



**Rancho Santiago Community College District**  
**District Council Meeting**  
**September 15, 2014**  
**Executive Conference Room**  
**3:00 – 5:00 p.m.**

**Agenda**

1. Approval of Minutes of August 11, 2014 Meeting
2. Board Policies/Administrative Regulations Didion
3. Branding Study Rodríguez
4. Committee Reports
  - a. Planning & Organizational Effectiveness Committee Didion
  - b. Human Resources Committee Didion
    - i. Reorganizations
  - c. Fiscal Resources Committee Hardash
  - d. Physical Resources Committee Hardash
  - e. Technology Advisory Group Sweeney
5. Constituent Representative Reports
  - a. Academic Senate - SAC Zarske
  - b. Academic Senate – SCC Evet
  - c. Classified Staff Williams
  - d. Student Government – SAC Manriquez
  - e. Student Government – SCC Pham
6. Other

**Next Meeting: October 6, 2014**

**Mission Statement**

The mission of the Rancho Santiago Community College District is to provide quality educational programs and services that address the needs of our diverse students and communities.

The mission of Santa Ana College is to be a leader and partner in meeting the intellectual, cultural, technological, and workforce development needs of our diverse community. Santa Ana College provides access and equity in a dynamic learning environment that prepares students for transfer, careers and lifelong intellectual pursuits in a global community.

Santiago Canyon College is an innovative learning community dedicated to intellectual and personal growth. Our purpose is to foster student success and to help students achieve these core outcomes: to learn, to act, to communicate and to think critically. We are committed to maintaining standards of excellence and providing accessible, transferable, and engaging education to a diverse community.



## Rancho Santiago Community College District District Council Meeting

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### MINUTES

August 11, 2014

Members:	Raúl Rodríguez	Present
	John Didion	Present
	Peter Hardash	Present
	Erlinda Martinez	Present
	John Weispfenning	Present
	John Zarske	Absent
	Corinna Evett	Present
	Victoria Williams	Present
	Raquel Manriquez	Absent
	Hector Soberano	Absent
	Michael DeCarbo	Absent
	Bonnie Jaros	Present
	George Sweeney	Present

1. Approval of Minutes of June 16, 2014

It was moved by Mr. Sweeney, seconded by Ms. Williams and carried unanimously to approve the minutes of the June 16, 2014 meeting.

2. Administrative Regulations

Executive Vice Chancellor Didion explained changes to various Administrative Regulations. Discussion ensued. It was moved by Ms. Evett, seconded by Mr. Sweeney and carried unanimously to approve changes as presented to the following:

- a. AR 1331 – delete
- b. AR 3507 – delete
- c. AR 3542 – renumbered to AR 3516; language updated
- d. AR 3518 – new
- e. AR 3560 – new
- f. AR 7000 – renumbered to 3720
- g. AR 1330 – renumbered to 6700; language updated
- h. AR 3524 – renumbered to 7120.9

3. Committee Reports

A. Planning and Organizational Effectiveness Committee (POE)

Mr. Didion reported that the next meeting is at the end of August and the committee is working on the process for assessment of the district goals.

B. Human Resources Committee (HRC)

Mr. Didion reported that the next meeting is in early September and the committee is working on the HR Staffing Plan and EEO Plan.

- i. Mr. Didion presented a reorganization request from the Facilities area for a part time staff member. It was moved by Dr. Martinez, seconded by Mr. Hardash and carried unanimously to approve the reorganization.

Discussion of the current district policy on hiring took place. The Chancellor noted that there is a district-wide hiring “slush.” Chancellor’s Cabinet is carefully managing the hiring requests and approving on a case-by-case basis.

C. Fiscal Resources Committee (FRC)

Mr. Hardash reported that the next meeting is scheduled for August 13, 2014 where discussion of the budget assumptions and a report on state funding will be on the agenda. It was further reported that the 2014-2015 budget will be taken to the September 8, 2014 Board of Trustees meeting for their approval.

D. Physical Resources Committee (PRC)

Mr. Hardash reported that the next meeting is scheduled for September 3, 2014 where the committee will receive an update on all current projects. An update on Measure Q is scheduled to be presented at the October 13, 2014 board meeting.

E. Technology Advisory Group (TAG)

Mr. Hardash confirmed that the next meeting will be held in early September. In the absence of an Assistant Vice Chancellor, questions/requests should be directed to the managers in ITS.

4. Constituent Representative Reports

A. Academic Senate/SAC: There was no report.

B. Academic Senate/SCC: There was no report.

C. CSEA: CSEA President Williams reported on a conference she recently attended in Sacramento and that CSEA was forming an Endorsement Committee for the upcoming trustee election.

D. Student Government/SAC: There was no report.

E. Student Government/SCC: There was no report.

5. Other

Ms. Williams reported that a water event was to be held at SCC on August 13, 2014 and Orange Unified School District was holding a district staff meeting at SCC on August 15, 2014.

6. Next Meeting: The next District Council meeting will be held on Monday, September 15, 2014 in the Executive Conference Room (#114).

Meeting Adjournment: 3:36 p.m.

Approved:

## **BP 4026 Baccalaureate Degree Programs**

**Reference:** SB 850

In response to the State of California's need to produce one million more baccalaureate degrees in the coming decades, the Governing Board seeks to expand the academic offerings of the Rancho Santiago Community College District to include baccalaureate degree programs.

