

Chapter 3 General Institution

AP 3507 COVID-19 Vaccination Requirements**References:**

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

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

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

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

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

regular testing. Covered Entities also must comply with any other District COVID-19 health and safety protocols in effect, including those set forth in this Procedure and any other implementing administrative procedures. Covered Entities are responsible for complying with this Administrative Procedure, as well as ensuring the compliance of their officers, employees, guests, users, agents, volunteers, visitors, and all others associated or affiliated with Covered Entities who access District campuses or facilities.

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

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

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

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

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

Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proof of Vaccination

All students, employees and volunteers submitting a verification of current COVID-19 vaccination status (with an approved vaccine above) shall verify that, at the District's request, they promptly will provide proof of vaccination against COVID-19. The District will not request any health or medical information for the purpose of enforcement of this policy other than proof of vaccination or in connection with requests for medical exemptions.

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

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

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

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

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

Exemption from Vaccination Requirement/Accommodation Process

If the District determines that an employee is exempt from the requirement to receive the COVID-19 vaccination due to disability or medical condition, or a sincerely held religious belief, the District will engage in an accommodations process to determine whether a reasonable accommodation can be provided. The accommodations process will determine whether a

reasonable accommodation exists to enable an employee to perform the “essential functions” of their job. Essential functions vary by job class and therefore the process shall be case by case and may result in different outcomes in different cases. Accommodations may not be possible depending on the particular circumstances.

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

Vaccine Boosters

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

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

Broad Dissemination of Policy Information

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

Access and Availability of Vaccinations and Testing

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

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

- a. The potential benefits of COVID-19 vaccination;

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

General Provisions

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

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

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

Acceptable face coverings are ones that fit snugly against the face, cover an individual's nose and mouth, and are secured under the chin.

Unacceptable face coverings are ones with holes in the covering, including exhalation valves mesh or lace fabrics; those that cannot be secured under the chin, including bandanas and face shields worn on their own; or neck gaiters (also called multi-bands).

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

Superseding Public Health Directives

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

Dual Enrollment Students

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

Apprenticeship Sites

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

Prohibition of Harassment Discrimination

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

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

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

Date Adopted: October 12, 2021