



Human Resources Committee

AGENDA

4/02/25 - 3:30 PM – 5:00 PM

Via Zoom: <https://rscdd-edu.zoom.us/j/81930810697>

Meeting ID #819 3081 0697

Members:

Chair, Kristin Olson, Vice Chancellor,
Human Resources, District
Co-Chair, Omelina Garcia, Classified
Representative, Santa Ana
College

Santa Ana College

Dr. Annebelle Nery, President

Dr. Jeffrey Lamb, Vice President,
Academic Affairs (delegate in
absence of President and regular
guest)

Dr. Merari Weber, Academic Senate
Representative

John Zarske, Academic Senate
Representative

Omelina Garcia, Classified
Representative

Santiago Canyon College

Dr. Jeannie Kim, President

Dr. Jason Parks, Vice President,
Academic Affairs (delegate in
absence of President and regular
guest)

Denise Salcido, Academic Senate
Representative

Charlie Malone, Academic Senate
Representative

Zina Edwards, Classified
Representative

Madeline Grant, President,
FARSCCD

District Office

Kristin Olson, Vice Chancellor,
Human Resources

Alistair Winter, Assistant Vice
Chancellor, Operations

George Williams, Assistant Vice
Chancellor, Human Resources,
Investigations, & Equity

Maria E. Garcia, Human Resources
Specialist, Classified
Representative

Jasmin Hudson, Diversity, Equity,
and Inclusion Coordinator

Emelyne Camacho, Diversity, Equity,
and Inclusion Coordinator

Student Representatives

Alejandro Avila

Adriana Garcia Ludena

1. **Welcome and Introductions of New Members and Guests (Omelina Garcia)**
2. **Approval of the Minutes from March 12, 2025 (Omelina Garcia)**
3. **EEO Component 13 – In-Depth Conversation (ODEI: Sonia Leticia Velez)**
4. **Action Item – Review and Approve Revised BPs & ARs (Kristin Olson)**
 - a. **AR 3435 Discrimination and Harassment Complaints and Investigations**
5. **Informational Item - Agenda for the 2024-2025 Year (Kristin Olson)**
 - a. **May 7: Review EEO Plan Module 13 (Discuss & Advise)**
 - b. **May 21: Committee Progress - Year in Review, DEIA Year in Review, Advise in DEIA Initiatives for 2025-2026, Set Committee Goals for Next Year, Set Meeting Dates**
6. **Adjournment (Omelina Garcia)**



Human Resources Committee

MINUTES

March 12, 2025

3:30 PM – 5:00 PM

Via Zoom: <https://rscd-edu.zoom.us/j/81930810697>

Meeting ID #819 3081 0697

Members:

**Chair, Kristin Olson, Vice Chancellor,
Human Resources, District
Co-Chair, Omelina Garcia, Classified
Representative, Santa Ana College**

Santa Ana College

**Dr. Annebelle Nery, President
Dr. Jeffrey Lamb, Vice President,
Academic Affairs (delegate in absence
of President and regular guest)
Dr. Merari Weber, Academic Senate
Representative
John Zarske, Academic Senate
Representative
Omelina Garcia, Classified
Representative**

Santiago Canyon College

**Dr. Jeannie Kim, President
Dr. Jason Parks, Vice President,
Academic Affairs (delegate in absence
of President and regular guest)
Denise Salcido, Academic Senate
Representative
Charlie Malone, Academic Senate
Representative
Zina Edwards, Classified Representative
Madeline Grant, President, FARSCCD**

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Chancellor, Operations
George Williams, Assistant Vice
Chancellor, Human Resources,
Investigations, & Equity
Maria E. Garcia, Human Resources
Specialist, Classified Representative
Jasmin Hudson, Diversity, Equity, and
Inclusion Coordinator
Emelyne Camacho, Diversity, Equity,
and Inclusion Coordinator**

Student Representatives

**Alejandro Avila
Adriana Garcia Ludena**

Members Present: Emelyne Camacho, Zina Edwards, Maria Garcia, Omelina Garcia, Madeline Grant, Jasmin Hudson, Dr. Annebelle Nery, Dr. Jason Parks, Kristin Olson, Denise Salcido, Dr. Merari Weber, George Williams, Alistair Winter and John Zarske

Members Absent: Alejandro Avila, Dr. Jeannie Kim, Dr. Jeffrey Lamb, Adriana Garcia Ludena, Charlie Malone

Guest: Rene Araque, Sonia Leticia Velez

1. Call to Order (Omelina Garcia)

The meeting was called to order at 3:31 p.m.

