, 3:30 p.m. – 5:00 p.m.**

Academic Center, Room 229, KTD

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| 3. President’s Report | - Introductions  
- Committee Charge  
- Vision Statement (David)  
- Strategic Plan Update  
- Participatory Governance System Review | Review/Action/Information |
| 4. Modernization Report | - Update on COM Modernization (L McCarty) | Information |
| 5. Board Admin. Procedures | - AP 4225 Course Repetition-Non-Repeable Courses  
- AP 4227 Repeatable Courses  
- AP 4228 Course Repetition-Significant Lapse of Time  
- AP 4240 Academic Renewal  
- AP 5075 Credit Course Adds & Drops | Information |
| 6. Board Policies/Administrative Procedures | - BP/AP 3410 Nondiscrimination  
- BP/AP 3430 Prohibition of Harassment  
- AP 3435 Discrimination & Harassment Investigation  
- BP/AP 3540 Sexual and Other Assault on Campus  
- BP 5050 Matriculation  
- AP 5520 Student Discipline and Due Process | Action/Information |
| 7. Board of Trustees | Review 9/15/2015 Board Agenda | Information |
| 8. Constituent Reports | Reports from senates and other constituent updates | Information |
| 9. Meeting Wrap Up | Review/confirm actions made at meeting/ identify items for next meeting | Discussion |
| 10. Next Meeting | October 15, 2015, Academic Center, Room 229, 3:00 p.m. Meet w/Angelina Duarte | Information |
| 11. Adjourn Meeting | | |
Members:
David Wain Coon, Chair

Faculty:
Sara McKinnon
Becky Brown
Patricia Seery

Classified:
Matthew Dimopoulos
Monica Rudolph
Kim Foulger

Students:
Nick Jones
Erik Sitzenstatter
Vacant

Managers:
Jonathan Eldridge
Greg Nelson
Christina Leimer

Resources:
Laura McCarty
Kristina Combs

Staff Support:
Kathy Joyner

Ex-Officio for CSEA
Steve Dodson, CSEA Pres.
May 14, 2015, 3:00 p.m.
Humiston Reading Room, Student Services 146, KTD

Present: David Wain Coon, Becky Brown, Patricia Seery, Monica Rudolph, Marian Mermel, Jonathan Eldridge, Greg Nelson, Laura McCarty, Christina Leimer; Kathy Joyner; Sara McKinnon

Absent: Laura Cooper, Emy Bagtas, Kristina Combs, Steve Dodson

Guests: Leslie Barker, Joan Rinaldi

1. **Agenda** - The agenda was approved by consensus.

2. **Minutes** - The minutes from the March 5, 2015 meeting were approved by consensus.

3. **President’s Report**

   **CEO Conference System Update** – Dr. Coon reported that he received positive information about the Governor’s budget at the CEO meeting he recently attended. He also reported that we are currently interviewing candidates for the Director of Community Education, Lifelong Learning and International Education and hope to have someone in that position soon.

   **Vision Statement** – The vision statement will be discussed at a later meeting.

   **Planned Space Reallocations in Student Services** – Greg Nelson reported on the changes happening around campus noting that DSPS will be consolidated and moved to the Media Services area on the first floor of the LRC. Media Services will be moved to another space on that floor. In Student Services, Counselor offices will go into the space vacated by Jon Eldridge and Rhonda Jones, the Veterans Office will move upstairs near job placement and SS A & B will be modified into a suite to serve the Transfer/Career Center, Veterans Office and Job Placement. UMOJA and Puente programs will move into the space vacated by the Veterans Office. Since the Single Stop program is no longer supported by the Marin Community Foundation, that space will be used for meetings. Fusselman Hall will be painted and new windows installed. VP Nelson also noted that a portion of lot 7 will be fenced to hold surplus property from Austin and other areas. The public will be invited to view the surplus equipment the first week of June and a donation will be requested for all items taken.

   **Governance Review Council PGS Recommendations** - Leslie Barker and Joan Rinaldi provided a report on the Governance Review Committee’s work and recommendations related to the Participatory Governance System. A copy of the review process and recommendations are attached. Dr. Coon thanked them and the rest of the committee for their work on this process.

   **Facilities Master Plan Team** - Tim Haley and Ellen Mejia-Hooper of iep2, gave a summary of their survey results from faculty, staff and students reporting that most responses were that people were satisfied, followed by neutral responses. Student requests included a quiet place to study, Wi-Fi and plugs and more places to sit, inside and outside. Next steps will be to hold community meetings and send out another survey in the fall.
4. **Modernization Report** – Laura McCarty reported that we are on track to start the move into the NAC on May 29 with move meetings and computer identification in process. Questions about the move should be directed to Laura or to Julie Beatty. Laura also provided a brief update on the status of all current modernization projects and noted that campus maps will be revised soon. Once the move out of Austin is complete, demolition will start as soon as possible.

5. **Board Policies and Procedures** – BP 5700 Athletics and AP 4100 Graduation Requirements were reviewed and approved to move forward to the Board of Trustees.

6. **Board of Trustees Meeting** – Vice President Nelson took over the meeting on behalf of Dr. Coon and reviewed the agenda for the May 19 Board meeting.

7. **Constituent Reports**
   - **Academic Senate** – Sara reported that the Senate had passed BP 5050 Matriculation. She also reported that the Senate is reviewing the potential move of Math 85/95 courses to best serve the students and discussing a program that the Library has been working on with faculty to assess library books.
   - **ESCOM** – Marian Mermel reported that ESCOM will have their general open meeting on June 20 at 10:00 a.m. in the Cafeteria. The IVC ESCOM office is being expanded and getting new windows, insulation, walls, electrical, paint and carpet. She also reported that Eric Sitzenstatter was elected as President.
   - **Classified Senate** – Classified senate is updating their web page and working on getting out the newsletter. The BBQ is scheduled for June 10th.

8. **Meeting Wrap-Up**
   - Agenda items for next meeting: Revised Vision Statement, Administrative Procedures.

9. **Next Meeting** – The next meeting is scheduled for September 10, 2015, 3:00 p.m., in the New Academic Center Conference Room.

10. **Adjourn Meeting** – Meeting was adjourned at 4:18 p.m.
COLLEGE COUNCIL

Charge

College Council will serve as an advisory group to the Superintendent/President for Board Policies and Administrative Procedures and College goals, plans and priorities. The College Council also acts as a two-way communication vehicle for recommendations and proposals that come through the participatory governance system and serves as a clearinghouse for information.

Responsibilities

- Communicate proposed Board Policies, District Procedures, College plans and priorities to the respective governance bodies.
- Represent the respective governance bodies by making recommendations to the Superintendent/President regarding proposed Board Policies and Procedures and College goals, plans and priorities.
- Serve as the participatory governance “umbrella” committee over the standing governance committees of the Participatory Governance System.
- Serve as a clearinghouse for information.
- Establish appropriate timelines to complete tasks and make recommendations. Disseminate information to the respective constituencies in a timely manner.
- Review the Board of Trustees Agenda.

Composition

3 faculty appointed by the Academic Senate

3 classified staff appointed by the official classified staff appointing body one of whom shall be the Classified Senate President.

3 students appointed by the Student Senate

3 managers appointed by the Superintendent/President

The Superintendent/President will serve as the non-voting Chair.
Mission Statement

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.

(Approved at the April 11, 2015, Board Meeting)

Our Vision

College of Marin will be a premier educational and cultural center that provides programs of the highest caliber to meet the needs of an increasingly interconnected global society. Our vision will be guided by our values.
Statement of Values

Student and Community Centered Education

We promote student success by providing programs and services that are learner centered and reflect the changing needs of our students and surrounding community.

Academic Excellence and Innovation

We are dedicated to academic excellence and encourage innovation. We foster intellectual inquiry by encouraging critical thinking, information literacy and technical competence. We continually evaluate the effectiveness of our programs.

Collaboration and Open Communication

We cultivate a culture of mutual respect, open communication, collaborative working relationships and participation in decision making among students, faculty, staff and the communities we serve.

Diversity

We cherish a learning environment that celebrates diverse backgrounds and recognizes the knowledge and experiences among its students, faculty and staff. We will provide open access and strive to remove barriers to student success.

Sustainability

We will apply environmentally sustainable and green principles in our college community to ensure the future of our planet.

Accountability

We will be accountable for our decisions and actions on behalf of the students, college and community. Our decisions will be academically, fiscally and environmentally responsible.
AP 4225 COURSE REPETITION – NON REPEATABLE COURSES

References:
Education Code Section 76224;
Title 5 Sections 55024, 55040-55045, 55253, 56029, 58161, 58508 and 58509

Non-Repeatable Courses (Substandard Grades or the “W” Symbol)

Students are allowed a maximum of three enrollments in a non-repeatable course in which the final grade has resulted in either a substandard grade of below a “C”, “NP,” or “NC” or the “W” symbol as outlined below:

1. A student who receives a substandard grade or the “W” symbol on the first attempt of a non-repeatable course taken at College of Marin, may enroll in that course one more time without a petition in an effort to successfully complete the course with a passing grade.

2. After receiving any combination of two substandard grades or the “W” symbol in the course, a student may submit a petition to the Office of Enrollment Services to enroll in the course for a third enrollment providing there is verifiable documentation that extenuating circumstances occurred. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.

3. For the petition to be reviewed, the student is required to meet with a counselor to complete the petition.

4. All supporting verifiable documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

5. With an approved petition, the student must wait one week after the start of new and returning student registration to register for the course.

When a student repeats a class to alleviate substandard academic work, only the first two substandard grades and units shall be disregarded in the computation of the cumulative grade point average (GPA).

Courses granted Academic Renewal will not be included for course repetition limits. (See BP/AP 4240 titled Academic Renewal for specific requirements.)

Students may also petition to repeat under the following circumstances:

- **Legally Mandated Training**
Students may repeat a course any number of times where it is required for a student to meet a legally mandated training requirement as a condition of continued paid or volunteer employment, regardless of whether the student recorded substandard work.

- **Significant Change in Industry or Licensure Standards**
  Students may petition to repeat a course needed for employment or licensing because of a significant change in the industry or licensure standards. Students may take these courses any number of times.

- **Extenuating Circumstances and Extraordinary Conditions (Title 5 Sections 55045 and 58509)**
  Extenuating circumstances are verified cases of accidents, illness, or other circumstances beyond the control of the student.

  Extraordinary conditions are those which would justify the District providing the student a refund.

- **Cooperative Work Experience (general work experience and occupational work experience)** - see AP 4227 titled Repeatable Courses

- **Students with Disabilities** - see AP 4227 titled Repeatable Courses

- **Due to Significant Lapse of Time** - See AP 4228 titled Course Repetition – Significant Lapse of Time Circumstances under which the student may repeat courses in which a C or better grade was earned. Such course repetition requires a finding that extenuating or extraordinary circumstances exist which justify such repetition.

With an approved petition, the student must wait one week after the start of returning student registration to register for the course. Grades and Non-Progress (NPG) percentages awarded for courses repeated under these provisions are included when calculating a student’s grade point average.

Nothing can conflict with Education Code Section 76224 pertaining to the finality of grades assigned by instructors, or with Title 5 or District procedures relating to retention and destruction of records.

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Office of Primary Responsibility: Vice President of Student Learning

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**Date Approved:** December 9, 2008  
**Date Revised:** February 19, 2009  
**Date Revised:** June 22, 2010  
**Date Revised:** June 28, 2011  
**Date Revised:** February 18, 2014  
**Date Revised:** July 21, 2015

*(Replaces portions of College of Marin Procedure 4.0003 DP.10)*
Under the following special circumstances, students may repeat courses in which a grade of “C” or higher or “CR” or “P” was earned.

Only the following types of courses may be designated as repeatable on the Course Outline of Record:

- Courses for which repetition is necessary to meet the major requirements of CSU or UC for completion of a bachelor's degree;
- Intercollegiate athletics courses, as defined in Title 5 Section 55000; and
- Intercollegiate academic or vocational competition courses, as defined in Title 5 Section 55000, where enrollment in the course and courses that are related in content, as defined in Title 5 Section 55000, is limited to no more than four times for semester courses. This enrollment limitation applies even if the student receives a substandard grade or “W” during one or more of the enrollments in such a course or petitions for repetition due to special circumstances as provided in Title 5 Section 55045.

The District must identify all courses which are repeatable and designate such courses in its catalog.

**Legally Mandated Courses**

Students are allowed to repeat a course with a petition when repetition is necessary to enable that student to meet a legally mandated training requirement as a condition of volunteer or paid employment. Students can repeat such courses any number of times, even if they receive a grade of “C” or higher or “CR” or “P”; however, the grade received by the student each time will be included in the calculations of the student’s grade point average or NPG percentage. Prior to enrollment, the student must submit a Petition to Repeat a Legally Mandated Course along with verifiable documentation to Admissions and Records.

With an approved petition, students must wait one week after the start of new and returning student registration to register for the course.

**Activity Courses**

Students may enroll in activity courses in physical education, kinesiology, visual arts and performing arts. Such courses may not be repeated for more than four semesters. This limit applies even if the student receives a substandard grade “W” during one or more enrollment or if a student petitions for repetition due to extenuating circumstances.
Courses for Students with Disabilities

Students with disabilities can repeat a special class for students with disabilities any number of times when an individualized determination verifies that such repetition is required as a disability-related accommodation for the student for one of the reasons specified in Title 5 Section 56029.

When a student with a disability repeats special Student Accessibility Services (SAS) classes, the previous grades and units shall be disregarded in the computation of the cumulative grade point average (GPA).

