



College Coordinating Council Meeting

April 12, 2023
 9:30 a.m. – 10:30 a.m.
 L201

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves
Please Review/Bring: Agenda, Minutes

Committee Members:
 Tamira Palmetto-Despain, Academic Senate
 Diana Ferrassoli , ASO
 Pamela Ford, Classified Union
 Greg Bormann Confidential/Management/Supervisory/Administrators
 LaDonna Trimble, Deans
 Dr. Jason Bowen, Faculty Union

Dr. Jennifer Zellet, **CHAIR**
 Shami Brar, Vice President of Administrative Services
 Bridget Cook, General Counsel
 Dr. Howard Davis, Interim Vice President of Academic Affairs
 Victoria Simmons, Interim Vice President of Human Resources
 Idania Padron, Vice President of Student Services

MEETING

Items	Person(s) Responsible	Time	Action
STANDING ITEMS:			
I. Approval of Previous Minutes of February 22 and March 22, 2023	All	5 minutes	
II. Constituent Reports	All	5 minutes	
DISCUSSION/ACTION ITEMS:			
I. Representation on the IT Committee	Shami	5 minutes	Continued discussion from the March 22, 2023, meeting.
II. BP/AP 3410 – Nondiscrimination	Jennifer	5 minutes	Returned from Constituent Review of January 25, 2023.
III. BP/AP 3420 – Equal Employment Opportunity	Victoria	5 minutes	Returned from Constituent Review of February 8, 2023.
IV. BP/AP 3430 – Prohibition of Harassment	Victoria	5 minutes	Returned from Constituent Review of February 8, 2023.
V. BP/AP 3433 – Prohibition of Sexual Harassment	Victoria	5 minutes	Returned from Constituent Review of February 22, 2023.

POLICIES OUT FOR CONSTITUENT REVIEW		
AP 3434 – Responding to Harassment – Out for Review on March 22, 2023 BP/AP 5700 – Intercollegiate Athletics – Out for Review on March 22, 2023		
POLICIES IN PROCESS		
BP/AP 2510 – Participation in Local Decision Making	Howard	Working with the task force.
Decision Making Principle Document	Jennifer	Meeting with various groups on campus for input.
BP/AP 4010 – Academic Calendar	Howard	Waiting for Negotiations.
BP/AP 4100 – Graduation Requirements	Idania	Working on revisions with counseling.
BP/AP 4400 – Community Services	Howard	Working on revisions.
BP/AP 7130 - Compensation	Shami & Legal	
BP/AP 7800 – Emeritus Status (NEW)	Jennifer	Working on revisions.
NEXT MEETING DATE: April 26, 2023		



College Coordinating Council Minutes

February 22, 2023
9:30 a.m. – 10:30 a.m.
L201

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves
Please Review/Bring: Agenda, Minutes

Committee Members:
Tamira Palmetto-Despain, Academic Senate
Diana Ferrassoli, ASO
Pamela Ford, Classified Union
Greg Bormann Confidential/Management/Supervisory/Administrators - **ABSENT**
LaDonna Trimble, Deans - **ABSENT**
Dr. Jason Bowen, Faculty Union
~~~~~  
Dr. Jennifer Zellet, **CHAIR - ABSENT**  
Shami Brar, Vice President of Administrative Services  
Bridget Cook, General Counsel  
Dr. Howard Davis, Interim Vice President of Academic Affairs - **ABSENT**  
Victoria Simmons, Interim Vice President of Human Resources  
Dr. Jose Rivera, Interim Vice President of Student Services

## MINUTES

| Items                                               | Person(s)<br>Responsible | Time       | Action                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------|--------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDING ITEMS:</b>                              |                          |            |                                                                                                                                                                                                                                                                                                                   |
| I. Approval of Previous Minutes of February 8, 2023 | All                      | 1 minute   | The minutes were approved as presented.                                                                                                                                                                                                                                                                           |
| II. Constituent Reports                             | All                      | 4 minutes  | Pamela asked about representation on the committee and asked if the CMSA and Dean representation are different since both are a part of CMSA. Shami stated that representation is in AP 2510 and that the CMSA and Dean representative are separate. Pamela suggested that this be addressed at a future meeting. |