2. Welcome and Introductions of New Members and Guests (Omelina Garcia)

The committee members took turns stating their names and locations for new members.

3. Approval of the Minutes from February 12, 2025 (Omelina Garcia)

It was moved by Dr. Parks and seconded by Dr. Weber to approve the February 12, 2025 minutes. There was one abstention from Maria Garcia and the motion passed.

4. District Council Meeting March 3, 2025, Report Out & Update (Omelina Garcia)

Omelina Garcia reported out the following action items from the March 3, 2025 District Council meeting:

- Approval of the 2025-2026 Tentative Budget Assumptions
- Approval of the following Administration Regulations:
 - AR 3410 Nondiscrimination
 - AR 3420 Equal Employment Opportunity
 - AR 3430 Prohibition of Harassment
 - AR 3440 Service Animals

5. EEO/DEIA Activities, Report Out & Update (ODEI: Sonia Leticia Velez)

Sonia Leticia Velez provided an update on the EEO Report, Component 13 and associated tasks via PowerPoint presentation. Component 13 focuses on the selection of specific Pre-Hiring, Hiring, and Post-Hiring strategies to advance equity, diversity and inclusion in our workplace.

6. Review Revised BP & AR (Kristin Olson)

Kristin Olson reviewed the following revisions to the board policies and administrative regulations with the committee.

- a. **AR 3300 Public Records**
Legal references were updated.
- b. **AR 3435 Discrimination and Harassment Investigations**
The committee agreed to edit Pg. 5, Filing a Timely Complaint to 45 recommended days and create stronger language connecting the section referring to the 180 complaint filing time limit and incorporate a rationale.
- c. **BP 3550 Drug-Free Environment and Drug Prevention Program**
Reflects changes in the law.
- d. **Documents will be attached* (please do not share out until after HRC meeting)**

- i. <https://www.rscdd.edu/Trustees/Documents/ARs/ARs-Chapter%203/AR%203300%20Public%20Records.pdf> , no changes other than references
- ii. <https://rscdd.edu/Trustees/Documents/ARs/ARs-Chapter%203/AR%203435%20Discrimination%20and%20Harassment%20Complaints%20and%20Investigations.pdf> updates to correspond with Title 5 updates
- iii. <https://www.rscdd.edu/Trustees/Documents/Board%20Policies/BPs-Chapter%203/BP%203550%20Drug%20Free%20Environment%20and%20Drug%20Prevention%20Program.pdf> , updates to match updated law on Naloxone Distribution, which is already updated in the corresponding AR

7. Informational Item - Agenda for the 2024-2025 Year (Kristin Olson)

Kristin Olson reviewed the agenda for the remainder of the 2024-2025 Year.

- b. **April: Review EEO Plan Module 13 (Review)**
- c. **May: Review EEO Plan Module 13 (Discuss & Advise)**
- d. **June: Committee Progress - Year in Review, DEIA Year in Review, Advise in DEIA Initiatives for 2025-2026, Set Committee Goals for Next Year, Set Meeting Dates**

8. Adjournment (Omelina Garcia)

The committee adjourned at 4:30 p.m. The next meeting will be held on April 2nd followed by the May 7th HRC meeting and the final HRC meeting on May 21st.

Rancho Santiago Community College District
ADMINISTRATIVE REGULATION
Chapter 3
General Institution

AR 3435 Discrimination and Harassment Complaints and Investigations

References:

Education Code Sections 212.5, 231.5, 12950.1, 66281.5, and 67386
Government Code Section 12950.1;
Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
Title 2 Sections 11023 and 11024;
~~34 Code of Federal Regulations Section 106.8(b)~~

The District is committed to equal opportunity in educational programs, employment, and all access to instructional programs and activities while providing an academic and work environment free of unlawful discrimination and harassment that respects the dignity of all individuals and groups.

This regulation sets forth a procedure for the investigation and resolution of complaints by or against any student or employee within the District. This regulation and the related policy protect students, employees, unpaid interns, and volunteers in connection with all the academic, education, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District vehicle, or at a class or training program sponsored by the District at another location.

For conduct that is defined by the Title IX federal regulations as sexual harassment in an education program or activity against a person in the United States, Complainants must proceed under interim Administrative Regulation 3425 Title IX Sexual Harassment. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.