Cooperative Work Experience Courses

a) For the satisfactory completion of all types of Cooperative Work Experience Education, students may earn up to a total of 16 semester credit hours, subject to the following limitations:

1. General Work Experience Education
   A maximum of six semester credit hours may be earned during one enrollment period in general work experience education.

2. Occupational Work Experience Education
   A maximum of eight credit hours may be earned during one enrollment period in occupational work experience education.

b) If a college offers only one course in occupational work experience in a given field and that course is not offered as a variable unit open-entry/open-exit course, the district policy on course repetition adopted pursuant to section 55040 may permit a student to repeat that course any number of times so long as the student does not exceed the limits on the number of units of cooperative work experience education set forth in subdivision (a). Consistent with section 58161, attendance of a student repeating cooperative work experience course pursuant to this subdivision may be claimed for state apportionment.

Each time a repeatable course is repeated, the grades and units earned will be computed in the student’s cumulative grade point average (GPA).

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Office of Primary Responsibility: Office of Student Learning

Date Approved: June 28, 2011
Date Revised: June 18, 2013
Date Revised: February 18, 2014
Date Revised: July 21, 2015
AP 4228 COURSE REPETITION – SIGNIFICANT LAPSE OF TIME

Reference:
Title 5 Section 55040, 55043, and 55045

Students may be permitted or required to repeat courses in which a “C” or higher grade, “CR or P” was earned where there was a significant lapse of time of not less than 36 months since the grade was earned and either:

1. A recency prerequisite for a course or program has been established which the student cannot satisfy without repeating the course; or

2. An institution of higher education to which a student seeks to transfer has established a recency requirement that the student cannot satisfy without repeating the course. When course repetition is necessary for transfer to an institution of higher education, the student may be allowed to repeat the course where less than three years have elapsed.

Under these provisions:

- With an approved petition, students must wait one week after the start of returning student registration to register for the course.
- Students requesting to repeat for number 1 above must submit verifiable documentation with the petition.
- Students requesting to repeat for number 2 above, are only allowed one repeat for each course and all verifiable documentation from the transfer institution must be attached to the petition at the time of submission to the Office of Enrollment Services.
- When a course is repeated due to a significant lapse of time, the previous grade and units will be disregarded and the current grade will be used when computing a student’s cumulative grade point average (GPA).
- Students receiving a substandard grade (grades below “C,” “FW,” “NC,” and “NP,” or the “W” symbol) in the repeated course may not petition to alleviate the substandard grade under Course Repetition-Non Repeatable Courses (AP 4225).

Annotating the permanent academic record shall be done in a manner that all work remains legible, insuring a true and complete academic history.

Office of Primary Responsibility: Office of Student Learning
ACADEMIC RENEWAL

References:
Title 5 Section 55046

Academic renewal provides students with an opportunity to reverse the negative impact of past academic failures at College of Marin without course repetition.

- Academic renewal may only be requested once at College of Marin.
- Academic renewal is not automatic.
- Academic renewal actions are irreversible.

All course work granted academic renewal status shall not be computed in the student’s grade point average or non-progress grade percentage, and this shall be noted on the student’s permanent record.

Academic renewal does not guarantee that other institutions outside the District will approve such action. This determination will be made by the respective transfer institution.

Specific courses and/or categories of courses that are exempt from academic renewal will be described in the current College Catalog.

Academic renewal procedures may not conflict with the District’s obligation to retain and destroy records or with the instructor’s ability to determine a student’s final grade.

Students who have been awarded an Associate Degree may not apply for academic renewal under the following conditions: students with grades of “F,” “FW,” “NP” and “NC.” Coursework completed after the Associate Degree is awarded may be considered for academic renewal.

Students who have been awarded Certificates of Achievement may apply for academic renewal providing the courses requested for academic renewal were not applied towards the Certificate of Achievement.

Students may request academic renewal for substandard academic performance under the following conditions:

1. At least two semesters, (excluding summer session) must have elapsed since the last substandard grades were recorded.

2. The student has subsequently completed:
   a) 24 units at a satisfactory level (minimum 2.00 grade point average (GPA)) with no more than 6 units of physical activity courses used to demonstrate improved academic ability or
   b) 12 letter-graded units (minimum of 3.00 grade point average (GPA)) with no more than 3 units of physical activity courses used to demonstrate improved academic ability.
3. A maximum of 24 units of substandard course work may be eliminated from consideration in the cumulative grade point average. Substandard grades are any grades lower than a “C,” “CR,” or “Pass."

4. Students' most recent semesters utilized to demonstrate that the substandard work is not a reflection of the student’s ability must not include grades below “C,” “I,” “IP,” “FW,” NC,” or “NP.” (Semesters with lined out grades below “C,” “FW,” “NC,” and “NP” do not count toward academic renewal.)

5. Work from other colleges with recognized accreditation may be considered. If using course work from another regionally accredited college, official transcripts must be attached. Transcripts will be evaluated according to the terms outlined in this procedure.

6. Academic renewal does not allow a student to repeat courses they have already repeated the maximum number of times.

7. All students are urged to consult a counselor with questions regarding academic renewal procedures before submitting the Request for academic renewal to the Office of Enrollment Services.

Annotating the permanent academic record shall be done in a manner that all work remains legible, ensuring a true and complete academic history.

Office of Primary Responsibility: Vice President of Student Learning

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**Date Approved:** December 9, 2008  
*(Replaces portions of College of Marin Procedure 4.0003 DP.10)*

**Revised:** November 16, 2010  
**Revised:** December 11, 2012  
**Revised:** July 21, 2015
AP 5075 CREDIT COURSE ADDS AND DROPS

References:
Title 5 Sections 55024, 55040, 55041, 55043, 55045, 58004, 58508 and 58509

Adding Courses
1. Students may add classes through the census date on-line through the MyCOM Portal or in-person at the Office of Enrollment Services as described in the most current Schedule of Classes and the website.

2. Students may add or withdraw from open-entry/open-exit classes at any point in the term using the process described in the class schedule and the website.

Late Enrollment Procedures
After the student was in attendance by census and there were extenuating circumstances that prevent the student from registering on the last day to add, students may petition to add classes by submitting a Petition to Add a Class Late provided there is verifiable documentation that extenuating circumstances occurred. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student that prevented enrollment by the established deadline dates. All supporting documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

1. Full-Term Classes
   Students may petition to add classes late one week after the registration period concludes provided the student was fully participating in the class by census date.

2. Short-Term Classes
   Students may petition to add classes late one week after the registration period concludes provided the course is still in session and the student was fully participating in the class by census date.

3. Students will be informed of the decision by the Office of Enrollment Services within ten days of submitting the petition. Students should continue to attend the class until they hear the results of their petitions. If the petition was approved, the student must notify the instructor that they are officially enrolled in the class. If the petition was denied, both the student and the instructor will be informed that the petition for late enrollment was denied and the student can no longer attend the class.

4. Deadline dates for submitting the Petition to Add a Class Late are published in the most current Catalog, Schedule of Classes and on the website. Petitions to add a class late will not be accepted after these dates.

Withdrawals
Withdrawals are authorized through the last day of the fourteenth week of instruction or 75% of the term, whichever is less. Students may withdraw from class using the online process described in the current class schedule or they may submit a Drop Form to the Office of Enrollment Services. It is the student’s responsibility to withdraw from class by the official deadline dates published in the most recent Catalog, Schedule of Classes, and the website. Students who withdraw or drop classes during the first four weeks or 30% of the term, whichever is less, will receive no notation on their academic record. Students who withdraw after 30% of the term and before 75% of the term, whichever is less will receive a “W.”

A student who remains in a course beyond the time allowed by district policy must receive a symbol or grade for that course on his or her academic record as authorized in section 55023 other than a “W.”

The “W” shall not be used in calculating grade point averages, but shall be used in determining probation and dismissal pursuant to article 3 of this subchapter.

Pursuant to Title 5 Section 58004, instructors shall clear their rolls of inactive students not later than the end of the last business day before the census day for all students. Students who are dropped by instructors after 30% of the term will receive a “W.”

“Inactive students” include:

- “No-shows” are defined as students who did not attend courses at any time.

- Students who have (a) initiated action to cancel enrollment in all courses or (b) have been dropped by authorized college personnel in accordance with Board policies.

- Students who are no longer participating in a course

Instructors may clear their rolls of any student who does not attend the first class meeting, including mandatory orientation sessions for distance education courses. Students not attending the first class meeting must notify the instructor in writing to request that their place be held in the class. Students who do not notify their instructors that they are not attending the first class meeting may lose their place in the class. Students who do not provide proof of meeting course pre-requisites at the first class meeting may also be removed from the roll. For online courses, a student may comply with these requirements electronically by accessing the course website or emailing the instructor during the first official week of the semester.

**Military Withdrawal** (Title 5 Section 55024(d))

Military withdrawal occurs when a student, who is a member of active or reserve United States military services, receives orders compelling a withdrawal from courses. A symbol of “MW” will be assigned and military withdrawals shall not be counted for the permitted number of course withdrawals nor in progress probation or dismissal calculations. In no case would a military withdrawal result in a student being assigned an “FW” grade. (Also see AP 5013 titled Students in the Military.)

**Withdrawals after 75% of the term or 14th week**

Students may petition to withdraw from classes due to documented extenuating circumstances after the last day of the 14th week or 75% of the term (whichever is less) and, after consultation with appropriate faculty, shall be recorded as a “W.” Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student. All supporting documents must be attached to the petition at the time of submission to the Office of Enrollment Services.
A “W” symbol shall not be assigned, or if assigned shall be removed, from a student's academic record when a;

- Determination is made pursuant to Title 5 Sections 59300 et seq. that the student withdrew from the course due to discriminatory treatment or due to retaliation for alleging discriminatory treatment.
- Student withdrew from one or more classes, where such withdrawal was necessary due to fire, flood or other extraordinary conditions and the withdrawal is authorized by the district pursuant to section 58509.

Non-Repeatable Courses (Substandard Grades or the “W” Symbol)
Students are allowed a maximum of three enrollments in a non-repeatable course in which the final grade has resulted in either a substandard grade below a “C,” “NP,” or “NC” or the “W” symbol as outlined below:

1. A student who receives a substandard grade or the “W” symbol on the first attempt of a non-repeatable course taken at College of Marin, may enroll in that course one more time without a petition in an effort to successfully complete the course with a passing grade.

2. After receiving any combination of two substandard grades or the “W” symbol in the course, a student may submit a petition to the Office of Enrollment Services to enroll in the course for the third enrollment providing there is verifiable documentation that extenuating circumstances occurred. Extenuating circumstances are verified cases of accidents, illnesses or other circumstances beyond the control of the student.

3. For the petition to be reviewed, the student is required to meet with a counselor to complete the petition.

4. All verifiable documents must be attached to the petition at the time of submission to the Office of Enrollment Services.

5. With an approved petition, the student must wait one week after the start of new and returning student registration begins to enroll in the course.

Annotating the permanent academic record shall be done in a manner that all work remains legible, ensuring a true and complete academic history.

Office of Primary Responsibility: Office of Enrollment Services

Date Approved: June 22, 2010
Revised: April 19, 2011
Revised: June 18, 2013
Revised: February 18, 2014
Legal Update 22 (June 2013) revised to add “ethnicity” and “pregnancy” as protected classes. Legal Update 24 (April 2014) revised to add “military and veteran status” as a protected classification in compliance with changes in the law. Legal Update 25 (November 2014) updated to reflect revised Accreditation Standards I.C.12 and 13 in the legal references.

BP 3410 NONDISCRIMINATION

References:
- Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
- Penal Code Sections 422.55 et seq;
- Government Code Sections 12926, 12926.1, and 12940 et seq.;
- Title 5 Sections 53000 et seq. and 59300 et seq.;
- ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, national origin, religion, age, gender, race or ethnicity, color, gender identity, gender expression, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, genetic information, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private
organization whose membership practices are discriminatory on the basis of age, ancestry, color, religious creed (including religious dress and grooming practices), family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military or veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Also see: AP 3410 Nondiscrimination

Date Adopted: July 27, 2010

Date Revised: February 26, 2013

NOTE:
General Institution
Updates 22, 24 & 25
RP edits (July 2015) (to follow proposed AP 3435 characteristics)

Legal Update 22 (June 2013) revised to align to add “ethnicity” and “pregnancy” as protected classes.

Legal Update 24 (April 2014) revised to add “military and veteran status” as a protected classification in compliance with recent changes in the law.

Legal Update 25 (Nov 2014) reflect the revised Accreditation Standard Catalog Requirements and Accreditation Requirement 20 in the legal references.

AP 3410 NONDISCRIMINATION

References:
Education Code Sections 200 et seq., 66250 et seq., and 72010 et seq.; 87100 et seq.; 87100 and 87101 et seq.;
Penal Code Sections 422.55 et seq.;
Government Code Sections 11135 et seq., 12926, and 12940 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)

The District shall provide access to its services, classes, and programs without regard to, age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors, and administrators shall not offer program guidance to students which differs on the basis of gender.
Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

**Employment**

The District shall provide equal employment opportunities to all applicants and employees regardless of age, ancestry, color, religious creed (including religious dress and grooming practices), family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status as a Vietnam-era veteran.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Office of Primary Responsibility: Human Resources

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**Date Approved:** June 22, 2010

**Date Revised:** January 15, 2013

**NOTE:**
All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, and students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, or employee, unpaid intern, or volunteer who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the
procedures described in AP 3435 titled Discrimination and Harassment Investigations. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid interns, volunteers and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, unpaid interns and volunteers particularly when they are new to the institution. They shall be available for students, and employees, unpaid interns and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience.

