

UNLAWFUL HARASSMENT AND DISCRIMINATION PREVENTION AND COMPLAINTS

I. PHILOSOPHY

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

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities while providing an academic and work environment that respects the dignity of individuals and groups. The District, and each individual who represents the District, shall provide access to its services, classes, and programs free of unlawful discrimination and harassment, including that which is based on any legally protected statuses, including but not limited to: race, color, religious creed, ancestry, immigration status, national origin, ethnicity, physical disability, mental disability, pregnancy, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, the perception that a person has 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.

A person shall not be unlawfully impacted in hiring, termination, or any term or condition of employment or otherwise penalized based upon the person's use of cannabis off the job and away from the workplace unless permitted by California law.

II. FREE FROM RETALIATION

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment or discrimination without fear of retaliation or reprisal. Therefore, the District strictly prohibits retaliation against any individual for filing a complaint of harassment and/or discrimination or for participating in a harassment and/or discrimination investigation. Such conduct is illegal and constitutes a violation of this policy.

The District will investigate all allegations of retaliation swiftly and thoroughly. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct.

III. REPORTING

Any student, employee, unpaid intern, or volunteer who believes that they have been harassed, discriminated or retaliated against in violation of this policy should immediately report such

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incidents by following the approved procedures described in Administrative Regulation 3430 - *Unlawful Harassment and Discrimination Prevention and Complaints*.

All managers and supervisors are required to report all incidents of harassment, discrimination, and retaliation that come to their attention to Human Resources.

IV. APPLICABILITY

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.

No District funds shall 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 they are perceived to have one or more of the foregoing characteristics, or because of their association with a person or group with one or more of these actual or perceived characteristics.

V. EDUCATION, TRAINING, AND NOTIFICATION

The Chancellor shall ensure that the District undertakes education and training activities to counter harassment and to prevent, minimize, and eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

This policy and related written regulations (including the process for making and investigating complaints) shall be widely published and publicized to the management team, faculty, staff, students, unpaid interns, and volunteers. This policy shall be given to all new employees and made available for students, employees, unpaid interns, and volunteers in all administrative offices, and shall be posted on the District's website.

VI. REGULATIONS

The Chancellor shall establish regulations:

- A. Defining harassment on campuses.
- B. Providing for the investigation and resolution of complaints regarding harassment, discrimination, and retaliation for employees, students, unpaid interns, volunteers, and other members of the college community.
- C. Ensuring 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

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regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

VII. VIOLATIONS

Employees who violate the policy and regulations may be subject to disciplinary action up to and including termination. Students who violate this policy and related regulations may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related regulations may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program. Volunteers who violate this policy and related regulations may be removed from current and future volunteer assignments. Vendors and contractors who violate this policy and related regulations may be subject to contract termination.

References:

Education Code Sections 212.5, 66250 et seq., 66281.5, 44100, 72010 et seq., and 87100 et seq.
Government Code Sections 12923, 12926.1, 12940 et seq., and 12950.1
Title 2 Sections 10500 et seq.
Penal Code Section 422.55
Labor Code Section 1197.5
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e
Title IX, Education Amendments of 1972
Title 5, Sections 53000 et seq. and 59300 et seq.
ACCJC Accreditation Eligibility Requirement 20
Civil Code Section 51.9
The Americans with Disabilities Act of 1990 – 42 United States Code Sections 12101 et seq.

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