Oversight of Complaint Procedure

The Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints ~~may~~ must be assigned to ~~delegated by the Vice Chancellor of Human Resources to other trained, qualified staff,~~ a neutral investigator, who may be an outside investigator who is not in the chain of command of the Respondent, ~~not substantially implicated by the allegations in the complaint, and who is otherwise impartial. persons or organizations under contract with the District.~~ The District will assign an outside person or organization ~~This must occur whenever the responsible District Officer~~ Vice Chancellor of Human Resources is named in the complaint or implicated by the allegations in the complaint.

Reporting and Filing Complaints

The law prohibits students, employees, (including but not limited to instructors, coworkers, supervisors, and managers), and third parties from engaging in harassment, discrimination, or retaliation. Any person (e.g., an employee or non-employee of the District) who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation, may file a ~~formal or informal~~ complaint ~~of harassment, discrimination, or retaliation~~.

Informal Complaints

An informal complaint is ~~:- (1) A~~ written or ~~unwritten allegation of harassment, discrimination, or retaliation with a request to engage in the informal process; or (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint.~~

~~Any person may submit an informal complaint to the Vice Chancellor of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor of Human Resources (or designee) in writing of all pertinent information and facts alleged in the informal complaint.~~

~~Upon receipt of an informal complaint, the Vice Chancellor of Human Resources will notify the person bringing the informal complaint of his/her right to file a formal complaint, if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice Chancellor of Human Resources shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.~~

~~Investigation of an informal complaint will be appropriate if the Vice Chancellor of Human Resources determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor of Human Resources will explain to any individual bringing an informal complaint that the Vice Chancellor of Human Resources may decide to initiate an investigation, even if the individual does not wish the Vice Chancellor of Human Resources to do so. However, the complaint's confidentiality will be preserved to the maximum extent possible. The Vice Chancellor of Human Resources shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.~~

Formal Complaints

~~A formal complaint is a written and signed~~verbal statement filed with the District ~~or the State Chancellor's office~~ that alleges harassment, discrimination, or retaliation in violation of the District's ~~Board Policies, Administrative Procedures~~board policies, administrative regulations, or in violation of state or federal law.

~~Formal complaints must be filed with the Chancellor of the California Community Colleges or the Vice Chancellor Human Resources~~Complaints shall be provided to the responsible District Officer, unless the party submitting the ~~formal~~ complaint alleges discrimination, harassment, or retaliation against the responsible ~~district officer~~District Officer, in which case it should be submitted ~~directly to the Office of the Chancellor at the District of the Rancho Santiago Community College District or the State Chancellor's office.~~

~~Formal complaints should be submitted~~Any employee receiving a complaint shall immediately notify the responsible District Officer in writing of all pertinent information and fact alleged in the complaint. Online reporting can be found here: www.rscdd.edu/REPORT.

~~The District may request, but shall not require, the Complainant to submit a complaint on the form prescribed by the Chancellor of the California Community Colleges. A Complainant shall report a verbal complaint to the responsible District Officer, who will record the verbal complaint in writing and take steps to ensure the writing accurately reflect the facts alleged by the Complainant.~~

~~A copy of the form is available at: <http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>~~

~~If any party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the district will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the district will attach the written allegation (S) to the form and treat as a formal complaint. In no instance will the district reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.~~

~~A Formal C~~omplaint must meet **each of the following** criteria:

- ~~It must allege facts with enough specificity to show that the allegations,~~ if true, would constitute a violation of District policies, or procedures state or federal law prohibiting unlawful discrimination, harassment, or retaliation; and
- ~~The complainant must sign and date the Formal Complaint;~~
- ~~The e~~Complainant must file any ~~Formal C~~omplaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the ~~e~~Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation; or
- ~~The e~~Complainant must file any ~~Formal C~~omplaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall extended by no more than 90 days following the expiration of the 180 days if the ~~e~~Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.
- Complaints that fall outside the above timeline, but that are filed within three (3) years of the alleged act, will be reviewed and the responsible District Officer will determine the appropriate course of action.

Defective Complaint

If the ~~Formal C~~omplaint does not meet the requirements set forth above, the ~~Vice Chancellor of Human Resources~~responsible District Officer will ~~promptly return it to contact~~ the ~~e~~Complainant in writing, within 14 days, and specify the defect.

