

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

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April 10, 2015

David Wain Coon, President  
College of Marin  
835 College Ave.  
Kentfield, CA 94904

Dear President Coon,

Colleges as recipients of federal financial assistance are required to comply with federal laws and regulations that prohibit discrimination on the basis of race, color, national origin, sex, and disability. The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs (34 C.F.R. Part 100, Appendix B) (Guidelines) require each state agency responsible for the administration of career and technical education (CTE) programs to conduct compliance reviews of colleges that offer CTE programs and that are recipients of federal financial assistance from the U.S. Department of Education.

On March 9, 10, and 11, 2015 consultants under contract to the California Community College Chancellor's Office, conducted an on-site review at Marin College to evaluate compliance covering eight major areas of the Guidelines – Administrative Requirements, Recruitment, Admissions, and Counseling, Accessibility, Comparable Facilities; Services for Students with Disabilities, Financial Assistance, Work Study, Cooperative Programs and Job Placement, and, Employment. Attached are the findings that were provided at the exit interview.

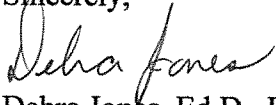
In the listing of buildings on campus we were instructed by the Office for Civil Rights (OCR) to use approximate dates that construction was begun, for the purpose of aligning construction dates with the Standards of Accessibility. If we added a date and if you disagree with the dates our consultants approximated, please let me know the date(s) you prefer and we will make the correction.

The attached findings require the submission of a Voluntary Compliance Plan (VCP) to address the issues deemed out of compliance. A sample format for the VCP is attached. Please respond to each of citation. The VCP format requires the name of the responsible person for each corrective action; the date the action will take place and/or the timeframe for completion. The completed VCP should then be signed by the person authorized to make commitments on behalf of the college. If a particular citation has already been remediated, please attach documentation validating the remediation with the completed VCP.

If we do not hear from you within 30 days of receipt of this letter, we will assume that you agree with the identified findings. You will then have an additional 15 days to submit one copy of your VCP to Debra Jones, EdD, Dean, Career Education Practices, at 1102 Q Street, Sacramento, CA 95811-6594.

The onsite review team wishes to thank the faculty and staff of Marin College for the thorough development of the self-evaluation document, facilitation of the self-evaluation document, coordination of activities, and most especially for their cooperation and courtesy throughout the onsite visit.

Sincerely,

A handwritten signature in cursive script that reads "Debra Jones".

Debra Jones, Ed.D., Dean  
Career Education Practices Unit

cc: Kristina Combs, Executive Director Human Resources and Labor Relations  
Lee Mahon, Trident Enterprises Inc.

**Findings**  
**Marin Community College**  
**March 9, 10, 11, 2015**

**Overview:** The visit began with a brief orientation meeting with key staff, followed by a tour of the campus led by the Director of Modernization. Following the tour, team members made a careful inspection of all buildings and interviews were held with students and staff throughout the campus. Through this process the reviewers heard concerns related to ADA compliance and the culture of the campus. CTE concerns included complaint procedures, student data and program monitoring, and ADA compliance issues. Other issues not related to The Guidelines and CTE included employee diversity, administrative turnover, faculty and administrative reflective of student body all addressed by faculty to the team.

**Subpart I Administrative Requirements**

**I-A - Annual Public Notification of Nondiscrimination**

**Applicable Requirements:** [Guidelines IV-O; 34 C.F.R. § 100.6(d)]

**Summary of Findings and Analysis:**

The review team interviewed administrators and staff and reviewed documentation provided on the publication of a statement that the college does not discriminate on the basis of race, color and national origin, sex, disability and the Americans with Disabilities Act for the community, faculty, staff and students. Although there is a quick link on the home page of the website, the statement has not been placed on numerous brochures and pamphlets including Student Accessibility Services (SAS) Brochure, College of Marin Community Education Brochure, College of Marin Conversation Partners Program, College of Marin Echo Times Student Newspaper, Student Health Resources, Enrollment Services, and the Child Development Center. Although the name and telephone number of the Equal Opportunity Employment Officer can be found in the Spring Catalogue, there is no designation as to a Title IX and Section 504 Coordinator.

**Required Corrective Action:** All brochures and pamphlets are required to be placed in the annual notice of non-discrimination including a statement that a lack of English language skills and visual or hearing impairment will not be a barrier for admission to Career Tech Education programs. A notice must be issued advising of the Title IX and Section 504 Coordinators telephone number(s) and it must also be available in the language of the minority population of the community.

