

General Institution

BP 3507 COVID-19 Vaccination Requirements - SUSPENDED**References:**

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

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

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

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

- (1) all District employees must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations);
- (2) as a condition of enrollment, uniformly required, necessary to protect the health or safety of students and others, all District students must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations); and
- (3) all District volunteers must be fully vaccinated against COVID-19, unless approved as exempt due to verified medical or religious reasons (as defined in federal or state laws and regulations). Employees, students, and volunteers who qualify as exempt may be subject to

other safety measures in accordance with Cal/OSHA regulations and as required by the District to protect the campus community.

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

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

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

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

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

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

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

Date Adopted: August 10, 2021

Date Revised: November 9, 2021

Date Suspended: February 14, 2023