Date Adopted: December 9, 2008
(Replaces current College of Marin Policy 5.0004)

Date Revised: February 26, 2013
Update 24 (April 2014) revises the procedure to add military and veteran status as a protected classification in compliance with law.

Update 25 (Nov 2014) revises the procedure to more closely align it to the state and federal law and to make it more likely to withstand a constitutional on First Amendment grounds.

Update 26 (April 2015) updates the procedure to specify that unpaid interns and volunteers are also protected from unlawful harassment pursuant to an amendment to Government Code Section 12940.

**AP 3430 \ PROHIBITION OF HARASSMENT**

References:
- Education Code Sections 212.5, 44100, and 66281.5;
- Government Code Section 12940
- Title 5 Sections 59320 et seq.;
- Title IX, Education Amendments of 1972;
- Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

*This procedure and the related policy protects students,\ employees,\ unpaid interns and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, a District bus, or at a class or training program sponsored by the District at another location.* (Add per R Parent – In CCLC template)

**Definitions**

**General Harassment:** Harassment based on age, ancestry, color, religious creed (including religious dress and grooming practices, family and medical care leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (including cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), gender, gender identity and gender expression, sexual orientation, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or military or and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe, that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that
Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derogatory comments about a person’s competency to do the job, when based on that person’s gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person’s race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual’s body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person’s gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

**Environmental:** A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s learning or work.
Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment (as more fully described below); or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person’s gender is sufficiently severe or pervasive so as to alter the conditions of an individual’s learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person’s protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation of a sexual nature; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes about a particular gender.

- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures.
Visual or Written: The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental: An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults, or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s learning or work.

Consensual Relationships
Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student’s or employee’s work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom
No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws. To the extent the harassment policies and procedures are in conflict with the District’s policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Office of Primary Responsibility: Human Resources

Date Approved: November 6, 2008

Date Revised: January 15, 2013
AP 3435 DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES INVESTIGATIONS

References:
- Board Policies 3410, 3430, and 3540;
- Education Code Sections 212.5, 44100, 66250 et seq., 66281.5; 72010 et seq., 76234, 87100 et seq., 87740;
- Civil Code Section 47;
- Government Code Sections 11135, 12926.1, 12940 et seq.;
- Title 5 of the California Code of Regulations, sections 53000 et seq., 59300 et seq.;
- 34 CFR sections 104.4, 104.7, 106, 106.8, 110.25, 110.26; 28 CFR 35.107;
- Accreditation Standard II.B.2.c.);
- OCR Dear Colleagues Letter: Sexual Violence, April 4, 2011

1. DEFINITIONS

a. **Accused:** The District, or any person identified in a Formal or Informal Complaint alleged to have engaged in Harassment, Discrimination, or Retaliation as defined in this procedure.

b. **Days:** Calendar days.

c. **DFEH:** The California Department of Fair Employment and Housing.

d. **Discrimination or Harassment:** All references to alleged discrimination, harassment, or retaliation in this procedure refer to allegations relating to District employment, or participation in the District’s education programs or activities, including academic, educational, extra-curricular, athletic, and other programs, whether they take place in the District’s facilities, on a District bus, at a class or training program sponsored by the District at another location, or elsewhere. Harassment or discrimination includes the following:

   (1) the denial or limitation of full and equal access or equal treatment in relation to District employment, or participation in the District’s education programs, activities, or services on the basis of having, or associating with someone who has, one or more of the following actual or perceived characteristics:

   - **Age:**
• Ancestry;
• Color;
• Religious Creed (including religious dress and grooming practices);
• Family and Medical Care Leave;
• Disability (mental and physical) including HIV and AIDS;
• Marital Status;
• Medical Condition (including cancer and genetic characteristics);
• Genetic Information
• Military and Veteran Status;
• National Origin (including language use restrictions);
• Race;
• Sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding);
• Gender, Gender Identity, and Gender Expression;
• Sexual Orientation; or

(2) harassing conduct, including verbal, nonverbal, physical aggression, or intimidation, (such as name-calling, graphic or written statements, physical threats, or humiliating conduct), on the basis of the above-referenced actual or perceived characteristics. Harassment or Discrimination includes all of the foregoing in violation of any of the following:

1. (1) Board Policies 3410 or 3430;
2. Education Code sections 212.5, 44100, 66250 et seq., 66281.5, 72010 et seq., or 87100 et seq.;
3. regulations adopted by the Board of Governors of the California Community Colleges (Title 5, California Code of Regulations, sections 59300 et seq., or 53000 et seq.); or

[See also BP and AP 3410 (Nondiscrimination) and BP and AP 3430 (Prohibition of Harassment), and AP 3540 (Sexual and other Assaults on Campus)]

e. Discrimination Not Involving Employment: Discrimination, Harassment, or Retaliation, as defined in this procedure, which is alleged to have occurred against a student or other non-employee in which the Accused party is: (1) the District; (2) a student or employee of the District; or (3) a third party.

f. Discrimination Involving Employment: Discrimination, Harassment, or Retaliation, as defined in this procedure, which is alleged to have occurred against an employee.

g. District: Marin Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes
any organization associated with the District that receives state funding or financial assistance from or through the District.

h. **EEOC:** The U.S. Equal Employment Opportunity Commission.

i. **Formal Complaint:** A written and signed statement filed with the District or the State Chancellor’s office that alleges Harassment, Discrimination, or Retaliation in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.

j. **Informal Complaint:** An informal complaint is any of the following: (1) An unwritten allegation of Harassment, Discrimination, or Retaliation; (2) a written allegation of Harassment, Discrimination, or Retaliation that falls outside the timelines for a Formal Complaint; or (3) a written complaint alleging Harassment, Discrimination, or Retaliation filed by an individual who expressly indicates that he or she does not want to file a Formal Complaint.

k. **Informal Resolution:** An informal resolution is the end result of an Informal Complaint or a Formal Complaint following efforts undertaken by the RDO or designee to resolve the matter informally. It is a written document that memorializes a resolution between, and satisfactory to, the Victim and the Accused.

l. **OCR:** The Office for Civil Rights of the U.S. Department of Education.

m. **Official Reporter:** An individual who submits an Informal or Formal Complaint alleging that another or others, not himself or herself, has suffered Harassment, Discrimination, or Retaliation, and who learned of the alleged Discrimination, Harassment, and/or Retaliation in his or her official capacity as a District faculty member or administrator as described in title 5, section 59328. When an Official Reporter files a complaint on behalf of an individual victim, the District will require revocable written consent from the Victim for the Official Reporter to act on her or his behalf as a Victim Advocate, if the Victim chooses to have her or him do so.

n. **Responsible District Officer (“RDO”)**: The person responsible for receiving Informal and Formal Complaints and implementing the procedures set forth in AP 3435. The District’s RDO is the Executive Director of Human Resources and Labor Relations. The RDO may delegate the performance of duties required to implement these procedures; however, delegation of such duties does not relieve the RDO of his or her responsibility for implementing these procedures.

o. **Retaliation:** Any adverse action taken in response to someone: (1) filing an Informal or Formal Complaint; (2) reporting alleged Discrimination or Harassment; (3) participating in an investigation of an Informal or Formal Complaint; or (4) representing or serving as an advocate for an alleged Discrimination or Harassment victim or alleged offender.

p. **Sex-Based Harassment:** A particular form of Harassment that is either sexual in nature (“sexual harassment”) or motivated by gender (“gender-based harassment”). Sexual harassment may include unwelcome sexual advances, requests for sexual favors, sexual favoritism, sexual violence, other verbal or physical conduct, or communications of a sexual nature. Gender-based harassment may include negative stereotyping, or other harassing conduct (such as name-calling, graphic or written statements, physical threats, or humiliating conduct) based on sex or gender/gender identity made by someone from or in the workplace or educational setting.
q. **Third-Party Reporter**: An individual other than an Official Reporter who submits an Informal or Formal Complaint alleging that another or others, and not himself or herself, has suffered Harassment, Discrimination, or Retaliation. When a Third Party Reporter files a complaint on behalf of an individual victim, the District will require revocable written consent from the Victim for the Third Party Reporter to act on her or his behalf as a Victim Advocate.

r. **Victim**: An individual who is alleged to have personally suffered Harassment, Discrimination, or Retaliation.

s. **Victim Advocate**: An individual designated by the Victim, in a written document signed by the Victim and submitted to the RDO or designee, to whom the Victim grants revocable authorization to act on the Victim’s behalf and receive information from the District.

2. **INFORMING STUDENTS AND EMPLOYEES OF PROCEDURES FOR FILING INFORMAL AND FORMAL COMPLAINTS**

The District encourages any individual who believes he or she has been the Victim of Harassment, Discrimination, or Retaliation, or who believes that another has been the Victim of Harassment, Discrimination, or Retaliation, to file an Informal or Formal Complaint. The timelines under which a Formal Complaint must be filed are set forth in section 6.2 of these procedures (employment matters within 180 days and non-employment matters within one year). To enable the District’s prompt and effective action in addressing concerns, the District strongly encourages the filing of Informal and Formal Complaints within 30 days of the alleged incident or as soon as possible within the timelines under section 6.2. While all Informal and Formal Complaints are taken seriously and will be investigated promptly, delay in filing impedes the District’s ability to investigate and take remediating action.

The procedures for filing Informal and Formal Complaints that are set forth in this Administrative Procedure shall be (1) widely published and publicized to students and employees; (2) posted on the College of Marin website; (3) provided to all students as part of any orientation program conducted for new students at the beginning of each term; (4) provided to all employees at the time they are first employed and as part of any orientation program for new employees; and (5) published in the college course catalog. The Formal Complaint form prescribed by the State Chancellor shall be available at the student services department, the District human resources department, the Superintendent/President’s office, and by a “link” published on the College of Marin website.

(Education Code, §§ 66252, 66270, 66281.5, Government Code, § 11135, Title 5, § 59326.)

3. **INTERIM MEASURES UPON RECEIPT OF AN INFORMAL OR FORMAL COMPLAINT**

Upon receipt of an Informal or Formal Complaint, the RDO shall immediately assess whether interim steps are warranted. Examples of interim measures may include steps to prevent contact between an alleged Victim and the Accused while the complaint is being investigated and/or resolved, counseling, academic support, health and mental services, and/or escort services. In making this assessment, the RDO will consider the seriousness of the allegations, whether they include allegations of physical or sexual violence, whether they include allegations of Retaliation, and the power differential between the
When preventing contact between the parties is found to be warranted, the RDO or designee may take a variety of steps as he or she deems appropriate such as: (1) placing the Accused on paid administrative leave or immediate, interim suspension; (2) changes in the academic schedule or work assignment of the Victim and/or Accused; or (3) prohibiting the Accused from having any contact with the alleged Victim pending the results of the investigation. When taking steps to separate the alleged Victim and the Accused, the District shall minimize the burden on the alleged Victim. When any such steps are taken, the RDO or designee will make clear to all parties that these are non-disciplinary, interim measures pending the completion of an investigation and that no findings of wrongdoing have been made.

4. INFORMAL COMPLAINTS

Any person may submit an Informal Complaint to the RDO or any other District administrator. Administrators receiving an Informal Complaint shall immediately notify the RDO in writing of all pertinent information and facts alleged in the Informal Complaint. Upon receipt of an Informal Complaint, the RDO or designee will notify the person bringing the Informal Complaint of his or her right to file a Formal Complaint, if the incident falls within the timeline for a Formal Complaint, and explain the procedure for doing so. If the individual is within the timelines and chooses not to submit a Formal Complaint, the RDO or designee will present the individual with a written description of the Formal Complaint process and a summary of the allegations provided by the individual making the Informal Complaint. This document will clearly indicate that the RDO or designee advised the individual of his or her option to file a Formal Complaint and that the individual chose not to do so. The RDO or designee will request the individual to sign and date the document. Signing the document does not preclude the individual from later deciding to file a Formal Complaint, if within the timelines to do so. If the individual chooses not to file a Formal Complaint, or if the alleged conduct falls outside the timeline to file a Formal Complaint, the RDO or designee shall consider the allegations contained in the Informal Complaint and determine the appropriate course of action. This may include efforts to resolve the matter informally, and/or a fact-finding-investigation. Investigation of an informal complaint will be appropriate if the RDO or designee determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting Harassment, Discrimination, or Retaliation. The RDO or designee will explain to any individual bringing an Informal Complaint that the RDO or designee may decide to initiate an investigation, even if the individual does not wish the RDO or designee to do so. The RDO or designee shall not disregard any allegations of Harassment, Discrimination, or Retaliation on the basis that the alleged conduct falls outside the deadline to file a Formal Complaint.