If the ~~sole~~ defect is ~~that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice~~ based on the Complainant's failure to state sufficient facts to support a claim of unlawful discrimination, the District shall offer the Complainant an opportunity to provide additional facts through an intake interview, which shall be scheduled as soon as reasonably convenient for the parties.

If, after the intake interview, the District determines that the complaint still does not meet the requirements set forth above, the District shall provide the complainant with a written determination explaining the basis for dismissing the complaint within 14 days of the intake interview.

In any complaint dismissed pursuant to defect, a Complainant may file a written appeal with the California Community Colleges Chancellor's Office within 30 days from the date of the District's notice of dismissal. ~~of Human Resources will handle the matter as an informal complaint.~~

Who May File a Complaint

Any student, ~~person (employee, or non-employee),~~ parent of a minor, or an individual with legal authority individually or as a member of a class or on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy~~others, may file a complaint alleging discrimination or harassment that is prohibited by the District's anti-discrimination and anti-harassment policies and procedures.~~

Where to File a ~~Formal~~ Complaint

~~The completed Formal Complaint form must be filed with any of the following:~~

- ~~• The Vice Chancellor of Human Resources, 2323 N Broadway, Santa Ana, CA 92706, and/or~~
- ~~• The California Community College Chancellor's Office, 1102 Q Street, Sacramento, CA 95811.~~

~~Student complainants shall be notified that they~~ Complaints may be made orally or in writing directly to the responsible District Officer. Online reporting forms are available at: www.RSCCD.edu/REPORT. ~~Complainants may, but are not required, to use the form.~~

Complainants filing non-employment-based complaints may file a ~~discrimination~~ complaint with the U.S. Department of Education, Office for Civil Rights (OCR), 50 United Nations Plaza, Room 1490, Mail Box 1200 San Francisco, CA 94102 (415) 486-5555.

Complainants filing employment-based complaint, ~~Employee complainants shall be notified that they~~ may file employment discrimination complaints with either the U.S. Equal Employment Opportunity Commission (EEOC), Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012 or the California Department of Fair Employment and Housing (DFEH)-, 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.

~~Complaints filed with the EEOC and/or the DFEH should be forwarded to the California Community College Chancellor's Office by the District.~~

Any District employee who receives a harassment or discrimination complaint, ~~regardless of whether it is brought by a student or an employee,~~ shall notify the responsible District Officer~~District's Vice Chancellor of Human Resources~~ immediately.

~~Immediately upon receiving a Formal Complaint, as described above, regardless of whether the complaint is brought by a student or by an employee, the District shall forward a copy of the Formal Complaint to the California Community College Chancellor's Office.~~

Filing a Timely Complaint

The District is firmly committed to providing an environment free of discrimination and harassment. ~~Since the failure to report harassment and discrimination impedes~~ the District's ~~ability to stop the behavior, the District~~ strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints ~~as soon as possible after~~ within 45 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to obtain accounts based on fresh recollection, preserve evidence, investigate and remediate reported concerns. However, complaints filed later than the recommended 45 days, and within the previously listed filing timelines (see **Complaints** above), will receive appropriate consideration.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to, or impact, an academic or work activity, or if the harassing conduct interferes with or limits student's or employee's ability to participate in or benefit from the school's District programs or activities.

Confidentiality

~~The District will keep the investigation confidential to the extent possible, but cannot guarantee confidentiality because release of some information on a "need to know basis" may be essential to a thorough investigation. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.~~

Communicating that the Conduct is Unwelcome

The District further encourages, but does not require, students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, and/or inappropriate.

Oversight of Complaint Procedure

~~The Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be delegated by the Vice Chancellor of Human Resources to other trained, qualified staff, outside persons or organizations under contract with the District. This must occur whenever the Vice Chancellor of Human Resources is named in the complaint or implicated by the allegations in the complaint.~~

Who May File a Complaint

~~Any person (employee or non-employee), individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination or harassment that is prohibited by the District's anti-discrimination and anti-harassment policies and procedures.~~

Intake and Processing of the Complaint

Upon receiving notification of a harassment or discrimination complaint, the ~~Vice Chancellor of Human Resources~~responsible District Officer or designee shall:

- ~~Advise a student Complainant that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the California Civil Rights office (formerly known as the Department of Fair Employment and Housing) or with the federal Equal Employment Opportunity Commission. All Complainants should be advised that they have a right to file a complaint with local law enforcement if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services;~~
- ~~Upon approval by the parties involved, and when appropriate, Consider whether the District can~~ undertake efforts to informally resolve the charges, including but not limited to, mediation, rearrangement of work/academic schedules; obtaining apologies; and providing informal counseling and/or training, etc.
- Advise all parties that ~~they/he/she~~ need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time; ~~and: Mediation is not appropriate for resolving incidents involving sexual violence.~~
- ~~Advise a student complainant that he/she may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice Chancellor of Human Resources shall also notify the State Chancellor's Office of the complaint.~~
- Take interim steps to protect a eComplainant from encountering the Respondent coming into contact with an accused individual, especially if the eComplainant is a victim of sexual violence. The responsible District Officer~~Vice Chancellor of Human Resources~~ should notify the eComplainant of their/his or her options to avoid contact with the accused individual~~Respondent~~ and allow students to change academic situations, as appropriate. For instance, the District may prohibit the parties from having any contact with one another pending the results of the investigation. When taking steps to separate the Complainant and Respondent, the District shall minimize the burden to the extent possible under the circumstances on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing the Respondent to remain.

Informal Resolution

Informal resolution is a less adversarial manner to resolve complaints than a formal investigation. The District may undertake efforts to informally resolve complaints with the

complainant's consent. The District must advise each party that they need not participate in informal resolution.

Efforts at informal resolution may, but need not include an investigation. The responsible District Officer determines when an investigation is warranted.

Efforts at information resolution may continue after a written or verbal complaint is made. The investigation must be completed unless the matter is informally resolved and the complaint is dismissed by the Complainant. The District may proceed with an investigation notwithstanding an informal resolution.

Any efforts at informal resolution after a written or verbal complaint is made shall be completed within 90 days. The timelines for completion of an investigation shall be tolled while the parties are engaged in good faith efforts at informal resolution.

Authorization of an Investigation

The ~~Vice Chancellor of Human Resources~~ responsible District Officer or designee shall:

- Authorize the investigation of the complaint, and supervise ~~and~~/or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the parties opt for informal resolution, the responsible District Officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. ~~In the case of a formal complaint, the~~ investigation will include interviews with the ~~e~~Complainant, the ~~accused~~ Respondent, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint

The District shall promptly investigate every complaint ~~of harassment or discrimination~~. No claim of ~~workplace employee~~ or ~~academic student~~ harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with any academic, educational, extracurricular, athletic, or other programs of the District, whether those programs take place at a District facility, in a District vehicle, or at a class, ~~or~~ training program ~~or similar event~~ sponsored by the District at another location. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the complaint. As set forth above, where the parties opt for an informal resolution, the responsible District Officer may limit the scope of the investigation, as appropriate.

~~As set forth above, where the parties opt for an informal resolution, the Vice Chancellor of Human Resources may limit the scope of the investigation, as appropriate.~~ The District will keep the investigation confidential to the extent possible, but cannot guarantee confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: ~~the seriousness of the alleged~~

harassment; the ~~e~~C~~omplainant's~~ age; whether there have been other harassment complaints about the same individual; and the ~~accused-Respondent's~~ individual's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the ~~e~~C~~omplainant~~ if it cannot maintain confidentiality.

Investigation Steps

The District will fairly and objectively investigate harassment and discrimination complaints. ~~Employees designated to serve, as~~Designated investigators under this policy shall ~~have adequate training~~be properly trained on what constitutes discrimination, including sexual harassment and sexual violence, racial discrimination, disability discrimination and age discrimination and understand how the District's grievance procedures operate. The investigator ~~may~~must be neutral and not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interview~~ing~~ the complainant(s); interview~~ing~~ the ~~accused individual~~respondent(s); identify~~ing~~ and interview~~ing~~ witnesses and evidence identified by each party; identify~~ing~~ and interview~~ing~~ any other witnesses, if needed; remind~~ing~~ all individuals interviewed of the District's no-retaliation policy; consider~~ing~~ whether any involved person should be removed from the campus pending completion of the investigation; review~~ing~~ personnel/academic files of all involved parties; ~~and reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and seeing that all recommended action is carried out in a timely fashion.~~

~~When t~~The District evaluates the complaint, ~~it shall do so~~ using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion

The District will undertake its investigation as promptly and as swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint, unless an extension has been granted. ~~The Vice Chancellor of Human Resources will notify all the parties involved of the District's determination, in writing, within 10 working days of the determination being made.~~

Extension of Time

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional calendar days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- a need to interview a party or witness who has been unavailable;
- a need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- to prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is

aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an investigation. The Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within 5 days of receipt.