**I-B - Continuous Notice of Non-Discrimination**

**Applicable Requirements** [Guidelines IV-O; 34 C.F.R. § 100.6(d)]

**Summary of Findings and Analysis:**

The review team noted that the college is making renewed and continuous efforts to update and notify employees, students and the general public of its nondiscrimination policies. The website has been updated to provide this information as a quick link, and efforts are underway to make consistent statements available on all documents.

**Required Corrective Action:** All brochures and pamphlets must include a statement of non-discrimination and that a lack of English language skills and visual or hearing impairment will not be a barrier for admission to Career Tech Education programs. The notice must also include the telephone number(s) of the Title IX and Section 504 and must be available in the language of the minority population of the college.

**I-C - Designation of Compliance Coordinators**

**Applicable Requirements:** [34 C.F.R. §§ 100.6(d), 104.8, and 106.9; and 28 C.F.R. §35.106]

**Summary of Findings and Analysis:**

The college has identified an Equal Opportunity Employment/ADA Compliance Officer, but it has not officially posted the telephone number of those who are responsible for Title IX and Section 504 coordination.

**Required Corrective Action:** Telephone number of compliance coordinators must be assigned and provided to staff, faculty and students. Numbers must also be posted in catalog and other prominent places, and must be printed in the national original language of the college community.

#### **I-D - Grievance Procedures**

**Applicable Requirements:** [Guidelines IV-O; 34 C.F.R. §§ 104.7(a) and 106.8(a); 28 C.F.R. § 35.107(a). Revised Sexual Harassment Guidelines, January 2001]

**Summary of Findings and Analysis:** Interviews with faculty and staff left the team with the impression that there has not always been a clear complaint or resolution policy for a civil rights grievance. There is no office on campus listed to specifically deal with civil rights complaints. There is a written unlawful Discrimination Complaint Form that can be accessed on the website. Interviews with staff indicated that handling complaints and investigating is too much for one person to handle.

**Required Corrective Action:** The college must post a Grievance Policy with procedures to be followed when filing a grievance; identify the office for which the grievance will be filed; develop a brochure explaining the process for filing a grievance; disseminate the information to faculty, staff and students.

### **Subpart II Recruitment, Admission, and Counseling**

#### **II-A - Admission Criteria**

**Applicable Requirements:** [Guidelines IVA, IV F; IV K; IV N; 34 CFR §§ 100.3(a) (b) (1) (v); 104.4(a) and (b); 28 CFR 35 106.21].

**Summary of Findings and Analysis:**

Based on back-up data from the college and team observation on campus, brochures and illustrations are free of gender bias and portray men and women, minorities and disabled persons programs and occupations in which these groups traditionally have not been represented. The college has taken steps to ensure that all materials used for appraising and counseling students and employees are bias free. General publications, reports and promotion materials also reflect the College's commitment to diversity and bias free resources and illustrations.

**Required Corrective Action: None**

#### **II-B - Access - Minority Students with Limited English Language Skills.**

**Acceptable Requirements:** [34 CFR 104.44(a,b,c,d); 34 CFR 104.44 (2); Guidelines V-A and V-D].

**Summary of Findings and Analysis:**

For over thirty years, College of Marin has been addressing the needs of English learners through a high quality English as a Second Language (ESL) Programs. Through free noncredit ESL classes, credit ESL classes and a fee-based Intensive English Program, the College of Marin has helped countless Marin residents and international students from over 50 countries fulfill their educational career and personal goals. To find the best class level, the college assesses student English language skills before they enter any of these programs. The college has Board Policies stating that minority and visual and hearing impaired students have access to all CTE programs. According to the SAS brochure and website, interpreters, peer tutors and other aides for enrolling students are available when needed. Interviews indicated that funding constraints have limited the ability to provide needed support to students.

**Required Corrective Action: None**

**II-C - Access - Pregnancy and Child Birth**

**Applicable Requirements:** [34 CFR 106.40(b); 34 CFR 106.21].

**Summary of Findings and Analysis:**

The college has policies and procedures in place for granting maternity leave consistent with temporary disability policies. Females who have temporary disabilities are treated the same as other students who may have a disability.

**Required Corrective Action:** None

**II-D - Access - Signage/Telecommunication**

**Applicable requirements:** [28 CFR 35.160; 28 CFR 35.161; 28 CFR 35.163 (a-b); Guidelines]

**Summary of Findings and Analysis:**

According to the information provided by the college, physical way-finding signage including centrally located maps is undergoing modernization. Several meetings have been held with students, faculty & staff to optimize the signage which will include braille. This includes both campus maps and finger-post signs, much like street signs. The campus way-finding signage is scheduled for installation summer of 2015.