\(\text{Title 5, §§ 59324, 59327; 59328, 34 CFR 106.8.}\)

5. INFORMAL RESOLUTION PROCESS

Whenever any person brings allegations of Harassment, Discrimination, or Retaliation to the attention of the District, the RDO or designee shall undertake efforts to informally resolve the matter between the alleged Victim and the Accused party or parties as follows:

a. The victim may participate in the informal resolution process described below through or with the assistance of, a Victim Advocate, with the following limitations:
i. The Victim Advocate must sign a confidentiality agreement stating that he or she is precluded from disclosing information obtained through the resolution process, unless such disclosure is authorized by law, and is made on behalf of the Victim with his or her approval.

ii. If the Accused is a District employee, his or her consent is required for the participation of a Victim Advocate who is a non-management or subordinate District employee.

iii. No Informal Resolution of an individual complaint may be adopted without the approval of the Victim himself or herself.

b. When Informal Resolution efforts occur in response to an Informal Complaint, the RDO or designee is not required to initiate an investigation or engage in the procedural steps that apply to a Formal Complaint. However, the RDO or designee shall advise the alleged Victim that he or she may file a Formal Complaint at any time during the informal resolution process if the incident falls within the permissible timeline for a Formal Complaint (see section 6.2 -- (employment matters within 180 days and non-employment matters within one year). The informal resolution process may continue after the filing of a Formal Complaint; however, all timelines and procedural requirements for Formal Complaints must be met. The informal resolution process does not extend the time limitations for filing a Formal Complaint;

c. When the District is first made aware of allegations of Harassment, Discrimination, or Retaliation through the filing of a Formal Complaint, the RDO or designee will inform the alleged Victim that he or she may engage in an informal resolution process. However, if he or she opts for an informal resolution process, all timelines and procedural requirements for Formal Complaints (see section 6.2) must be met;

d. The RDO or designee shall advise the alleged Victim that the informal resolution process is optional;

e. The RDO or designee shall advise the alleged Victim that the informal resolution process does not require that he or she confront or work out problems directly with the Accused, and that in cases involving allegations of sexual assault, mediation is not appropriate even on a voluntary basis;

f. If the alleged Victim has filed a Formal Complaint, any efforts at informal resolution shall not exceed ninety (90) Days after the District’s receipt of the Formal Complaint, in conformance with the timeline for an administrative determination as provided in section 6.8 of this procedure;

g. If the alleged Victim has filed an Informal Complaint, the RDO or designee should generally seek to conclude the informal resolution process as soon as possible but within 90 days after receipt of the Informal Complaint. If the RDO or designee determines that, due to extenuating circumstances, the informal resolution process should be extended beyond 90 days, the RDO or designee will provide written notice to the alleged Victim and the Accused advising them that the informal resolution process will be extended for a specified number of days, by the end of which the RDO or designee will conclude the informal resolution process. The time period for any such
extension shall be reasonable under the circumstances and not due to lack of diligence by the District;

h. At all times, it remains within the sole discretion of the District to determine whether alleged Harassing, Discriminatory, or Retaliatory conduct warrants discipline. An alleged Victim and the Accused do not have the authority to include in an informal resolution the disposition of discipline. However, the District may take into consideration the results of an informal resolution in determining whether and what discipline is appropriate. Similarly, even if an alleged Victim withdraws his or her Informal or Formal Complaint as the result of a successful informal resolution, the RDO or designee may require the investigation to continue if he or she determines that the allegation[s], if proven to be true, would constitute a violation of District policies prohibiting Discrimination, Harassment, or Retaliation; the District will inform the Victim of this possibility before initiating informal resolution;

i. If the matter is resolved, the RDO or designee will put the resolution in writing and meet with the alleged Victim and the Accused, who will review and sign the document memorializing the resolution. The Victim shall be responsible for informing the RDO or designee if the Accused fails to comply with the terms of the informal resolution. Upon such notice, the RDO or designee shall be responsible for enforcing the terms of the Informal Resolution agreement;

j. If it becomes clear to the RDO or designee that an informal resolution cannot be reached, he or she will convey the determination to both parties. The RDO or designee will also inform the alleged Victim of his or her right to file a Formal Complaint if he or she has not already done so;

k. If a Formal Complaint submitted by an Official Reporter is resolved through the informal resolution process, the RDO or designee will notify the Official Reporter that the alleged Victim and the Accused participated in the Informal Resolution process and successfully resolved the matter. The Official Reporter is not entitled to receive any other information about the resolution unless he or she would otherwise receive this information due to his or her supervisory role over the Accused, or due to her or his role as a Victim Advocate; and

l. If a Third Party Reporter or Official Reporter files an Informal Complaint alleging that a class of Victims has suffered Discrimination, Harassment, or Retaliation, the Third Party Reporter or Official Reporter may participate in the Informal Resolution Process as set forth in this Section 5 as if standing in the shoes of the Victims. For example, a Third Party or Official Reporter may file a Complaint for an alleged failure to provide wheelchair accessible facilities. In such cases, the District may work directly and solely with the Third Party or Official Reporter to reach an informal resolution.

(Title 5, §§ 59324, 59327, 59328, 59334, 59336, and 59339; 34 CFR 106.8; 34 CFR 110.25; and 28 CFR 35.107.)

6. FORMAL COMPLAINTS

Anyone may file a Formal Complaint, including: (1) an alleged Victim; (2) a Third-Party Reporter, or (3) an Official Reporter. Formal Complaints must be submitted to the State Chancellor or the RDO unless the party submitting the Formal Complaint alleges Discrimination, Harassment, or Retaliation against
the RDO, in which case it should be submitted directly to the Superintendent/President or the State Chancellor.

*(Title 5, §§ 59324, 59327; 34 CFR 106.8.)*

6.1 USE OF THE PRESCRIBED FORMAL COMPLAINT FORM

Formal Complaints should be submitted on the form prescribed by the State Chancellor. A copy of the form will be available at the student services department, the human resources department, the Superintendent/President’s office, and on the College of Marin web site. A copy of the form may be downloaded at the following web page:

http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx#CmpltForm

Any party may file the form with the RDO or mail it directly to the State Chancellor’s Office of the California Community Colleges. The address for the State Chancellor’s Office is provided on the form.

If any party submits a written allegation of Harassment, Discrimination, and/or Retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of Harassment, Discrimination, or Retaliation on the basis that it was not submitted on the proper form.

*(Title 5, §§ 59311, 59328.)*

6.2 REQUIRED ELEMENTS OF A FORMAL COMPLAINT

A Formal Complaint must meet each of the following criteria:

a. It must allege facts with sufficient specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting Discrimination, Harassment, and/or Retaliation;

b. The complainant must sign and date the Formal Complaint;

c. The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged Discriminatory, Harassing, or Retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of Discrimination, Harassment, and/or Retaliation.

d. The complainant must file any Formal Complaint alleging Discrimination, Harassment, and/or Retaliation in employment within 180 Days of the date of the alleged Discriminatory, Harassing, or Retaliatory conduct, except that this period shall extended by no more than 90 Days following the expiration of the 180 Days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 Days.
If the Formal Complaint does not meet the requirements set forth above, the RDO or designee will promptly return it to the complainant with a written notice specifying the defect. If the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee will also send a copy of the notice of defect to the State Chancellor at the same time he or she sends it to the complainant. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the RDO or designee will handle the matter as an Informal Complaint.

Immediately upon receiving a Formal Complaint that: (1) meets the requirements stated above; and (2) was filed by an alleged Victim or an Official Reporter, the RDO or designee shall forward a copy of the Formal Complaint to the State Chancellor. The RDO is not required to forward Formal Complaints filed by other Third Party Reporters to the State Chancellor.

(Title 5, §§ 59328, 59330, 59332.)

6.3 RIGHT TO FILE A COMPLAINT WITH THE OCR, THE DFEH, THE EEOC, OR LOCAL LAW ENFORCEMENT

a. Upon receipt of an Employment-Based Formal Complaint, the RDO or designee shall (1) advise the complainant that he or she may file a complaint with the EEOC or DFEH; and (2) forward a copy of any filing by the individual with the DFEH or the EEOC to the State Chancellor's Office for a determination of whether the issues presented require an independent investigation of the matter.

b. Upon receipt of a Non-Employment-Based Formal Complaint, the RDO or designee shall advise the complainant that he or she may file a complaint with the OCR.

c. The RDO or designee shall advise any individual submitting a Formal Complaint that he or she has a right to file a complaint with local law enforcement. The District must investigate Formal Complaints even if the complainant also files a complaint with local law enforcement or OCR.

(Title IX – see OCR, Questions and Answers on Title IX and Sexual Violence, April 29, 2014, p. 13; Title 5, §§ 59327, 59328.)

6.4 INVESTIGATION

a. Upon receiving a Formal Complaint that meets all of the applicable requirements set forth in section 6.2, the RDO or designee shall initiate a fact-finding investigation. No Formal Complaint of Harassment, Discrimination, or Retaliation shall remain unexamined.

b. The RDO or designee shall notify the complainant that he or she has initiated an investigation.
c. If a Formal Complaint was filed by an alleged Victim or by an Official Reporter, the RDO or designee shall notify the State Chancellor that he or she has initiated an investigation.

d. The RDO or designee may conduct the investigation or assign it to other staff or outside persons or organizations under contract with the District. Other staff, not reporting to the RDO, or an outside person or organization, will perform the investigation whenever the RDO is named in the Formal Complaint or implicated by the allegations in the Formal Complaint.

e. In all instances, the person conducting the investigation will have relevant investigative experience or training and knowledge of pertinent District policies and laws governing Harassment, Discrimination, and Retaliation.

f. The District will fairly and objectively investigate all Formal Complaints. This shall include giving the Victim or other complainant and the Accused an equal opportunity to inform the investigator of evidence and witnesses that they believe to be relevant to assessing the allegations. The investigator has the ultimate authority to determine who it is necessary to interview and what documents to review in order to complete a thorough, fair, objective and timely investigation. However, he or she will not unreasonably fail to consider evidence identified by the Victim, other complainant, or Accused. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

6.5 Written Report

The results of the investigation of a Formal Complaint shall be set forth in a written report that will include at least all of the following information:

a. A description of the circumstances giving rise to the Formal Complaint;

b. A summary of the testimony provided by each witness interviewed by the investigator;

c. An analysis of relevant evidence collected during the course of the investigation;

d. A specific finding as to whether there is probable cause to believe that Discrimination, Harassment, and/or Retaliation occurred with respect to each allegation in the Formal Complaint; and

e. Any other information deemed appropriate by the District.

(Title 5, §§ 59320, 59324, 59334.)

6.6 CONFIDENTIALITY OF THE PROCESS

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations. The District
will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of Accused students and employees during the investigation process and any ensuing discipline.

(Cal. Const. Art. I, § 1.)

6.7 ADMINISTRATIVE DETERMINATION IN CASES NOT INVOLVING EMPLOYMENT

The RDO or designee shall complete the investigation and provide a copy of the investigative report to the Superintendent/President in sufficient time for the Superintendent/President or designee to issue an administrative decision within ninety (90) Days after receipt of a Formal Complaint. The District shall take the following actions within ninety (90) Days after receipt of a Formal Complaint:

a. The RDO or designee shall forward to the alleged Victim and/or Victim Advocate and to the Accused:

(1) a copy or summary of the investigative report;

(2) the administrative determination of the Superintendent/President or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;

(3) a description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim and other individuals, as necessary, provided, however, that the Accused will not be notified of the individual remedies offered or provided to the Victim that do not relate directly to limitations or consequences imposed on the Accused;

(4) the proposed resolution of the Formal Complaint; and

(5) notice of the right of the alleged Victim to appeal the determination to the District governing board and to the State Chancellor.

b. If a Third Party Reporter or Official Reporter files a Formal Complaint alleging Discrimination, Harassment, or Retaliation, against a class of Victims, (such as an allegation that facilities are not wheelchair accessible), the Third Party Reporter or Official Reporter shall stand in the shoes of the Victims for the purposes of Section 6.7, subdivision a.

c. If the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee shall forward to the State Chancellor:
(1) a copy of the investigative report;

(2) the administrative determination of the Superintendent/President or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;

(3) a description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim;

(4) the proposed resolution of the Formal Complaint; and

(5) a copy of the notice sent to the alleged Victim advising him or her of his or her right to appeal the determination to the District governing board and to the State Chancellor.

d. If the Formal Complaint was filed by an Official Reporter on behalf of an individual rather than a class of Victims, the District will advise the Official Reporter that the District completed the investigation and apprised the alleged Victim and the Accused of the District’s findings.

(Title 5, §§ 59328, 59336, 59338, 59339.)

6.8 ADMINISTRATIVE DETERMINATION IN CASES INVOLVING EMPLOYMENT

The District shall complete the investigation and take the following actions within ninety (90) Days after receipt of a Formal Complaint.

a. The RDO or designee shall forward to the alleged Victim and/or Victim Advocate and to the Accused:

(1) A copy or a summary of the investigative report;

(2) The administrative determination of the District Chancellor or his or her designee as to whether there is probable cause to believe Discrimination, Harassment, or Retaliation occurred with respect to each allegation in the Formal Complaint;

(3) A description of actions taken, if any, to stop any Discrimination, Harassment, or Retaliation found, to prevent similar problems from occurring in the future, and to remedy the effects of Discrimination, Harassment, or Retaliation on the Victim and/or the broader student population;

(4) The proposed resolution of the Formal Complaint; and
(5) The alleged Victim’s right to appeal the determination to the District governing board and/or to file a complaint with the DFEH.

b. If the Formal Complaint was filed by an Official Reporter on behalf of an individual rather than a class of Victims, the District will advise him or her that the District completed the investigation and apprised the alleged Victim and the Accused of the findings.

(Title 5, §§ 59328, 59336, 59338, 59339.)

6.9 APPEALS

An alleged Victim has the right to file an appeal if he or she is not satisfied with the results of the District’s administrative determination. Victims may utilize the Appeals process with the assistance of a Victim Advocate. The following procedures apply to appeals:

a. First Level of Appeal: An alleged Victim has the right to file a written appeal to the District’s governing board within fifteen (15) Days from the date of notice of the administrative determination. The District’s governing board will review the original Formal Complaint, the investigative report, the administrative determination, and the appeal.