Cooperation ~~Encouraged~~Expected

All students and employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a ~~Complainant~~ or witnesses does not relieve the District of its obligation to investigate. The District will ~~conduct an investigation~~ if it is discovered that harassment is, or may be occurring, with or without the cooperation of the ~~alleged victim~~ Complainant(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

It is in the best interest of all parties to participate in the resolution process irrespective of when those processes occur, such as when students and/or employees are not active, i.e., summer and winter breaks.

Written Report:-

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the ~~Formal C~~complaint;
- A summary of the testimony provided by each witness ~~interviewed by the investigator;~~ with information relevant to the allegations, including the Complainant and Respondent;
- An explanation of why an identified potential witness was not interviewed;
- An analysis of relevant data and other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual ~~there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each~~ allegation in the complaint occurred based on the preponderance of the evidence; and
- Any other information deemed appropriate by the District.
-

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" ~~is may be~~ essential to a thorough investigation and to protect the rights of ~~accused~~ students and employees Respondents during the investigation process and any ensuing discipline.

Administrative Determination

~~In any case not involving employment discrimination, w~~Within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a ~~copy of the investigative report to the State Chancellor, a copy or~~ summary of the report to the Complainant both parties, and written notice setting forth all of the following ~~to both the complainant and the Chancellor:~~

- The District's determination ~~of the Vice Chancellor of Human Resources (or designee)~~ as to whether ~~there is probable cause to believe unlawful~~ discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard;
- In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent acts of unlawful discrimination~~similar problems~~ from occurring in the future;
- The proposed resolution of the complaint;~~and-~~
- In cases not involving employment discrimination, The complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office~~district governing board and the Chancellor.~~
- In cases involving employment discrimination, the employee Complainant's right to file a complaint with the Civil Rights Department (formerly known as the Department of Fair Employment and Housing) or the U.S. Equal Employment Opportunity Commission.

~~In any case involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy or summary of the report only to the complainant, and written notice setting forth all the following to the complainant:-~~

- ~~The determination of the Vice Chancellor of Human Resources (or designee) as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;-~~
- ~~A description of actions 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 governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.~~

The District shall also provide the Respondent the following:

- The responsible District Officer or their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard;
- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In matters involving an academic employee placed on involuntary paid administrative leave, the District shall complete its investigation within 90 working days of the administrative leave

commencing, unless the period of paid leave is extended by agreement of the employee and employer for a period not to exceed 30 additional calendar days.

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX (as defined in interim Administrative Regulation 3425), if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference and a live hearing conducted by a neutral decision-maker other than the investigator.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third-party shall not be the Respondent, the Respondent's representative, or any individual charged with making a final determination regarding discipline. The Respondent may submit written questions before and during the cross-examination, including any follow-up questions. The neutral third-party asking questions shall not exclude any questions unless there is an objection to the question by any individual charged with making a final determination regarding discipline.

Discipline and Corrective Action

If harassment, discrimination and/or retaliation occurred in violation of federal or state law, theor this policy or procedure, the District may take disciplinary action against the accused Respondent and any other remedial action it determines to be appropriate, consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the eComplainant might include, but are not limited to:

- pProviding an escort to ensure that the eComplainant can move safely between classes and activities;
- eEnsuring that the eComplainant and ~~alleged perpetrator~~Respondent do not attend the same classes or work in the same work area;
- pPreventing offending third parties from entering campus;
- pProviding counseling services, or referral to counseling services;
- pProviding medical services, or referral to medical services;
- pProviding academic support services, such as tutoring;
- ~~a~~Arranging for a ~~student-eC~~omplainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the eComplainant's academic record; and
- ~~r~~Reviewing any disciplinary actions taken against the eComplainant to see if there is a causal connection between the harassment and the misconduct that may have resulted-lead to in the Complainant being disciplined.
- Conducting, climate surveys, including subsequent evaluation and corrective action, as appropriate;
- eCirculating memoranda to students and staff about pertinent District policy; and
- eOther remedies deemed necessary by the District.

If discipline is imposed, the nature of the discipline will not be communicated to the eComplainant. However, the District may disclose information about the sanction imposed on ~~an individual a~~ Respondent who was found to have engaged in harassment when the sanction

directly relates to the eComplainant's contact with the individual; for example, the District may inform the eComplainant that the harasser-Respondent must stay away from the eComplainant.