| <b>DISCUSSION/ACTION ITEMS:</b>                     |                          |            |                                                                                                                                                                                                                                                                                                                   |
| I. BP/AP 3433 – Prohibition of Sexual Harassment    | Victoria                 | 10 minutes | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                   |
| II. AP 3434 – Responding to Harassment              | Victoria                 | 10 minutes | Ran out of time, will continue to review at the next meeting.                                                                                                                                                                                                                                                     |
| III. AP 3435 – Discrimination & Harassment          | Vitoria                  | 2 minutes  | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                   |
| IV. BP/AP 5700 – Intercollegiate Athletics          | Jose                     | 2 minutes  | Ran out of time, will review at the next meeting.                                                                                                                                                                                                                                                                 |

|     |                                         |       |           |                                                   |
|-----|-----------------------------------------|-------|-----------|---------------------------------------------------|
| V.  | AP 5530 – Student Rights and Grievances | Jose  | 2 minutes | Ran out of time, will review at the next meeting. |
| VI. | Representation on the IT Committee      | Shami | 2 minutes |                                                   |

**POLICIES OUT FOR CONSTITUENT REVIEW**

BP/AP 2105 – Election of Student Member – Out for Review on January 25, 2023  
 BP 2200 – Board Duties & Responsibilities - Out for Review on January 25, 2023  
 BP/AP 2345 – Public Participation at Board Meetings - Out for Review on January 25, 2023  
 BP/AP 3410 – Nondiscrimination - Out for Review on January 25, 2023  
 BP/AP 3420 – Equal Employment Opportunity – Out for Review on February 8, 2023  
 BP/AP 3430 – Prohibition of Harassment – Out for Review on February 8, 2023  
 BP/AP 3433 – Prohibition of Sexual Harassment – Out for Review on February 22, 2023  
 AP 3435 – Discrimination & Harassment – Out for Review on February 22, 2023

**POLICIES IN PROCESS**

|                                                     |                        |                                                  |
|-----------------------------------------------------|------------------------|--------------------------------------------------|
| BP/AP 2510 – Participation in Local Decision Making | Howard                 | Working with the task force.                     |
| Decision Making Principle Document                  | Jennifer               | Meeting with various groups on campus for input. |
| BP/AP 3720 – Computer Network IT Committee          | Shami and IT Committee |                                                  |
| BP/AP 4010 – Academic Calendar                      | Howard                 | Waiting for Negotiations.                        |
| BP/AP 4100 – Graduation Requirements                | Jose                   | Working on revisions with counseling.            |
| BP/AP 4400 – Community Services                     | Howard                 | Working on revisions.                            |
| BP/AP 6340 – Bids and Contracts                     | Shami                  |                                                  |
| AP 6370 – Contracts for Personal Services           | Shami                  |                                                  |
| BP/AP 7130 - Compensation                           | Shami & Legal          |                                                  |
| BP/AP 7800 – Emeritus Status (NEW)                  | Jennifer               | Working on revisions.                            |

**NEXT MEETING DATE: March 22, 2023**



# College Coordinating Council Minutes

**March 22, 2023**  
9:30 a.m. – 10:30 a.m.  