The District’s governing board will issue a final District decision in the matter within forty-five (45) Days after receiving the appeal. Alternatively, the District’s governing board may elect to take no action within forty-five (45) Days, in which case the original decision in the administrative determination shall become the final District decision in the matter. The RDO or designee will provide a copy of the final decision to the alleged Victim and the Accused.

b. Second Level of Appeal

(1) Cases Not Involving Employment: If the alleged Victim is not satisfied with the result of the First Level Appeal, he or she has the right to file a written appeal with the State Chancellor’s Office within thirty (30) Days of the District’s final decision following an appeal to the District’s governing board. The written appeal must be accompanied by (1) a copy of the decision of the governing board; or (2) evidence showing the date on which the party filed an appeal with the governing board, accompanied by a statement under penalty of perjury that the party did not receive a response from the governing board within forty-five (45) Days from that date.
(2) **Cases Involving Employment:** The alleged Victim has the right to file a complaint with the DFEH or the EEOC, where the case is within the jurisdiction of that agency.

c. **Complaints by Third Party Reporters or Official Reporters:** If a Third Party Reporter or Official Reporter files a Formal Complaint alleging Discrimination, Harassment, or Retaliation, against a class of Victims (such as an allegation that facilities are not wheelchair accessible), the Third Party Reporter or Official Reporter shall stand in the shoes of the Victims for the purposes of this Section.

*(Title 5, §§ 59328, 59338, 59339; Title 2, § 10001.)*

### 6.10 **PROVISION OF INFORMATION ABOUT APPEALS TO STATE CHANCELLOR**

In any case involving alleged Discrimination, Harassment, or Retaliation, not involving employment, if the Formal Complaint was filed by an alleged Victim or an Official Reporter, the RDO or designee will, within 150 days of receiving a Formal Complaint, either:

a. Notify the State Chancellor that the alleged Victim did not file an appeal with the District’s governing board and that the District has closed its file; or

b. Forward the following to the State Chancellor: (1) a copy of the notice of appeal rights the District sent to the alleged Victim; (2) a copy of the alleged Victim’s appeal of the District’s administrative determination; (3) a copy of the final District decision; and (4) any other information the State Chancellor may require.

The reporting obligations specified above do not apply to Formal Complaints submitted by other Third-Party Reporters.

### 6.11 **EXTENSIONS**

If the District is unable to comply with the 90-Day or 150-Day deadlines (specified above in sections 6.7 and 6.10) for reasons beyond its control, the RDO or designee may file a written request with the State Chancellor requesting an extension of the deadline. The RDO or designee must submit the request no later than 10 Days prior to the expiration of the deadline. The request must set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

The RDO or designee shall send a copy of the request for an extension to the alleged Victim and provide him or her with notice that he or she may file written objections to the request for an extension with the State Chancellor within 5 Days of receipt. If the complaint was filed by a Third Party reporter on behalf of a class of individuals, the Third Party Reporter shall stand in the shoes of the alleged Victim for purposes of this Section. If the State Chancellor grants the request for an extension of the 90-day deadline, the 150-day deadline is automatically extended by an equal amount.
6.12 FILE RETENTION

The District will retain on file for a period of at least three years after closing the case copies of (1) the original Formal Complaint; (2) the investigatory report; (3) the summary of the report if one is prepared; (4) the notice provided to alleged Victim, or Third Party Reporter of a class complaint, of the District’s administrative determination and his or her right to appeal; (5) any appeal; and (6) the District’s final decision. The District will make such documents available to the State Chancellor upon request.

7. DISCIPLINE AND CORRECTIVE ACTION

Upon investigation of any Informal or Formal Complaint, if the District determines that Harassment, Discrimination and/or Retaliation occurred, the District shall take remedial action. The action will be prompt, effective, and commensurate with the severity of the offense.

7.1 CORRECTIVE ACTIONS

Remedies for the Victim might include, but are not limited to:

a. providing an escort to ensure that the Victim can move safely between classes and activities;

b. ensuring that the Victim and perpetrator do not attend the same classes or work in the same work area;

c. preventing offending third parties from entering campus;

d. providing counseling services and/or a referral to counseling services;

e. providing medical services and/or a referral to medical services;

f. providing academic support services, such as tutoring;

g. arranging for a student-Victim to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Victim’s academic record; and

h. reviewing any disciplinary actions taken against the Victim to see if there is a causal connection between the Harassment, Discrimination, and/or Retaliation and the misconduct that may have resulted in the Victim being disciplined.

Remedies for the broader student population, if appropriate, might include notifying students of the availability of campus and community counseling, health, mental health, and other student services; providing training to students and District employees; developing materials to distribute to students and
post on campus; creating a committee of students and campus officials to identify strategies for ensuring that students know about the District’s prohibition against discrimination, including harassment; conducting a “climate check” to assess the effectiveness of efforts to ensure the campus is free from discrimination and harassment and using the resulting information to inform future proactive steps.

7.2  DISCLOSURE OF DISCIPLINARY ACTION TAKEN

If discipline is imposed, the details of the discipline will not be communicated to the Victim or Victim Advocate, without the permission of the Accused, except as set forth in this section. The District may disclose to a Victim or Victim Advocate that discipline has been imposed or other corrective measures taken, except that such information will not be disclosed to a Victim Advocate where the matter involves employee discipline and the Victim Advocate is a non-managerial or subordinate employee to the Accused. The District may also disclose information to a Victim about the sanction imposed on an individual who was found to have engaged in Harassment when the sanction directly relates to the Victim; for example, the District may inform the Victim that the harasser must stay away from him or her.

7.3  ADHERENCE TO DISCIPLINE PROCEDURES

If the District determines that discipline should be imposed against a student or employee based on the findings in its investigation, the discipline process will comport with due process and related principles, and will conform to all applicable statutes, regulations, personnel policies and procedures, employment contracts, and collective bargaining agreements.

7.4  NOTICE TO VICTIM OF OUTCOME OF APPEAL

The RDO or designee shall provide written notice to the Victim promptly after any appeal is upheld or denied. If a successful appeal may impact the Victim, such as a return of the Accused individual to campus, the RDO or designee shall take steps as needed to remediate the environment for the alleged Victim.

The District shall also take reasonable steps (1) to protect the Victim from further Harassment and/or Discrimination; and (2) to protect the Victim, any Third-Party Reporter or Victim Advocate, and witnesses, from Retaliation. The District will ensure that Victims, Third-Party Reporters, and witnesses, know how to report any subsequent Harassment, Discrimination, and/or Retaliation.

(Ed. Code, § 76234)
8. **EDUCATION AND TRAINING FOR STUDENTS AND EMPLOYEES**

The RDO or designee shall provide or make arrangements to provide training and education to employees and students on the District’s Harassment, Discrimination, and Retaliation policies and procedures and how to file an Informal or Formal Complaint.

a. The District will provide all employees with a copy of the District’s written policies and procedures on Harassment, Discrimination, and Retaliation upon hire and at the beginning of the first term of each college year.

b. The District will provide training on the District’s Harassment, Discrimination, and Retaliation policies and procedures for all employees during the first year of their employment.

c. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and thereafter once every two years. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

d. In order to take proactive measures to prevent and address Discrimination and Harassment, including sexual harassment and sexual violence toward students, the District will provide preventive education programs and Victim resources and services. The District will educate students about such programs, resources, and services in orientation programs for new students, in training for student athletes and coaches, and in training provided to students who lead student organizations. These programs will include discussion of what constitutes Discrimination and Harassment, including sexual harassment and sexual violence, the District’s policies and disciplinary procedures, the consequences of violating these policies, and how to file an Informal or Formal Complaint. The District will make such educational programs and information available to all students at least once annually.

e. Student education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since Victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District rules were involved, the District will inform students that the primary concern is for student safety, and that use of alcohol or drugs never makes the Victim at fault for sexual violence.

*(Ed. Code, § 66281.5; Gov. Code, § 12950.1; Title 5, §§ 59324, 59326, 59300 et seq.; 34 C.F.R. § 106.8(b); 28 CFR 35.107; 34 CFR 104.)*

**Update 22 June 2013 revised to include references to legal requirements in Title 5 Section 59338(b) and (c) regarding notice of rights of appeal)**

**References:**

- Education Code Section 66281.5;
- Government Code Section 12950.1;
- Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.
Filing a Timely Complaint – Since failure to report harassment and discrimination impedes the District’s ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District’s ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive, or intimidating work environment; and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

Communicating that the Conduct is Unwelcome – The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, and/or inappropriate.

Oversight of Complaint Procedure – The Chief Human Resource Officer is the “responsible District officer” charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Chief Human Resource Officer to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Chief Human Resource Officer is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint – Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint – A student, or employee, or third party who believes he or she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor’s Office. These approved forms are available from the Human Resource Office and on the State Chancellor’s website under the discrimination link found on Legal Division page.

The completed form must be filed with any of the following:

- The Superintendent/President
- Chief Human Resource Officer and/or
- the State Chancellor’s Office

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).
Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor’s Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Chief Human Resource Officer immediately.

**Intake and Processing of the Complaint**—Upon receiving notification of a harassment or discrimination complaint, the Chief Human Resource Officer shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Chief Human Resources Officer shall also notify the State Chancellor’s Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Chief Human Resource Officer should notify the complainant of his/her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.
- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the Chief Human Resource Officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct and the context in which the alleged incidents occurred.
- Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will
take to prevent similar conduct, the proposed resolution of the complaint, the complainant’s right to appeal to the District’s Board of Trustees, and if the complainant is a student—

**complaint does not involve employment discrimination**—the right to appeal to the State Chancellor. If the complainant is an employee—

**complaint involves employment discrimination**—the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.

- Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the Superintendent/President or designee as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties’ rights to appeal to the District’s Governing Board and the State Chancellor’s Office. If the complaint involves allegations of employment discrimination, the complainant will be notified of his/her right to file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

**Investigation of the Complaint**—The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Chief Human Resources Officer may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant’s age; whether there have been other harassment complaints about the same individual; and the accused individual’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

**Investigation Steps**—The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this procedure shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps:

1) interviewing the complainant(s);
2) interviewing the accused individual(s);
3) identifying and interviewing witnesses and evidence identified by each party;
4) identifying and interviewing any other witnesses, if needed;
5) reminding all individuals interviewed of the District’s no-retaliation policy;
6) considering whether any involved person should be removed from the campus pending completion of the investigation;
7) reviewing personnel/academic files of all involved parties;
8) reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and
9) seeing that all recommended action is carried out in a timely fashion.

When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

**Timeline for Completion** — The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint.

**Cooperation Encouraged** — All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

**Discipline and Corrective Action**
If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant’s academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.
If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment and/or discrimination and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District’s ability to investigate and respond effectively to the complaint.

**Appeals**

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen days, submit a written appeal to the Governing Board. The Governing Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Governing Board shall be forwarded to the complainant and to the State Chancellor’s Office. The complainant shall also be notified of his or her right to appeal this decision.

If the Governing Board does not act within forty-five (45) days, the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the State Chancellor’s Office within thirty days after the Governing Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the State Chancellor’s Office within thirty days after the Governing Board issues the final decision or permits the administrative decision to become final.

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor’s Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Governing Board or indicating the date upon which the decision became final, and a copy of the notification to the
complainant of his or her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150 day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

**Dissemination of Policy and Procedures**

Board Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District Policy and Procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District’s website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee’s personnel file. In addition, these policies and procedures are incorporated into the course catalogs and orientation materials for new students.

**Training**

The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees once every two years. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position.

The training and education required by this procedure shall include information and practical guidance regarding the state and federal statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

Training of all staff will be conducted. Training for academic staff should emphasize environmental harassment in the classroom.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

The student training or informational services shall include an explanation of the policy, how it works, and how to file a complaint.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District’s potential liability, or that they did not understand the policy and desire further training.

**Education and Prevention for Students**

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District’s policies and disciplinary procedures, and
the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

Office of Primary Responsibility: Human Resources

Date Approved: November 6, 2008

Date Revised: January 15, 2013

NOTE: 
BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:

   Education Code Sections 67382, 67385, 67385.7, and 67386
   20 US. Code Section 1092(f) (Jeanne Clery Act);

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures, employee discipline as provided in applicable Board policy and collective bargaining agreements, or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, and 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

Date Adopted: May 17, 2011
(Replaces College of Marin Policy 7.0054)
AP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:
   Education Code Sections 67385, 67385.7, and 67386;
   20 U.S. Code Section 1092(f) (Jeanne Clery Act);

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District facilities or at another location, or on an off-campus site or facility maintained by the District or on grounds or facilities maintained by a student organization, is a violation of Board policies and administrative procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

“Sexual assault” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

“Dating Violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” means engaging in a course of conduct or repeated conduct 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.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Consent must be given without coercion, provocation, force, threats or intimidation. Consent cannot be given when a person is incapacitated or when his or her understanding is affected by a mental or physical impairment.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. If affirmative consent is withdrawn, the sexual activity must immediately stop.

These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes).

All students, faculty members, or staff members who allege they are the victims of a domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from The Executive Director of Human Resources, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Executive Director of Human Resources is authorized to release such information. Situations that fall under the auspices of mandated reporting shall be addressed according to appropriate laws and regulations. In instances involving District employees, District Police shall work with Human Resources as appropriate.