Disciplinary-Corrective actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the eComplainant from further harassment, and/or discrimination, and to protect the eComplainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation.

The District will ensure that eComplainants and witnesses know how to report any subsequent problems, and should follow-up with eComplainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the eComplainant refuses to participate in the investigation, the District ~~should~~ shall continue to pursue appropriate steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the District imposes discipline ~~against a student or employee~~ as a result of the findings in its investigation, the ~~student or employee~~ Respondent may appeal the decision using the procedure for appealing a disciplinary decision.

If the eComplainant is not satisfied with the results of the administrative determination, ~~he or she~~ they may, within ~~fifteen~~ 30 calendar days of the date of the administrative determination, submit a written appeal to the Board of Trustees. The appeal must be based on one or more of the following grounds:

- defect in the investigation or in procedural compliance;
- new evidence not available during the investigation despite the Complaint's due diligence that would substantially impact the outcome of the investigation; and/or
- misapplication of a policy or an abuse of discretion.

Complainants must specify either the defect, the new evidence and why it was not available during the investigation, which policy was misapplied, and/or how discretion was abused.

In a Complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the Board of Trustees within 30 days.

The Board shall review the original complaint, the investigative report, the administrative decision, and the written appeal. The Board shall issue a final District decision in the matter within 45 days of ~~after~~ receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the eComplainant and Respondent. ~~If the appeal is made to the Board in connection with a formal complaint, the District shall forward a copy of the Board's final decision to the State Chancellor's Office. The Complainant shall also be notified of their right to appeal this decision.~~

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the 46th day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, a complainant who filed a formal complaint shall have the right to file a written appeal with the California Community Colleges State Chancellor's Office within ~~thirty~~30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the ~~e~~Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), ~~Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012~~ or the California Department of Fair Employment and Housing (DFEH) Civil Rights Department (formerly known as the Department of Fair Employment and Housing), 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.

In any case involving student discrimination, including harassment, the ~~e~~Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the U.S. Department of Education, Office for Civil Rights (OCR), ~~50 United Nations Plaza, Room 1490, Mail Box 1200 San Francisco, CA 94102 (415) 486-5555.~~

Extension of Time

~~Within 150 days of receiving a formal complaint not involving employment harassment or discrimination, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.~~

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the Complaint's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: 1)

the complaint; 2) any investigative report unless subject to the attorney-client privilege; 3) the written notice to the complaint setting forth the results of the investigation; 4) the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final; 5) a copy of the notification to the Complainant of their appeals right; 6) the Complainant's appeal of the District's administrative determination; and 7) any other non-privileged documents or information the Chancellor request.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: 1) the number of employment and non-employment discrimination Complaints and informal charges received in the previous academic year; 2) the number of Complaints and informal charges resolved in the previous academic year; 3) the number of Complaints on unlawful discrimination received in the previous academic year; 4) the number of those Complaints that were sustained in whole or in part; and 5) any other information requested by the Chancellor.

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be visibly posted on campus and easily found on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training

The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new ~~supervisory~~ employees must be provided with the anti-discrimination training and education within six months of their assumption of ~~a supervisory~~ their position. The District shall provide anti-discrimination training, including sexual harassment training and education, to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction ~~of discrimination, including~~ sexual harassment and the remedies available to victims of sexual harassment in employment, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign-in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District Campus Safety and Security unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

File Retention

The District will retain on file for a period of at least ~~three~~ five years after closing the case copies of:

- The original complaint;
- The investigatory report;
- The summary of the report if one is prepared;

- The notice provided to the parties, of the District's administrative determination and the right to appeal;
- Any appeal;
- The District's final decision; and
- Documentation of any corrective actions taken.

For any appeal ~~The District will make such documents available to the California Community Colleges State Chancellor's Office, the District shall provide all relevant, non-privileged documents~~ upon request ~~to the Chancellor.~~

Complaint Reporting

The Office of the Chancellor shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AR 3435. This report must disaggregate the complaints by complaint type (student Complainant and student Respondent, employee Complainant and employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

For further Information contact:

Vice Chancellor, Human Resources
2323 N Broadway, Santa Ana, CA 92706
(714) 480-7489

Responsible Manager: Vice-Chancellor of Human Resources

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