L201

**Type of Meeting: Regular**  
**Note Taker: Patty McClure, Megan Aceves**  
**Please Review/Bring: Agenda, Minutes**

**Committee Members:**  
Tamira Palmetto-Despain, Academic Senate  
Diana Ferrassoli, ASO  
Pamela Ford, Classified Union  
Greg Bormann Confidential/Management/Supervisory/Administrators  
LaDonna Trimble, Deans  
Dr. Jason Bowen, Faculty Union

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Dr. Jennifer Zellet, **CHAIR**  
Shami Brar, Vice President of Administrative Services - **ABSENT**  
Bridget Cook, General Counsel  
Dr. Howard Davis, Interim Vice President of Academic Affairs  
Victoria Simmons, Interim Vice President of Human Resources  
Idania Reyes, Vice President of Student Services

## MINUTES

| Items                                                | Person(s)<br>Responsible | Time       | Action                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------|--------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDING ITEMS:</b>                               |                          |            |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| I. Approval of Previous Minutes of February 22, 2023 | All                      | 1 minute   | Skipped over this item.                                                                                                                                                                                                                                                                                                                                                                                            |
| II. Constituent Reports                              | All                      | 4 minutes  | Skipped over this item.                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>DISCUSSION/ACTION ITEMS:</b>                      |                          |            |                                                                                                                                                                                                                                                                                                                                                                                                                    |
| I. AP 3434 – Responding to Harassment                | Victoria                 | 10 minutes | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                                                                                                                    |
| II. BP/AP 5700 – Intercollegiate Athletics           | Jennifer/Idania          | 2 minutes  | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                                                                                                                    |
| III. Representation on the IT Committee              | Shami                    | 2 minutes  | Howard stated that the IT committee would like to replace an obsolete position (IMC/Library rep) with a more accurate reflection of our present organizational structure, called Classified Rep - Academic Affairs. This would align well with the "Classified Rep-Student Services." Pamela stated that she would like to meet with the union to discuss. The item was tabled and will return to another meeting. |

|       |                                                     |          |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------|-----------------------------------------------------|----------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IV.   | BP/AP 2105 – Election of Student Member             | Jennifer | 2 minutes | A minor revision was suggested, and was agreed to move forward to the April 10, 2023, Board Meeting.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| V.    | BP 2200 – Board Duties & Responsibilities           | Jennifer | 2 minutes | A minor revision was suggested, and was agreed to move forward to the April 10, 2023, Board Meeting.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| VI.   | BP/AP 2345 – Public Participation at Board Meetings | Jennifer | 2 minutes | There was much discussion around the speaker time limit. Jennifer stated that the amendment should not be based on the past, that the Board is interested in the campus input and ultimately it is their action to take. Bridget provided background as the Board’s intention of the revision from 5-3 minutes was to allow more people to speak on a topic. Tamira, Pamela and Jason agreed that to return to the 5-minute speaker limit would be a good gesture. It was agreed to table and will return to another meeting. |
| VII.  | BP/AP 3410 – Nondiscrimination                      | Jennifer | 2 minutes | Ran out of time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| VIII. | BP/AP 3420 – Equal Employment Opportunity           | Victoria | 2 minutes | Ran out of time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| IX.   | BP/AP 3430 – Prohibition of Harassment              | Victoria | 2 minutes | Ran out of time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**POLICIES OUT FOR CONSTITUENT REVIEW**

BP/AP 3433 – Prohibition of Sexual Harassment – Out for Review on February 22, 2023  
 AP 3435 – Discrimination & Harassment – Out for Review on February 22, 2023

**POLICIES IN PROCESS**

|                                                     |                        |                                                  |
|-----------------------------------------------------|------------------------|--------------------------------------------------|
| BP/AP 2510 – Participation in Local Decision Making | Howard                 | Working with the task force.                     |
| Decision Making Principle Document                  | Jennifer               | Meeting with various groups on campus for input. |
| BP/AP 3720 – Computer Network IT Committee          | Shami and IT Committee |                                                  |
| BP/AP 4010 – Academic Calendar                      | Howard                 | Waiting for Negotiations.                        |
| BP/AP 4100 – Graduation Requirements                | Jose                   | Working on revisions with counseling.            |
| BP/AP 4400 – Community Services                     | Howard                 | Working on revisions.                            |
| BP/AP 6340 – Bids and Contracts                     | Shami                  |                                                  |
| AP 6370 – Contracts for Personal Services           | Shami                  |                                                  |
| BP/AP 7130 - Compensation                           | Shami & Legal          |                                                  |
| BP/AP 7800 – Emeritus Status (NEW)                  | Jennifer               | Working on revisions.                            |

**NEXT MEETING DATE: April 12, 2023**



## BP 3410 Nondiscrimination

### References:

Education Code Sections 66250 et seq., 72010 et seq. and 87100 et seq.;  
Title 5 Sections 53000 et seq.; and 59300 et seq.;  
Penal Code Section 422.55;  
Government Code 12926.1 and 12940 et seq  
Title 2 Sections 10500 et seq.;  
Labor Code Section 1197.5;  
**ACCJC** Accreditation Eligibility Requirement 20 and Accreditation Standard Catalog Requirements

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 national origin, **immigration status**, 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 and veteran status, or because he/she/**they** 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 national origin, **immigration status**, religion, age, gender, gender identity, gender expression, race, **ethnicity**, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she/**they** is perceived to have one or more of the foregoing characteristics, or because of his/her/**their** association with a person or group with one or more of these actual or perceived characteristics.