**Required Corrective Action:** Although signage is available on modernized buildings, older buildings listed below in facilities must have signage or braille posted through-out the campus.

**II-F - Counseling - Students with Limited English and/or Visual/Hearing Impairment**

**Applicable Requirements:** [Guidelines VIII-D; Title VI, 100.3; 34 CFR 106.31; 35 CFR 104.43, 44, 46].

**Summary of Findings and Analysis:**

According to the SAS brochure, college website and interviews, the college has acceptable methods of identifying and serving students with limited English skills. The college provides interpreters for students with limited English and peer tutors and aides for visual and hearing impaired students. Frustration was expressed about the budget constraints that limit their ability to provide accommodations in a timely manner.

**Required Corrective Action:** None

**II-G - Counseling and Enrollment**

**Applicable Requirements:** [34 CFR 100.3; Guidelines V-B]

**Summary of Findings and Analysis:**

Interviews with staff members confirm that there are equitable opportunities for both men and women and for students with disabilities to enroll in all Career Technical Education Programs. Access to those programs is open to all. If and when there are prerequisite courses essential to participation in Career Technical Education Programs, they are available.

**Required Corrective Action:** None

**II-H - Counseling for Success**

**Applicable Requirements:** [34 CFR 106.36(b); 34 CFR 100.3; 34 CFR 104.37(b); Guidelines V-C]

**Summary of Findings and Analysis:** The College has taken steps to ensure that counselors and other employees are effectively communicating with national origin students with limited English proficiency. There is a bilingual receptionist on campus, and bilingual counselors are available when needed. No evidence of translated materials was found, except for pages 85 & 86 in the catalog. The ESL information in the catalog is not in Spanish. The definitions of ESL classes are listed in Spanish on the website, but Career Tech Ed class descriptions are not in Spanish.

**Required Corrective Action:** Update catalog with Spanish language descriptions.

## **II-I - Recruitment and Promotional Activities**

**Applicable Requirements:** [34 CFR 106.36; 34 CFR 100.3; 34 CFR 104.35(b); Guidelines V-A, V-D, V-E].

**Summary of Findings and Analysis:** The Outreach and School Relations Office builds and nurtures relationships with public high schools in and outside of Marin County through tours, Information Nights and College Fairs; establishes contacts with community based organizations serving prospective students; networks with elementary and middle schools in Marin County supporting a college-bound message through classroom sessions and a pipeline of information; sustains a Student Ambassador program to build capacity through student leaders; develops and produces events that highlight college programs, services, and opportunities for prospective students, including families and schools; serves as a community relations agent for COM; supports the College's efforts to identify and support under-served students including Veterans; and provides educational presentations to the community on issues of higher education access and success-building, financial aid/scholarships, advocacy, immigration, cultural sensitivity, college life, careers, and more.

**Required Corrective Action:** None

## **II-J - Recruitment, Admission and Test Criteria**

**Applicable Requirements:** [34 CFR 104.42(b-3); 34 CFR 100.3(c); Guidelines V-A; V-D]

### **Summary of Findings and Analysis:**

The college policies and portrayal of CTE offerings cover a broad range of occupational opportunities and are not limited on the basis of sex, race, color national origin, disability or age. The college has procedures to ensure that minority and visual and hearing impaired students have access to all CTE programs.

**Required Corrective Action:** None

## **Subpart III – Accessibility**

### **III-F Standards of Accessibility**

The Standards of Accessibility are determined by the date the facility was constructed or last altered by the institution. The following are the Standards of Accessibility:

- A. Readily Accessible -- (Section 504 (34 CFR 104.22) --** Construction initiated before 6/4/77. Existing facilities. Program(s) offered to CTE students in facility readily accessible to students with disabilities. Whole facility may not be accessible in its entirety.
- B. ANSI (American National Standards Institute) (34 CFR 104.23) –** Construction or alteration initiated 6/4/77 – 1/17/91.
- C. UFAS (Uniform Federal Accessibility Standards) – (34 CFR 104.23) --** construction or alteration initiated 1/18/91 – 3/14/12.
- D. 1991 ADA Standards -- (28 CFR 35.151) --** construction or alteration initiated on or after 1/27/92 to 3/14/12.
- E. 2010 ADA Standards -- (28 CFR 35.151(c) --** construction or alteration begun 9/15/10 – 3/14/12; from 3/15/12 to present – only applicable standards.