The Executive Director of Human Resources shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the Board policy (BP) and administrative procedure (AP) regarding domestic violence, dating violence, sexual assault, or stalking.
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents. (Executive Director of Human Resources)
- Information about the importance of preserving evidence and the identification and location of witnesses;
- Available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - transportation to a hospital if necessary via emergency services - 911 or college police;
  - counseling provided by the college’s psychologist in the Counseling department;
  - referral to Community Violence Solutions (for sexual assault) and Center for Domestic Peace (domestic violence issues) for off campus resources;
• The victim’s option to:
  o notify proper law enforcement authorities, including on-campus and local police;
  o be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  o decline to notify such authorities;
  o the rights of the victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
  o information about how the District will protect the confidentiality of victims; and
  o Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations. If requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement

• A description of each of the following procedures:
  o criminal prosecution;
  o civil prosecution (i.e., lawsuit);
  o District disciplinary procedures, both student and employee;
  o modification of class schedules;
  o tutoring, if necessary.

The Executive Director of Human Resources should be available to provide assistance to the District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Executive Director of Human Resources of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances.

• The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
• The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented

• a list of other appropriate campus and off-campus resources and referrals into the community (available via publication and website).
In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances;

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assault, or stalking on District property shall be referred to the Superintendent/President’s office, which shall work with the Executive Director of Human Resources and District Police to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District’s programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student’s option right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the District will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the includes of identifying information about the victim, to the extent permissible by law;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance or other student services for victims;
- Written notification to victims about options for, and available assistance in changing academic, living, transportation, and working situations, if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus policy or local law enforcement;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault offense, or stalking including a clear statement that:
  - Such proceedings shall provide a prompt, fair, and impartial resolution;
  - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to
conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
- Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the domestic violence, dating violence, sex offense, sexual assault, or stalking and any sanction that is imposed against the accused.

- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The designated positions shall:

- Provide as part of the Kentfield and Indian Valley campus’ established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault and stalking. The information shall be developed in collaboration with campus-based and community based victim advocacy organizations, and shall include the District’s sexual assault policy and prevention strategies including empowerment education and information programs on victim prevention, primary prevention, bystander intervention, risk reduction and awareness raising campaigns.
- Post sexual violence prevention and education information on the campus internet website and the Student Handbook (Education Code Section 67385.7) regarding domestic violence, dating violence, sexual assault and stalking.

Offices designated for providing information:
- Human Resources – Overall charge and staff education
- College Operations (Campus Police) – Clery Act
- Student Services (Student Activities) – student education

Also see BP and AP 3430 Prohibition of Harassment; AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 Reporting of Crimes

Office of Primary Responsibility: College Operations (Campus Police) – Clery Act
Human Resources – Title IX
Vice President, Student Services - Student

Date Approved: April 19, 2011

Date Revised: March 3, 2012
BP 5050  MATRICULATION STUDENT SUCCESS AND SUPPORT PROGRAM

References:
Education Code Sections 78210 et seq.;
Title 5 Section 55500
ACCJC Accreditation Standard II.C.2.

The District shall provide Student Success and Support Program matriculation services to students for the purpose of furthering equality of educational opportunity and academic success. The purpose of Student Success and Support Program services matriculation is to enhance student access to the District, promote and sustain the efforts of students to be successful in their educational endeavors, and bring the student and the District into agreement regarding the student’s educational goal through the District’s established programs, policies, and requirements.

The Superintendent/President shall establish procedures to assure implementation of Student Success and Support Program matriculation services that comply with the Title 5 regulations.

See Administrative Procedures (AP 5050 Student Success and Support Program)

Date Adopted: June 22, 2010
MARIN COMMUNITY COLLEGE DISTRICT PROCEDURE

AP 5520

STUDENT DISCIPLINE AND DUE PROCESS

References:
Education Code Sections 66017, 66300, 72122, 76030, 76032 and 76120 et seq., 76037, 76120, and 87708;
Penal Code Sections 415 and 626.4

The purpose of this procedure is to provide a prompt and equitable means to address alleged violations of the Standards of Conduct (BP 5500 titled Standards of Conduct) in accordance with that guarantees the student of students involved rights to the due process rights granted them under state and federal constitutional protections, and free expression as protected by state and federal laws and regulations. This procedure will be used in a fair and equitable manner, not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

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

A. Definitions:

1. **Class:** Any scheduled instructional period held on any day of the week.

2. **Day:** A day that the District is in session and regular classes are held, excluding Saturdays and Sundays.

3. **District:** The Marin Community College District.

4. **DSAA:** The Director of Student Activities & Advocacy or a designee acting in the place of the DSAA.

5. **Expulsion:** Permanent exclusion of the Student by the Board of Trustees from the District and all District programs.

6. **Instructor:** Any academic employee of the District in whose class a student subject to discipline is enrolled, or any counselor or librarian who is providing or has provided services to the student, or any other academic employee who has responsibility for the student’s educational program.

7. **Long-term Suspension:** Exclusion of the Student by the VPSL/SS for good cause from one or more classes for 11 or more Days, for the remainder of the school term, or from all classes and activities of the District for one or more terms.

8. **Notice:** Written notice to the Student from the DSAA of the Student’s alleged conduct that is purported to have violated the District’s Standards of Student Conduct (BP 5500).
9. **President**: The Superintendent/President of the Marin Community College District.

10. **Removal from class**: Exclusion of the Student by an Instructor from his or her class for the day of the removal and the next class meeting.

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

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

13. **VPSL/SS**: Vice President of Student Learning & Student Services.

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

15. **Written or verbal reprimand**: An admonition to the Student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of the Student’s permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of the Student’s record at the college for a period of up to one year.

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

1. **Notice**: The DSAA will provide the Student with Notice of the alleged misconduct warranting discipline. The District will serve the Notice on the Student by personal delivery or sending copies by certified mail and by email to the Student’s postal and email addresses on file. The Notice will include the following:
   
   a) The specific section(s) of the Standards of Student Conduct that the Student is alleged to have violated;
   
   b) The alleged Student misconduct that purportedly violated one or more of the Standards of Student Conduct;
   
   c) The right of the Student to meet with the DSAA or designee to discuss the alleged misconduct, or to respond in writing; and
   
   d) The nature of the discipline that is being considered.

2. **Time limits**: The Notice must be provided to the Student within 15 Days of either (1) the date on which the alleged conduct took place or (2) the date on which the District became aware of the alleged conduct. In the case of continuous, repeated, or ongoing conduct, the Notice must be provided within 15 Days of the date on which the conduct occurred that led to the decision to take disciplinary action.
3. **Meeting:** If the Student chooses to meet with the DSAA, the meeting must occur no sooner than 5 Days after the District sends the Notice to the Student in order to provide the Student with time to prepare for the meeting, unless the Student requests to meet sooner. At the meeting, the Student must again be told the allegations of fact(s) about the Student’s conduct alleged to constitute violation(s) of the Standards of Student Conduct, and the Student must be given an opportunity to respond verbally or in writing to the allegations. The DSAA may adjourn the meeting to investigate alleged facts or issues raised by the Student and reconvene the meeting following the investigation.

4. **DSAA’s Recommendation:** Upon completion of the investigation, and after the Student has been given the opportunity to respond to the allegations, if the DSAA finds that the Student violated the District’s Standards of Student Conduct, the DSAA may recommend that the VPSL/SS impose disciplinary sanction(s) against the student. The DSAA shall prepare a written recommendation that includes findings of fact as to each allegation against the Student and determination(s) regarding the specific section(s) of the Standards of Student Conduct that the Student was found to have violated. The DSAA shall submit his or her recommendation to the VPSL/SS within 5 Days after the meeting described above is concluded.

5. **VPSL/SS’s Decision:** Within 5 Days of receiving the DSAA’s recommendation, the VPSL/SS will make a determination and the District will serve a notice with the VPSL/SS’s decision on the Student by (1) personal delivery or (2) sending copies by certified mail and by email to the Student’s postal and email addresses on file. VPSL/SS decisions may include those that follow:

   a) **Short-term Suspension:** If the DSAA recommends a short-term suspension, the VPSL/SS may decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action and/or educational sanctions, or whether to dismiss the charges. The District will send written notice of the VPSL/SS’s decision to the Student. The notice will include the length of time of any suspension or the nature of the lesser disciplinary action. The VPSL/SS’s decision on a short-term suspension or lesser sanction shall be final.

   b) **Long-term Suspension:** If the DSAA recommends a long-term suspension, the VPSL/SS may decide to impose a long-term suspension, a short-term suspension, some lesser disciplinary action, or to dismiss the charges. The VPSL/SS’s decision to impose a short-term suspension or lesser sanction shall be final. If the VPSL/SS decides to impose a long-term suspension, the District will send written notice of the VPSL/SS’s decision to the Student. The notice will advise the Student of his or her right to request a formal hearing before a long-term suspension is imposed. With the notice, the District must send a copy of this AP 5520 describing the procedures for formal hearings.

   c) **Expulsion:** If the DSAA recommends expulsion, the VPSL/SS may (1) recommend expulsion to the President, (2) impose some lesser disciplinary action, or (3) dismiss the charges. The District shall provide the Student with written notice of the VPSL/SS’s recommendation to the President or the VPSL/SS’s decision regarding lesser discipline or dismissal.

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

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

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

6. Hearing Procedures

a) **Request for a Hearing:** Within 5 Days after the District sends the student notice of the VPSL/SS’s decision to impose a long-term suspension or to recommend expulsion to the President, the Student may request a formal hearing. The Student’s request must be made in writing and submitted to the VPSL/SS or designee by 5:00 p.m. on the 5th Day after the District sends the VPSL/SS’s decision to the Student. If the Student fails to submit a timely request for a formal hearing, the Student shall be deemed to have waived his or her right to have a hearing.

b) **Scheduling the Hearing:** The District will convene a formal hearing within 10 Days after receipt of a timely Student request for a formal hearing. For good cause, the President may extend this period as he or she deems necessary.

c) **Hearing Panel:** Except as otherwise specified, the hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student. If the disciplinary matter involves allegation(s) of sexual violence, the alleged victim and the accused shall each independently have the right, upon submission of a written request submitted to the VPSL/SS at least three Days before the date scheduled for the hearing, to have the student on the panel replaced with an administrator who shall be appointed by the President.

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

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

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

7. Conduct of the Hearing
a) The members of the hearing panel shall be provided, before the hearing begins, with a copy of the allegations of fact(s) about the Student’s conduct alleged to constitute violation(s) of the Standards of Student Conduct and any written response provided by the Student.

b) Evidence of the Student’s alleged misconduct shall be presented by a college representative who shall be the DSAA or designee.

c) The college representative and the Student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

d) Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. The Chair may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation(s) including, but not limited to, personal character references, is not admissible.

e) Unless the hearing panel elects to proceed otherwise, the college representative and the Student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the Student. The college representative may present rebuttal evidence after the Student completes his or her presentation of evidence. The burden shall be on the college representative to prove by a preponderance of the evidence (more likely than not) that the facts alleged are true.

f) The Student may represent himself/herself, and he or she has the right to be represented by a person of his/her choice, except that the Student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the Student wishes to be represented by an attorney, the Student must submit a written request to the VPSL/SS not less than 3 Days prior to the date of the hearing. If the hearing panel permits the Student to be represented by an attorney, the college representative may request legal assistance. In all cases, the hearing panel may request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

g) The hearings shall be closed and confidential unless the Student requests that it be open to the public. Any such request must be made submitted in writing to the VPSL/SS no less than 3 Days prior to the date of the hearing. The panel may deny the request in order to protect the privacy interests of other parties, such as an alleged victim of the Student’s alleged misconduct.

h) Witnesses, except the Student, shall not be present at the hearing when not testifying unless all parties and the panel agree to the contrary.

i) The hearing shall be recorded by the District either by tape recording (or similar recording technology) or stenographic recording. No other recording shall be permitted. No witness who refuses to be recorded may be permitted to give testimony. The hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself/herself by name, and thereafter shall ask witnesses to identify themselves by name. The audio recording
of the hearing shall remain in the custody of the District at all times, unless released to a professional transcribing service. The Student may request a copy of the recording.

j) All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not considered unavailable.

k) Within 10 Days following the close of the hearing, the hearing panel shall prepare and send a written recommendation to the VPSL/SS. The recommendation shall include specific factual findings regarding each allegation of misconduct and specific conclusions regarding whether the Student violated any specific section(s) of the Standards of Student Conduct. The hearing panel shall also provide a specific recommendation regarding disciplinary action(s), if any, to be imposed. The recommendation shall be based only on the record of the hearing and not on any matter outside of that record. The record consists of the original allegations of misconduct and alleged violations of Standards of Student Conduct, the Student's written response, if any, and the oral and written evidence produced at the hearing.

8. Decision Following a Hearing:

a) Timeline for VPSL/SS’s Decision or Recommendation: Within 10 Days following receipt of the hearing panel's recommended decision, the VPSL/SS shall (1) render a final written decision imposing a Long-Term Suspension, a lesser disciplinary sanction, or dismissing the charges; or (2) make a recommendation to the President to recommend expulsion to the Board of Trustees. The VPSL/SS may accept, modify, or reject the findings, decisions, and recommendations of the hearing panel. If the VPSL/SS modifies or rejects the hearing panel's decision, the VPSL/SS shall review the record of the hearing and shall prepare a written decision containing specific factual findings and conclusions.

b) Long-term suspension: If the VPSL/SS decides to impose a Long-Term suspension, or other sanction less severe than expulsion, the decision of the VPSL/SS shall be final.

c) Expulsion Recommendation: If the VPSL/SS decides to accept the findings and recommendations of the hearing panel, the VPSL/SS may incorporate them by reference into his or her letter to the President recommending expulsion.

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

d) Board of Trustees Decision on Expulsion Recommendation
(1) The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

(2) The Board shall consider an expulsion recommendation in closed session, unless the Student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

(3) The Student shall be served with notice of the date, time, and place of the Board's meeting by registered or certified mail or by personal service, at least three days prior to the meeting.