~~Notice of this policy will be circulated to all units of the District on an annual basis and incorporated into teacher and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the college district.~~



~~Failure to comply with this policy may result in termination of the cooperative agreement.~~





Also see AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, and BP/AP 5140 Disabled Student Programs and Services.

Adopted: 11/7/05  
Revised: 5/8/06  
Revised: 1/8/07  
Revised: 2/9/09  
Revised: 8/13/12  
Revised: 10/10/16  
Revised: 8/13/18  
Revised: 5/11/20

\* CCLC Recommended Language

\*\* AVC Recommended Language



## AP 3410 Nondiscrimination

### **Nondiscrimination References for Education Programs:**

Education Code Sections 200 et seq 66250 et seq. and 72010 et seq.;

Penal Code Section 422.55 et seq.;

Title 5 Section 59300 et seq.,

**ACCJC** Accreditation Eligibility Requirement 20 and **ACCJC** Accreditation Standard Catalog Requirements

~~It shall be a violation of this procedure for any District employee or student through conduct or communications to commit an act of discrimination as defined in BP 3410 Nondiscrimination.~~

### **Education Programs**

The District shall provide access to its services, classes and programs without regard to 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, ~~M~~military and ~~V~~veteran status, or because he/she/**they** 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.

### **Nondiscrimination References for Employment:**

Education Code Sections 87100 et seq.,

Title 5 Sections 53000 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.

Title 2 Sections 10500 et seq.;

Labor Code Section 1197.5



## **Employment**

The District shall provide equal employment opportunities to all applicants and employees regardless of 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, **immigration status**, or military and veteran status.

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.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any **the** basis of their 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, **immigration status**, or military and veteran status.

~~Any person who alleges discrimination by any employee or student in the college district may file a grievance under the discrimination complaint procedures contained in the Antelope Valley College Complaint Procedure for Allegations of Discrimination or Sexual Harassment document that can be obtained in the Human Resources Office.~~

Also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, BP 4030 Academic Freedom, and BP/AP 5140 Disabled Student Programs and Services.

Approved: 11/7/05  
Revised: 5/8/06  
Revised: 1/8/07  
Revised: 1/12/09  
Revised: 7/9/12  
Revised: 3/10/14  
Reviewed: 9/12/16  
Revised: 8/13/18  
Revised 4/13/20



\* CCLC Recommended Language  
\*\* AVC Recommended Language



## BP 3420 Equal Employment Opportunity

### References:

Education Code Sections 87100 et seq.  
Title 5 Sections 53000 et seq.  
**ACCJC** Accreditation Standard III.A. 12

The Board of Trustees supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony, and suitable role models for all students. The Board of Trustees therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Also see [AP 3420 Equal Employment Opportunity](#), [BP/AP 3410 Nondiscrimination, BP/AP Prohibition of Harassment](#), [AP 3435 Discrimination and Harassment Complaints and Investigations](#), and [BP/AP 7100 Commitment to Diversity](#).

Adopted: 11/7/05  
Revised: 6/13/16  
Revised: 5/11/20

\* **CCLC Recommended Language**

\*\* **AVC Recommended Language**

## AP 3420 Equal Employment Opportunity

### References:

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.  