<b>BUILDING</b>	<b>CONSTRUCTION/ALTERATION MONTH AND YEAR</b>	<b>APPLICABLE ACCESSIBILITY STANDARD</b>
KTD -- Diamond PE Complex	Construction Completed 2009	2001 California Building Code. 1991 ADA Standards
KTD -- Fine Arts Building	Construction Completed December 2010	2007 California Codes, title 24. 1991 ADA Standards.
KTD -- Diamond PE Complex	Construction completed September 2009	2001 California Building Code 1997. 1991 ADA Standards.
KTD -- Performing Arts Building	Construction Completed January 2013	2010 ADA Standards

KTD -- Science, Math & Nursing Building	Construction Completed August 2012	2007 California Building Code. 2010 ADA Standards
KTD -- Child Study Center	Construction Completed May 2013	1998 California Title 24. 2010 ADA Standards
KTD - Learning Resource Center	Construction Completed February 2015	2010 ADA Compliance California Building Code. 2010
Village Square Portables	Construction Completed February 2015	2010 ADA Compliance California Building Code. 2010

### **ACCESSIBILITY VIOLATIONS**

<b>ACCESSIBILITY VIOLATION</b>	<b>APPLICABLE STANDARD</b>	<b>REQUIRED CORRECTIVE</b>
KTD Performing Arts Building 2010 ADA Standards, (28 CFR 35.15c 2010 ADA Standards Section 703.1	2007 California Code Title 24. 1991 and 2010 ADA Compliance Standards	Directional handicap signage needed throughout the building.
KTD - Child Study Center 2010 ADA Standards (28 CFR. 35.151(c) 2010 ADA Standards, Section 404.2.7	2010 ADA Compliance California Building Code. 2010	Wheelchair in- accessibility. Observation room window and counter too high for wheelchair.
Village Square Portables 2010 ADA Standards (28 CFR 35.151(c) 2010 ADA Standards, Section 404.2.7	2010 ADA Compliance ADA Compliance	Wheelchair in- accessibility. Wooden ramps above ½ inch standard for access.)

KTD Student Services 2010 ADA Standards (28 CFR 35.151(c)) 2010 ADA Standards, Section 309.4 2010 ADA Standards, 703.1	2010 ADA Compliance California Build code, 24.	Lack of Braille with room numbers and elevator has no handicap signage
KTD Learning Resource Building 2010 ADA Standards (28 CFR 35.151(c)) 2010 ADA Standards, Section 309.4	2010 ADA Compliance California Build code, 24.	Door Knobs need to be replaced with levers in order to accommodate individuals with disabilities

#### **Subpart IV - Comparable Facilities**

##### **IV-A - Comparable Facilities**

**Applicable Requirements:** [34 CFR 106.33; Guidelines VI-D; 34 CFR 104.4(b) (ii)].

##### **Summary of Findings and Analysis:**

Based on observation and documentation, the facilities in Career Technical Education classes where students are required to change clothes or use protective clothing are comparable. Changing and/or restroom facilities are private for both male and female students. All facilities have been modified or adapted to the extent necessary to make the Career Technical Education programs readily accessible to students with disabilities. Restrooms and shower facilities where Career Technical Education programs are offered are comparable for both sexes.

**Required Corrective Action: None**

#### **Subpart V - Services for Students with Disabilities**

##### **V-A Students with Disabilities**

**Applicable Requirements:** [34 CFR 104.44 (a,b,c,d); 34 CFR 104.33-104.36; 28 CFR (2);35.130; Guidelines V-A and V-D]

##### **Summary of Findings and Analysis:**

Based on information provided from the college, the Student Accessibility Services (SAS), formerly Disabled Student Programs and Service, philosophy and mission is to ensure an accessible and welcoming environment for individuals with documented disabilities while ensuring compliance with federal and state regulations. SAS at College of Marin provides equal access to education to students with a wide range of permanent and temporary disabilities, including learning disabilities, chronic health conditions, psychological disabilities, acquired brain injuries as well as mobility, vision, and hearing impairments. Services may consist of in-classroom services and/or outside the classroom services such as mobility or testing accommodations. Services and accommodations must be requested and approved by a SAS Counselor every semester.

A volunteer can also request the semester use of a Livescribe Smartpen provided by the Assistive Technology Specialist in order to facilitate the note-taking process as a benefit for taking notes for the entire semester. SAS ensures transcription, captioning, alternative media and interpreting services are available to the Deaf and Hard of Hearing community. SAS provides access to alternative media such as E-text, Braille and other formats as available to maintain accessibility to classroom materials. A sample of the assistive technology SAS availability consists of screen reading applications like Kurzweil 3000 and Firefly, magnification software, assistance with dictation software, Livescribe smartpens, large format keyboards, technology training sessions, voice amplifiers for lectures and much more.