(4) The Student may, within forty-eight hours after service of the notice, request that the hearing be held as a public meeting by submitting a written request to the President.

(5) Even if the Student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any other student or an employee in closed session. Following consideration of an expulsion recommendation in a public meeting, the Board shall deliberate in closed session.

(6) The Board may accept the findings, decisions, and recommendations of the President or reject the President’s recommendation and refer the matter back to the President for further action, if any. The decision of the Board whether to expel the Student shall be final. If the Board refers the matter back to the President, he or she may impose a lesser disciplinary sanction or dismiss the charges.

(7) The final action of the Board on an expulsion recommendation shall be taken at a public meeting, and the result of the action shall be a public record of the District.

9. **Service of Notices:** Except as otherwise specified in these procedures, written notices shall be served by (1) personal delivery or (2) certified mail and by email to the Student’s postal and email addresses on file. It is the Student’s responsibility to ensure that the District has the Student’s current postal and email addresses on file. Notice shall be deemed served two days after deposit in the mail with postage prepaid, upon personal delivery, upon receipt of a Student’s reply to an email notification, or a Student’s verbal confirmation that he or she received the notice. Service by mail on the President, VPSL/SS, or the DSAA shall be at 835 College Avenue, Kentfield, CA 94904.

10. **Time Limits:** Any times specified in these procedures may be shortened or lengthened if there is mutual agreement by all parties.

C. **Immediate Interim Suspension** (Education Code Section 66017): The President may order immediate suspension of a student when he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases in which an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing when a long-term suspension or expulsion is recommended, will be afforded to the Student within 10 calendar days.
D. **Removal from Class** (Education Code Section 76032): Any Instructor may remove a student from his/her class for the day of the removal and the next class meeting. The Instructor shall immediately report the removal to the President, the VPSL/SS, and the DSAA via a COM Cares electronic report or other reasonable means. The VPSL/SS or designee shall arrange for a conference between the Student and the Instructor regarding the removal. If the Instructor or the Student so requests, the VPSL/SS or designee shall attend the conference. The Student shall not be returned to the class during the period of the removal without the concurrence of the Instructor. Nothing herein will prevent the VPSL/SS from recommending further disciplinary sanctions in accordance with these procedures based on the facts that led to the removal.

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

1. When there is a reasonable belief that a person has willfully disrupted the orderly operation of the campus, the College President or the District Chief of Police may notify the person that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus.

2. If consent is withdrawn by the Chief of Police, he or she shall submit a written report to the President as soon as possible including (1) a description of the person from whom consent was withdrawn and (2) a statement of facts giving rise to the withdrawal of consent. If the President (or designee in the President’s absence), upon reviewing the report, finds that there was reasonable cause to believe that the person willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation on the report of the action taken by the Chief of Police. If the President (or designee in the President’s absence) does not confirm the action of the Chief of Police within 24 hours after the time that consent was withdrawn, the action of the Chief of Police shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

3. The person from whom consent has been withdrawn may submit a written request to the President for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than 7 calendar days from the date of receipt of the request. The hearing will be conducted in accordance with the Hearing Procedures set forth herein.

4. In no case shall consent be withdrawn for longer than 14 calendar days from the date upon which consent was initially withdrawn.

5. Any person from whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to attend a meeting or hearing by invitation of a District official, is subject to arrest (Penal Code Section 626.4).

See also: Board Policy 5500 Standards of Conduct

Office of Primary Responsibility: Student Learning/Student Services

I. **DEFINITIONS**
Activity — Any club, organization, or artistic/athletic event, show or performance that the student is not required to attend or participate in as a District class requirement.

Day — Any day on which the District’s Administrative Office is open for business.

Disciplinary Probation means a period of conditional enrollment or re-enrollment as specified below:

1) A specified period of conditional enrollment by mutual written agreement signed by the Vice President and the student allowing the student to attend classes and/or participate in Activities and during which the student is subject to disciplinary action on terms and conditions specified in the agreement upon any further violation(s) of the Standards of Conduct.

2) A specified period of conditional re-enrollment, permitting the student, with the Vice President’s authorization to attend classes, prior to serving the entire period of a Long-Term Suspension and during which the student is subject to disciplinary action, on terms and conditions determined by the Vice President and up to and including reinstatement of the un-served portion of the Long-Term Suspension, upon any further violation(s) of the Standards of Conduct. At his or her discretion, the Vice President may also authorize the student to participate in Activities during the conditional re-enrollment period.

3) A specified period of conditional re-enrollment after expulsion with the Board of Trustees’ authorization, permitting the student to attend classes, and during which the student is subject to reinstatement of the expulsion on terms and conditions determined by the Board of Trustees upon any further violation(s) of the Standards of Conduct. At its discretion the Board of Trustees may also authorize the student to participate in Activities during the conditional re-enrollment period.

District — Marin Community College District.

Expulsion — Permanent exclusion of the student by the Board of Trustees from all courses and Activities when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the student or others and denial of access to the District’s campuses and facilities. (Education Code 76030; PC 626.2)

Removal

Administrative Removal—Classes — Exclusion of the student by the Vice President from some or all classes for no more than two (2) class meetings.

Administrative Removal—Activities — Exclusion of the student by the Vice President from some or all Activities for no more than fifteen (15) days.

Removal From Class — Exclusion of the student by an instructor for the day of the removal and, if directed by the instructor, the next meeting of the instructor’s class. (Education Code Section 76032)
Removal From Class-Related Activities — Exclusion of the student by the Vice President or by faculty assigned to supervise a library or learning resources center, instructional laboratory, or study facility for the day of the removal and, if directed by the Vice President or faculty, next day of required attendance, or the next day the library, learning resource center, instructional laboratory, or study facility is open to students.

Student — Any person who is currently enrolled as a student in a credit or noncredit class or in community services offerings of the District, or who was enrolled at the time of an alleged violation of the Standards of Conduct.

Superintendent/President — Superintendent/President of District.

Suspension

Activities Suspension — Exclusion of a student from some or all Activities for a period of sixteen (16) days to one or more terms.

Short-Term Suspension — Exclusion of a student for good cause from some or all classes for a period of no more than ten (10) days of instruction. (Education Code Section 76031(a)). A short-term suspension shall include exclusion from Activities and Class-Related Activities and denial of access to the District’s campuses and facilities (PC 626.2) for a concurrent period unless otherwise specified.

Long-Term Suspension — Exclusion of the student for good cause from some or all classes for more than ten (10) days to one or more complete terms. (Education Code Section 76031(a) and (b)). A Long-Term Suspension shall include exclusion from Activities and Class-Related Activities and denial of access to the District’s campuses and facilities (PC 626.2) for a concurrent period unless otherwise specified.

Immediate Interim Suspension — Immediate exclusion of a student from classes, Activities, and Class-Related Activities and denial of access to the District’s campuses and facilities. (PC 626.2) when determined necessary by the Vice President to protect lives or property and to ensure the maintenance of order. (Education Code Section 66017)

Vice President — Vice President of Student Services or designee.

Withdrawal of Consent to Remain on Campus — Withdrawal of consent by the Superintendent/President, the Vice President of Student Learning, the Vice President or designee to remain on campus or at a District facility where reasonable cause exists to believe that such person has willfully disrupted the orderly operation of the campus or facility. (Penal Code Section 626.4) Withdrawal of consent shall not preclude disciplinary action for violation(s) of the Standards of Conduct set forth in BP 5500 titled Standards of Conduct based on the same underlying conduct.

Written or Verbal Reprimand — An admonition to the student to cease and desist conduct which violates the Standards of Conduct.

II. VOLUNTARY/ALTERNATIVE RESOLUTION.

When deemed appropriate, the Vice President may discuss with a student options for voluntary resolution of discipline issues. Voluntary resolutions may include remedial action or community
service; discipline without acknowledging the alleged misconduct; withdrawing from the District; Disciplinary Probation, or other mutually agreeable terms and conditions. (Education Code Section 76031).

The Superintendent/President or the Vice President may at any time designate another District employee or contractor to perform the tasks assigned to the Vice President under this procedure.

III. REPRIMAND, PROBATION AND REMOVAL

A. Written or Verbal Reprimands — Written or verbal reprimands may be issued by the Vice President or any District academic employee. Written reprimands may become part of a student’s permanent record at the Vice President’s discretion. A record that a verbal reprimand has been given may become part of a student’s record at the Vice President’s discretion but will be removed after a period of one year upon the written request of the student. The student shall have no right to a hearing regarding a written or verbal reprimand. The issuance of any reprimand, verbal or written, shall be promptly reported to the Vice President.

B. Disciplinary Probation — Disciplinary probation may be implemented by mutual agreement pursuant to Section II or as authorized by the Vice President or Board of Trustees.

C. Removals

1. Class or Class-Related Activities Removals may be implemented if the removing authority determines good cause exists after (a) advising the student of the alleged violations of the Standards of Conduct and the facts upon which the alleged violation(s) are based, and (b) providing the student with an opportunity to respond. Any removal shall be promptly reported to the Vice President. If a student who has been removed is a minor, the Vice President shall ask the student’s parent/guardian to attend a parent conference regarding the removal as soon as possible. At the instructor’s or parent/guardian’s request, the Vice President shall attend the conference. The student shall not be returned to the class or class-related activity during the period of the removal without the concurrence of the removing authority.

2. Administrative Removals from one or more classes and/or activities and/or class-related activities may be implemented by the Vice President if the Vice President determines good cause exists after (a) advising the student of the alleged violations of the Standards of Conduct, and the facts upon which the alleged violation(s) are based, and (b) providing the student with an opportunity to respond.

3. The student shall have no right to an administrative hearing regarding a removal.

4. After a removal, the Vice President may determine it is appropriate to proceed with further disciplinary action, in accordance with these procedures, based on the conduct which led to a removal.

IV. SUSPENSION, WITHDRAWAL OF CONSENT, AND EXPULSION—ADMINISTRATIVE HEARING

A. Suspensions.

Before an Activities Suspension, Short-Term Suspension, Long-Term Suspension, or Expulsion may be imposed, the student shall be given an opportunity for an Administrative Hearing before the Vice President.
B. Immediate Interim Suspension.

The Superintendent/President or Vice President may impose an Immediate Interim Suspension if he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In such event the student shall be afforded a reasonable opportunity for an Administrative Hearing before the Vice President within ten (10) days. (EC 66017.)

C. Withdrawal of Consent to Remain on Campus (Penal Code Section 626.4):

When there is reasonable cause to believe that a student has willfully disrupted the orderly operation of the campus, the Superintendent/President, Vice President for Student Learning, Vice President or designee, may notify the student that consent to remain on campus or other District facility has been withdrawn. If the student is on campus at the time, he or she must promptly leave. In no case shall consent be withdrawn pursuant to Penal Code Section 626.4 for longer than fourteen (14) days. Any student who has been notified that consent to remain on campus or other District facility has been withdrawn shall be given an opportunity for an Administrative Hearing with the Vice President to determine whether consent shall be reinstated or further discipline should be imposed. A student who remains or reenters the campus for the sole purpose of attending an Administrative Hearing with the Vice President shall not be in violation of Penal Code section 626.4 for the period of the hearing.

D. Administrative Hearing Procedures

1. Notice of Administrative Hearing—The Vice President shall notify the student of the date, time and place of the Administrative Hearing which, at the Vice President’s discretion, may be conducted by telephone. In case of an Immediate Interim Suspension, the Administrative Hearing shall be scheduled within ten (10) days. Notice shall be given verbally, by telephone or in person, as soon as practicable and, unless the student has already met with the Vice President for an administrative hearing, in writing within three (3) days after the Vice President is advised of the student’s suspected misconduct. Written notice may be given by U.S. mail and/or by email at the student’s most recent address on file in the District’s Admissions and Records Office. At or before the Administrative Hearing the Vice President shall provide the student with verbal and/or written notice of the Standard(s) of Conduct the student is alleged to have violated and the facts upon which the alleged violation(s) are based. The Vice President shall provide the student an opportunity to respond orally and/or in writing at the Administrative Hearing. The Vice President may conduct an investigation of the allegations as deemed appropriate including additional meeting(s) with the student which shall be considered part of the Administrative Hearing.

2. Waiver of Hearing—A student who fails to attend an Administrative Hearing without excusable reason shall be deemed to have waived his or her right to an Administrative Hearing. Excusable reason means inability to meet due to student’s hospitalization, incarceration, or other reason beyond the student’s control as determined by the Vice President.

E. Activities Suspension/Short-term Suspension—After an Administrative Hearing or waiver of Administrative Hearing, based on reasonable and relevant evidence, the Vice President may determine that good cause exists to impose an Activities Suspension, Short-Term Suspension, a
lesser disciplinary action or an alternative to disciplinary action, or the Vice President may decide to dismiss the matter. The Vice President may consider the student’s discipline history when making a determination. The Vice President shall issue and serve a written Notice of Decision specifying the length of any Activities Suspension, Short-term Suspension or lesser disciplinary or alternative action, the conduct on which the determination was based, and the Standard(s) of Conduct violated. The Vice President’s decision shall be final. Alternatively, the Vice President may issue and serve a Notice of Dismissal.

F. Immediate Interim Suspension/Withdrawal of Consent — After an Administrative Hearing or waiver of Administrative Hearing regarding an Immediate Interim Suspension or Withdrawal of Consent to Remain on Campus, based on reasonable and relevant evidence, if the Vice President determines that good cause exists to impose other disciplinary action, the Vice President shall proceed in accordance with these procedures except that it shall not be necessary to conduct another Administrative Hearing. If the Vice President determines that it is necessary to continue the Immediate Interim Suspension to protect lives or property and to ensure maintenance of order pending final determination on disciplinary action, the Vice President shall issue a written notice to the student promptly after the Administrative Hearing or waiver of Administrative Hearing. Alternatively, the Vice President may issue a Notice of Right to Return.