**ACCJC Accreditation Standard III.A.12**  
**Government Code Sections 7400 et seq. and 12940 et seq.**  
**~~20 U.S. Code Sections 1681 et seq.;~~**

The Equal Employment Opportunity (EEO) Plan ~~shall~~ **should** be a District-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the California Community Colleges Chancellor's Office for review **and approval** as required
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the Plan and assuring compliance with the requirements of this procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the Plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's Plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- **A process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below;**
- **To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the**

work required for each such job category and whether or not the underrepresentation is significant;

- ~~• An analysis of the number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below~~
- ~~• An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the under representation is significant;~~
- The steps the District will take to promote diversity in its workforce;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- ~~• Additional steps to address any significant under representation of monitored groups identified in the Plan.~~
- The Plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the Plan.

#### **Annual Evaluation**

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. ~~The Office of Human Resources will annually survey the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the EEO Plan, to provide data needed for the reports required by the Plan and to determine whether any monitored group is underrepresented.~~
- ~~The District will annually report to the California Community Colleges Chancellor the results of its annual survey of employees. At least every three (3) years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories. The District will submit an annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:~~
  - executive/administrative/managerial
  - faculty and other instructional staff
  - professional non-faculty
  - secretarial/clerical
  - technical and paraprofessional
  - skilled crafts; and
  - service and maintenance.

~~For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify her/ his gender, ethnic group identification and, if applicable, her/ his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s).~~

~~The District shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:~~

- ~~• longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.~~
- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:
  - longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

### **EEO Advisory Committee**

The District has established an Equal Employment Opportunity Advisory Committee to assist the District in implementing its EEO Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The committee shall include a diverse membership whenever possible. The committee will be composed of the EEO Officer, Human Resources Director, two (2) members from the



Academic Senate, one administrative council member, two (2) ASO representatives, two (2) classified union representatives, one member of the confidential/management/supervisory unit, one (1) member from the Office of Students with Disabilities, and one (1) member from the faculty union. Ex-officio members shall include the Human Resources Vice President and the EEO Officer, if different from the Human Resources Vice President. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the Superintendent/President, and EEO Officer. The advisory committee shall receive training in all the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

## **Employment Procedures**

**Job Analysis and Validation:** The [Assistant Superintendent/Vice President](#), ~~of~~ Human Resources or designee shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

## **Recruitment**

- Recruitment must be conducted actively within and outside of the District work force.
- Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances.
- Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, ~~from all monitored groups,~~ are provided the opportunity to seek employment with the District.
- Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate

candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations ~~that primarily serve members of monitored groups that are underrepresented in the District.~~

- Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

### Applicant Pools

- The application for employment shall afford each applicant an opportunity to identify himself/ herself/~~themselves~~ voluntarily as to gender, ethnicity and, if applicable, his/ her/~~their~~ disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.
- After the application deadline has passed, the initial applicant pool shall be ~~analyzed to determine whether the projected representation has been achieved for monitored groups~~ shall be recorded and reviewed by the Chief Human Resources Officer or designee. ~~If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the under representation, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.~~ All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”
- Once the qualified pool is formed, the pool must again be analyzed. ~~If this analysis reveals adverse impact against any monitored group~~ If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

### Screening and Selection

Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the

District community and campus; include a diverse membership when possible; and exclude applicants, ~~or persons listed as references who have written letters of recommendation, or who are family members, cohabitants, or and~~ relatives.

- Every screening and selection committee includes an EEO representative trained to monitor conformance with EEO requirements. The Assistant Superintendent/Vice President, of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job-related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and records relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
- consider various other means of reducing the under-representation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant under-representation persists:

~~o~~ — monitor on an on-going basis;

- o review each locally-established job qualification to determine if it is job related and consistent with business necessity;
- o discontinue the use of any non-job-related local qualification;
- o and continue using job-related local qualifications only if no alternative standard is reasonably available.
- o Consider the implementation of additional measures designed to promote diversity.

#### **Delegation of Authority**

The Board of Trustees delegates to the Assistant Superintendent/Vice President, of Human Resources the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Assistant Superintendent/Vice President, of Human Resources shall also serve as the Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If a complaint involves the Equal Employment Opportunity Officer, the complaint may be filed with the Superintendent/President.

## Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedures. An individuals should file a written complaint with the [Assistant Superintendent/Vice President of Human Resources](#). The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

~~The process for filing a complaint alleging that the equal employment opportunity regulations have been violated is outlined in the EEO Plan. In addition, the District has adopted procedures for complaints alleging unlawful discrimination or harassment. The District's discrimination and sexual harassment complaint procedures are attached to the EEO Plan.~~

Commented [1]: This is covered under other BPs/APs

~~The District must identify to the public and to the California Community Colleges Chancellor's Office an individual described in Title 5 as the "responsible District officer," responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.~~

~~When a person brings charges of unlawful discrimination the officer must:~~

- ~~• Undertake efforts to resolve the charge informally;~~
- ~~• Advise the complainant that he/she need not participate in an informal resolution of the complaint;~~
- ~~• Notify the complainant of the procedures for filing a formal complaint;~~
- ~~• Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.~~
- ~~• If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the California Community Colleges Chancellor's Office.~~

~~A formal complaint not involving employment, must be processed if it is filed within one (1) year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.~~

~~A formal complaint alleging discrimination in employment must be filed within one hundred eighty (180) days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial one hundred eighty (180) days.~~

~~The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his/her official capacity.~~

~~When a proper complaint is received, the District will begin an impartial fact finding investigation, and notify the complainant and the California Community Colleges Chancellor's Office that it is doing so.~~

~~When the investigation is done, the results must be set forth in a written report. The written report must 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 discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.~~

~~In any case that does not involve employment discrimination, the District must provide the California Community Colleges Chancellor's Office with a copy of the investigative report within ninety (90) days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety (90) days from the date the District received the complaint. The California Community Colleges Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Assistant Superintendent/Vice President of Human Resources as to whether discrimination 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 complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office.~~

~~In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Assistant Superintendent/Vice President of Human Resources as to whether discrimination 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 the complainant's right to appeal to the District's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing (DFEH).~~

~~If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the Board of Trustees within fifteen (15) days from the date of the notice of the administrative determination. The Board of Trustees must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty five (45) days of receiving the appeal.~~

~~In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the California Community Colleges Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her to right~~

~~to file a complaint with the DFEH.~~

~~Where the Board does not act within forty five (45) days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the California Community Colleges Chancellor's Office, that the Board of Trustees took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the California Community Colleges Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.~~

~~In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the California Community Colleges Chancellor's Office within thirty (30) days after the Board of Trustees issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Title 5 Section 59338 subdivisions (b) or (d), whichever is later.~~

~~The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the California Community Colleges Chancellor's Office may require.~~

### **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, persons with disabilities, ~~and Vietnam era active military and veterans~~. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, marital status, sexual orientation, veteran or military status, ~~sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam era active military and veterans, ancestry~~ or political or organizational affiliation.

### **Dissemination and Revision of the Plan**

~~The EEO Plan and subsequent revisions will be distributed to the Board of Trustees, the President, administrators, the Academic Senate President, faculty and classified union presidents, and members of the District Equal Employment Opportunity Advisory Committee. All managers and supervisors shall be given copies of the plan as revised from time to time~~

and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees. ~~The Plan will be available on the District's website, and when appropriate, may be distributed by e-mail.~~

All managers and supervisors shall be given copies of the plan ~~upon revision~~ ~~as revised from time to time~~ and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three ~~(3)~~ years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within ~~ninety (90)~~ days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies ~~are~~ do not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

#### **Accountability and Corrective Action**

The District shall certify annually to the California Community Colleges Chancellor that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division.

Also see BP 3420 Equal Employment Opportunity, BP/AP 3410 Nondiscrimination, AP 3435 Discrimination and Harassment Complaints and Investigations, and BP/AP 7100 Commitment to Diversity.