##### **Required Corrective Action**

Implement a system that makes it possible to hire note takers or other students who will be available for DSPS Students.



## **Subpart VI – Financial Assistance**

### **VI-A - Financial Assistance**

**Applicable Requirements:**[Guidelines VIII-D; Title VI, 100.3; 34 CFR 106.31; 35 CFR 104.43, 44, 46]

**Summary of Findings and Analysis:**

All students enrolling or wishing to enroll in an academic or vocational program at College of Marin may apply for student financial assistance. Eligible students receive funds from a variety of federal, state and community programs to help cover school and living expenses. Most types of financial aid require that students file a Federal Student Aid Application (FAFSA -- Free Application for Federal Student Aid.)

The Federal Student Aid Information Center can answer student questions regarding the FAFSA application. A new data system has been implemented to determine which students are eligible for financial aid. Interpreters are available for students with English language deficiency.

**Required Corrective Action: None**

## **Subpart VII - Work-Study, Cooperative Programs, Job Placement**

### **VII-A -Career Preparation, Work Study, Apprenticeship, and Job Placement**

**Applicable Requirements:** [CFR 104.11(a) (4); 34 CFR 106.38; 34 CFR 104.46, Guidelines VII-A,B)]

**Summary of Findings and Analysis:**

**Cooperative Work Experience Education** offers the student the opportunity to earn college credit for planned learning activities related to employment. Working students, with the assistance of an instructor-coordinator and the on-job supervisor, set goals to be accomplished during the school term. This may include, but is not limited to, completing projects, attending group and/or individual meetings with the coordinator, participating in career workshops, learning new job skills, reading material related to human relations on the job, etc. The instructor-coordinator visits each employer during the school term and the cooperating employers are required to provide written evaluation of student's performance on the job. The college does not enter into agreements with agencies or unions that discriminate on the basis of race, color, sex, color, national origin, or disability. The review team heard in interviews that there is insufficient data to confirm that those who graduate from career tech education classes find gainful employment in their chosen field.

**Required Corrective Action: None**

## **Subpart VIII – Employment**

### **VIII-A - Position and Promotions**

**Applicable Requirements:** [Guidelines VIII-A,F; Age Discrimination Act (42 U.S.C. 6101 et seq.); 45 CFR Part 90] 34 CFR 100.3; 34 CFR 106.54; 34 CFR 104.11; Guidelines VIII-D].

**Summary of Findings and Analysis:**

The Marin Community College District is committed by policy not to discriminate on the basis of, race, ethnic group identification, ancestry, color, religion, age, gender, national origin, sexual orientation, disability (mental or physical), marital status, medical condition (cancer, genetic characteristics, or pregnancy), and status as a veteran in any of its educational and employment programs and activities, its policies, practices and procedures.

The Marin Community College District makes every attempt to stay in compliance with the requirements of Title IX of the 1972 Education Amendments, the Equal Employment Opportunity Act of 1972 (Title VII of the Civil Rights Act of 1964 as amended), the Civil Rights Act of 1991, and Section 504 of the Rehabilitation Act of 1974, the Americans with Disabilities Act, the California Fair Employment and Housing Act of 1980, the California Fair Employment and Housing Commission Rules and Regulations, and the Vietnam Veteran's Readjustment Act of 1974. Unfortunately, diversity of faculty and administration is not reflective of the diversity of the student body. (See table below)

Faculty salary schedules are based on the conditions and responsibilities of employment without regard to race, color, national origin, age, sex, or disability. It was brought to our attention that salary schedules at College of Marin are less than surrounding community colleges, making it more difficult to hire new staff.

**Date comparing the % of permanent staff (Fall 2013) and students (Spring, 2014) in each ethnicity.**

<b>Ethnicity</b>	<b>Staff</b>	<b>Students</b>
White	70%	45%
Hispanic	8%	31%
Asian	10%	8%
African American	8%	6%
Multi-racial & not reported	5%	10%

**Required Corrective Action:** Review HR procedures to assure selection process meets goals of achieving proportionate representation. Also review salary schedule to assess impact on recruitment and retention.

**VOLUNTARY COMPLIANCE PLAN**

**California Community Colleges**

**College:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Contact Person:** \_\_\_\_\_ **City** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Technical Assistance Requested:**    **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

Compliance Issue	Plan/Activities	Timeframe	Responsible Person

College: \_\_\_\_\_ Date \_\_\_\_\_

Compliance Issue	Plan/Activities/Timeframe	Responsible Person