G. Long-term Suspension and Expulsion — After an Administrative Hearing or waiver of Administrative Hearing, based on reasonable and relevant evidence, the Vice President may determine that good cause exists to impose a Long-Term Suspension, Expulsion, or some lesser disciplinary action or alternative to disciplinary action, or the Vice President may decide to dismiss the matter. The Vice President may consider the student’s discipline history when making a determination. If the determination is to impose disciplinary action other than Long-Term Suspension or Expulsion, the Vice President shall issue a written Notice of Decision or Notice of Dismissal as specified in Section IV. E., above, and the Vice President’s decision shall be final. If the Vice President determines that good cause exists to impose a Long-Term Suspension or Expulsion, the Vice President shall issue a Notice of Recommended Disciplinary Action specifying the length of the recommended Long-Term Suspension or his/her recommendation for Expulsion, as the case may be, and advising the student of the right to request an Appeal Hearing. The Notice of Recommended Disciplinary Action shall include a statement of the facts on which the determination was based, the Standard(s) of Conduct violated, and either include a copy of these procedures or inform the student where he/she may obtain a copy.

H. Service of Notices
Except as otherwise specified in these procedures, written notices shall be served by certified mail or by personal delivery, and shall be deemed served two days after deposit in the mail with postage prepaid or upon personal delivery. Service by mail on the student shall be at the student’s most recent address on file in the District’s admissions and records office, or by personal delivery. Service by mail on the Superintendent/President or Vice President shall be at 835 College Avenue, Kentfield, CA 94904. With student’s consent, notice may be served by email at the address provided by student and shall be deemed served on the day of transmittal.

V. APPEAL HEARING — LONG-TERM SUSPENSION/EXPULSION
A. Request for Appeal Hearing
If the student desires to appeal a Long-Term Suspension or Expulsion Recommendation, the student shall serve on the Vice President a written Request for Appeal Hearing no later than seven (7) calendar days after service of the Notice of Recommended Disciplinary Action. Service of the notice shall be as specified in Section IV.H.

An appeal is limited to one or more of the following bases:

1. The administrative hearing was not conducted in conformity with these procedures.
2. Based on the evidence available to the Vice President at the time of the administrative hearing or the student’s waiver of the right to an administrative hearing, the decision set forth in the Notice of Recommended Disciplinary Action is not supported by substantial evidence.
3. The student’s conduct in violation of the Standards of Conduct does not warrant imposition of the recommended disciplinary action.
4. There is relevant, material evidence which the student, in the exercise of reasonable diligence, could not have been produced at or before the administrative hearing.

B. Waiver of Appeal Hearing
If a Request for Appeal Hearing is not received in the Vice President’s office by 5:00 p.m. on or before the seventh day, the right to an Appeal Hearing shall be deemed waived, and the Vice President shall prepare an Investigation Report and promptly forward it with a copy of the Notice Recommended Disciplinary Action to the Superintendent/President for review pursuant to Section VI, below.

C. Notice of Appeal Hearing – Statement of Charges
If the student serves a timely Request for Appeal Hearing, the Vice President shall forward it to the Superintendent/President or designee, who shall notify the student of the date, time and place of the hearing by serving a Notice of Appeal Hearing at least seven (7) calendar days before the hearing date.

The Notice of Recommended Disciplinary Action shall serve as the Statement of Charges, unless it is amended and served on the student at least five (5) calendar days prior to the Appeal Hearing date.

D. Appeal Hearing Date
The Appeal Hearing shall be held within thirty (30) days after submittal of a timely Request for Appeal Hearing, unless for good cause the Superintendent/President or designee extends the Appeal Hearing date.

E. Hearing Officer
The Superintendent/President or designee shall assign the Appeal Hearing to a District administrator or other qualified, non-District employee who shall serve as the Hearing Officer. Prior to the assignment, the Superintendent/President or designee shall first determine to his/her satisfaction that the Hearing Officer does not have any personal knowledge of or
involvement in the matter and that the Hearing Officer is able to provide an unbiased review and determination of the matter.

F. **Conduct of Appeal Hearing**

1. The Hearing Officer shall be provided with a copy of the Statement of Charges and any written response submitted by the student.

2. Formal rules of evidence shall not apply, but relevant evidence may be admitted and considered only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. A Long-Term Suspension or Expulsion cannot be sustained solely upon hearsay evidence. The Hearing Officer may consider the student’s discipline history when making a determination. The student may submit at the Appeal Hearing a verbal or written statement regarding his/her discipline history but shall not be permitted to call witnesses, introduce documents or give testimony to refute the conduct on which the previous disciplinary action(s) was/were based or the appropriateness of the previous disciplinary action(s).

3. Unless the Hearing Officer determines to proceed otherwise, the District representative and the student shall each be permitted to make an opening statement. Thereafter, the District representative shall present evidence, followed by the student. The District representative may present rebuttal evidence after the student completes his/her defense. The District representative and the student may be permitted to make a closing statement. Opening and closing statements shall not be treated as evidence.

4. The District representative and the student may call and question witnesses and introduce oral and written evidence relevant to the matter. To avoid duplicative or irrelevant evidence, the Hearing Officer may require a party to state the nature of the proposed testimony or written document as a condition to introducing the testimony or document at the hearing. Witnesses may not be compelled to testify at the hearing.

5. The student may represent himself/herself at the appeal hearing and may be assisted by a person of his/her choice at the student’s sole expense.

6. The District may be represented by the Vice President or designee, either of whom may be assisted by a person of the Vice President’s or designee’s choice at the District’s sole expense.

7. During the Appeal Hearing, an assistant to either party may be present and advise the party but shall not participate in the hearing by examining or cross-examining witnesses, submitting or objecting to documents, or otherwise directly addressing other witnesses or Hearing Officer, except to state his/her name for purposes of identification.

8. If either party elects to also be represented by an attorney at the Appeal Hearing, the party shall notify the other party in writing at least five (5) days prior to the date of the Appeal Hearing. Notice shall be directed to the student or the Superintendent/President and served as provided in Section IV.H.
For purposes of these procedures, the term “represented by an attorney” means any or all of the following will be conducted by a person currently or previously licensed to practice law: examination or cross-examination of witnesses, submitting or objecting to documents, stating objections, making opening or closing statements or otherwise directly addressing witnesses or the Hearing Officer other than to state his/her name for purposes of identification.

9. The Hearing Officer may have an attorney in attendance at the Appeal Hearing to sit in an advisory capacity and provide legal counsel.

10. The hearing shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made in writing and received by the President/Superintendent at least five (5) days prior to the date of the Appeal Hearing. If the presentation of any evidence at a public hearing would conflict with the rights to confidentiality or privacy of any other person, the Appeal Hearing shall proceed in closed session to the extent necessary to preserve those rights.

11. All witnesses (except the student and the Vice President, the Vice President’s designee, or other District representative) shall be excluded from the hearing room prior to testifying and, unless the hearing is public, shall leave the hearing room after completion of their testimony.

12. The District shall record the Appeal Hearing by tape, digital or stenographic recording. No other recording of the hearing shall be made without the express authorization of the Hearing Officer. No witness who refuses to be recorded will be permitted to testify. The recordings 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.

G. Appeal Hearing Decision

Within ten (10) days following the conclusion of the Appeal Hearing, the Hearing Officer shall prepare and send to the Superintendent/President (1) a written advisory decision based upon substantial evidence adduced at the hearing, and (2) a complete copy of the record of the Appeal Hearing. The decision shall include factual findings, conclusions as to whether any specific section(s) of the Standards of Student Conduct was/were violated, and a recommendation for disciplinary action which shall not exceed the disciplinary action specified in the Statement of Charges or Amended Statement of Charges, as the case may be.

The decision shall be based only on the record of the Appeal Hearing, which shall include the Statement of Charges, original or amended, as the case may be, the student’s written response, if any, the oral and documentary evidence adduced at the hearing, the recording made pursuant to Section V.F.12., and District’s official records of the student’s discipline history, if any.

VI. SUPERINTENDENT/PRESIDENT’S REVIEW—Long-Term Suspension and Expulsions

A. Within ten (10) days following the receipt of the Hearing Officer’s advisory decision and record of Appeal Hearing, the Superintendent/President shall determine whether to accept, modify or reject the decision. The Superintendent/President’s decision shall be based solely on the record
of the Appeal Hearing. If the Superintendent/President decides to modify or reject the decision, he/she shall prepare a written decision with specific factual findings and conclusions based upon the record of the Appeal Hearing.

B. If the Vice President recommended Long-Term Suspension or Expulsion and the student waived his/her right to an Appeal Hearing, the Superintendent/President shall determine whether to accept, modify, or reject the recommendation based on the Vice President’s Investigation Report, the Notice of Recommended Disciplinary Action, and the Student’s written response, if any.

C. The decision of the Superintendent/President to impose a Long-Term Suspension or lesser disciplinary action, or to dismiss the matter, shall be final.

D. If deemed appropriate, the Superintendent/President may state in the Notice of Final Decision that the student is permitted to apply to the Vice President for re-enrollment after service of a specified portion of the Long-Term Suspension; however, early re-enrollment shall be under Disciplinary Probation in accordance with terms and conditions determined by the Vice President. The student shall meet with the Vice President, and if the Vice President permits the student to re-enroll early, the Vice President shall notify the student in writing of the terms and conditions of the Disciplinary Probation, and the student shall be required to sign and return a copy to the Vice President as a condition of re-enrollment. The Superintendent/President’s Notice of Final Decision and the Vice President’s notice regarding Disciplinary Probation, if any, shall be served as specified in Section IV.H.

E. If the Superintendent/President determines that Expulsion is appropriate, the Superintendent/President’s recommendation shall be made in writing to the Board of Trustees and served on the student in accordance with Section IV.H.

VII. BOARD OF TRUSTEES’ REVIEW—Expulsions

A. The Board of Trustees shall consider any recommendation from the Superintendent/President for expulsion at the next regularly scheduled meeting of the Board occurring at least ten (10) days after receipt of the recommendation or, at the Board of Trustees’ option, at a special meeting convened within thirty (30) days after receipt of the recommendation. The student shall be given written notice of the date, time, and place of the meeting at least five (5) calendar days prior to the meeting. Service shall be in accordance with Section IV.H.

B. The Board of Trustees shall review an expulsion recommendation in closed session, unless the student requests that the matter be considered in a public meeting by submitting a written request for open meeting to the Superintendent/President’s office at least two (2) days prior to the meeting date. Notwithstanding a student’s request for a public meeting, the Board of Trustees shall conduct any discussion and/or review of records in closed session to the extent necessary to preserve the confidentiality or privacy rights of any other person.

C. The Board of Trustees may accept, modify or reject the findings, decisions, and/or recommendation of the Superintendent/President. If the Board of Trustees’ decision is to modify or reject the expulsion recommendation after review of the Appeal Hearing record, or Vice President’s Investigation Report when the student has waived his/her right to an Appeal Hearing, the Board of Trustees shall prepare a written decision which includes the Board’s factual findings,
the Standards of Conduct violated, conclusions and disciplinary action, if any. The decision of the Board of Trustees shall be based only on the record of the Appeal Hearing or Vice President’s Investigative Report.

D. The final action of the Board of Trustees shall be taken at a public meeting, and the result of the action shall be a public record of the District. The Notice of Final Decision shall be served upon the student as specified in Section IV.H. The decision of the Board of Trustees shall be final.

E. If the Board of Trustees orders Long-Term Suspension, the Board of Trustees may state in the Notice of Final Decision that the student is permitted to apply to the Vice President for re-enrollment under Disciplinary Probation after service of a specified portion of the suspension. The terms and conditions of the Disciplinary Probation shall be as specified by the Board of Trustees, or if not specified, as determined by the Vice President. If the Vice President permits the student to re-enroll early, the Vice President shall notify the student of the terms and conditions of the Disciplinary Probation, and the student shall be required to sign and return a copy to the Vice President as a condition of re-enrollment. The Vice President’s notice regarding Disciplinary Probation, if any, shall be served as specified in Section IV.H.

F. Re-enrollment in the District after expulsion may be authorized only by the Board of Trustees and shall be subject to Disciplinary Probation on terms and conditions determined by the Board of Trustees or its designee.

VIII. RE-ENROLLMENT INTERVIEW

Any student who has been suspended or by action of the Board of Trustees been authorized to re-enroll after expulsion shall, prior to re-enrollment, meet with the Vice President for a Re-enrollment Interview to review the Standards of Conduct (BP 5500), behavioral expectations, and potential consequences of any further misconduct. At the Vice President’s discretion, the Re-enrollment Interview may be scheduled to take place at the same time as the meeting regarding Disciplinary Probation pursuant to Sections VI.D. or VII.E.

IX. ACADEMIC DISHONESTY

In addition to disciplinary action in accordance with the procedures set forth above, academic sanctions may be imposed by an instructor in cases of academic dishonesty. Academic sanctions may include, but not be limited to, a written warning; a failing grade on the test, paper or examination; or a lowered course grade.

Incidents of academic dishonesty and sanctions should be promptly reported in writing to the Vice President with a copy to the student. The Vice President will determine whether to initiate disciplinary action.

The Vice President shall maintain a confidential record of students who have been reported for academic dishonesty.

Office of Primary Responsibility: Student Services

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

Revised: April 16, 2013