Approved: 4/14/08

Revised: 5/9/16

Revised: 4/13/20

\* CCLC Recommended Language

\*\* AVC Recommended Language



## BP 3430 Prohibition of Harassment

### References:

Education Code Sections 212.5 44100, 66252 and 66281.5;  
Government Code Sections 12923, 12940 and 12950.1;  
Civil Code Section 51.9;  
Title 2 Sections 10500 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

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. State and federal law and this policy prohibit harassment, and the District will not tolerate harassment.~~ 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;~~ The District shall be free of unlawful harassment including that which is based on any of the following statuses: race, religious creed, color, national origin, **ethnicity**, ancestry, **immigration status**, 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/she/**they** is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, 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. ~~The District will investigate all allegations of retaliation All allegations of retaliation will be swiftly and thoroughly investigated.~~ swiftly and thoroughly. If the District determines that ~~someone has retaliated, 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, employee, unpaid intern, or volunteer who believes that he/she/**they** has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 Discrimination and Harassment Complaints and Investigations. ~~The District requires supervisors to report 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 **harassment 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. **State and federal law and this policy prohibit All participants are protected from** retaliatory acts by the District, its employees, students, and agents.

**The District will publish and publicize this policy and related written procedures (including the procedure for making complaints)** ~~This policy and related written procedures including the procedure for making complaints, shall be widely published and publicized~~ to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. **The District will make this policy and related written procedures (including the procedure for making complaints)** ~~They shall be~~ available ~~for students, employees, unpaid interns and volunteers~~ in all administrative offices, and **will post them shall be posted** on the District's website.

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 program.

Also see BP 3430 Prohibition of Harassment, BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, [BP/AP 3433 Prohibition of Sexual Harassment Under Title IX](#), [AP 3434 Responding to Harassment Based on Sex Under Title IX](#), and AP 3435 Discrimination and Harassment Complaints and Investigations.

Adopted: 11/7/05  
Revised: 8/13/12  
Revised: 10/9/17  
Revised: 5/13/19  
Revised: 1/13/20

\* **CCLC Recommended Language**  
\*\* **AVC Recommended Language**



## AP 3430 Prohibition of Harassment

### References:

Education Code Sections 212.5, 44100 and 66281.5, and 66281.8;  
Government Code Sections 12940 and 12923  
Civil Code Section 51.9;  
Title 2 Sections 10500 et seq.;  
~~Title IX, Education Amendments of 1972;~~  
Title 5 Sections 59320 et seq.;  
Title VII of the Civil Rights Act of 1964  
42 U.S. Code Annotated 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, District bus, or at a class or training program sponsored by the District at another location.

### Definitions

**General Harassment.** Harassment based on 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, military 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 a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/ ~~or~~ her/~~their~~ ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

~~For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.~~

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 derisive 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/~~their~~ 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, 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 (2) 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 alters the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or creates 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 unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment.

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.

## **Consensual Relationships**



Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members 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 members, 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 antidiscrimination laws.

Also see BP 3430 Prohibition of Harassment, BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, [BP/AP 3433 Prohibition of Sexual Harassment Under Title IX](#), [AP 3434 Responding to Harassment Based on Sex Under Title IX](#), and AP 3435 Discrimination and Harassment Complaints and Investigations.

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Revised: 5/13/19  
Revised: 11/12/19

\* CCLC Recommended Language

\*\* AVC Recommended Language

## **BP 3433 Prohibition of Sexual Harassment under Title IX**

### **References:**

Title IX of the Education Amendments Act of 1972;  
34 Code of Federal Regulations Part 106

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. 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.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434 Responding to Harassment Based on Sex under Title IX. The District requires supervisors 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 sexual harassment and to prevent, minimize, 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 sexual harassment on campus. The Superintendent/President shall further establish procedures for

employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

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. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

For non-Title IX matters, also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations.

\* CCLC Recommended Language

\*\* AVC Recommended Language

## AP 3433 Prohibition of Sexual Harassment under Title IX

### References:

Title 5 Sections 59320 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;

Title IX Education Amendments of 1972

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and the related policy protects students, employees, 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.

### Definitions

**Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their



temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
  - **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
  - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

For non-Title IX matters, also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations.

\* CCLC Recommended Language

\*\* AVC Recommended Language