The Chancellor shall establish procedures to implement this policy. These procedures shall provide for appropriate Academic Senate involvement.

**Adopted** \_\_\_\_\_

## **~~BP 6333 District Standard for Hardware and Software~~**

~~A standard shall be established for administrative use of technology hardware and software, and all purchases will adhere to these standards.~~

~~Revised: September 9, 2013 (Previously BP7001)~~

## **BP 6601 Facility Modification and New Construction**

**Reference:** Education Code 81130, 81132, 81133, 81142; California Code of Regulations - Title 24

~~The District Office of Facility Planning, District Construction and Support Services, Campus Services shall oversee, coordinate and approve all facility modifications and new construction to insure compliance with district standards, architectural specifications, and code compliance.~~

Efforts shall be made to schedule construction activities to minimize disruption of district service and classroom operations.

Facility modification is defined as any addition to, removal of, or alteration made to existing facilities. Maintenance funds are not intended for funding such projects. Separate procedures and funding shall be available for facility modifications and new construction.

The Governing Board shall review and approve facility modification and construction projects included in the facility modification and capital outlay process.

~~Projects that are not included as part of the regular facility modification approval process shall be treated as exceptions and require approval of the College Coordinating Board and Chancellor.~~

**Revised: September 9, 2013** \_\_\_\_\_ **(Previously BP3511)**

## **BP 6604 ~~Deferred~~ Scheduled Maintenance**

The district shall participate in state funding programs for the replacement of major building and utility components. Staff shall prepare for Chancellor review the required forms and/or a prioritized list of projects recommended for funding for the next fiscal year and for a five-year plan. The district's ~~Deferred~~ Scheduled Maintenance Plan for which state funding is being requested shall be subject to review and approval of the Governing Board.

Revised: ~~September 9, 2013~~ \_\_\_\_\_ (Previously BP3512)

## **BP 6901 Auxiliary Food Service Operation**

### **Reference:**

Education Code 72676 Auxiliary Operations: Commercial Services 82360 "Cafeteria" Defined 82362 Persons Entitled to Purchase Food; Non-school Use of Cafeteria Facilities

The Governing Board has established a food service operation which ~~is~~ may be contracted out to a private vendor(s). The food service operation shall be for the general benefits of students, faculty and staff, shall be maintained in a professional manner, and shall comply with all applicable health and safety codes. Any monies received from the ~~contractor for the food service operations~~ shall be deposited into the diversified fund of Auxiliary Services.

Revised: ~~September 9, 2013~~ \_\_\_\_\_ (Previously BP3223)

# **AR 3410 Nondiscrimination**

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

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;  
Penal Code Sections 422.55 et seq.; Title 5 Sections 59300 et seq.;  
Accreditation Standard II.B.2.c

## **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, or because he/she 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" mean's 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.

## **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, 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.

**Approved**

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# AR 3430 Prohibition of Harassment

## **References:**

Education Code Sections 212.5; 44100; 66281.5;  
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. 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 and 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 vehicle, 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, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. 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:

**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 exists 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/her 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 conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- 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; 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 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 is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create 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 is severe, i.e. a sexual assault.

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.

**Examples:** Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. 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 of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **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.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse 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. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. 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.

### **Consensual Relationships**

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

<b>NOTE:</b> <i>The following is <b>legally advised.</b></i>
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### **Academic Freedom**

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

# ~~AR 3410~~ 3435 ~~Regulations For Reporting~~ ~~Complaints of Unlawful Discrimination and Sexual~~ ~~Harassment~~ Investigations

~~Legal References:~~ Education Code Section 66281.5; Government Code Section 12950.1; Title 5 Sections 49338, 59320, 59324, 59326, 59328, and 59300 et. seq., 59328, 59338, 59339; 34 Code of Federal Regulations Section 106.8(b); Code of Civil Procedure Section 1094.5

## 1.0 — Definitions

~~1.1 — "Appeal" means a request by a complainant made in writing to the Rancho Santiago Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor's Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.~~

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~~1.2 — "Association with a person or group with these actual or perceived characteristics" includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.~~

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~~1.3 — "Complaint" means a written and signed statement meeting the requirements of title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.~~

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~~1.4 — "Days" means calendar days.~~

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~~1.5 — "Gender" includes a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.~~

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~~1.6 — "Mental disability" includes, but is not limited to, all of the following:~~

~~(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:~~

~~(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.~~

~~(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.~~

~~(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.~~

~~(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.~~

~~(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.~~

~~(4) Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.~~

~~(5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).~~

~~"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.~~

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~~1.7 — "Physical disability" includes, but is not limited to, all of the following:~~

- (1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
  - (A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
  - (B) Limits a major life activity. For purposes of this section:
    - (i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
    - (ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
    - (iii) "Major life activities" shall be broadly construed and include physical, mental, and social activities and working.
- (2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.
- (3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
- (4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
- (5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).
- (6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

1.8 ——"District" means the Rancho Santiago Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.

1.9 ——"Responsible District Officer" means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation.

1.10 ——"Sexual harassment" is unlawful discrimination in the form 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 workplace or in the educational setting, and includes but is not limited to:

- (1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
- (2) Continuing to express sexual interest after being informed that the interest is unwelcomed.
- (3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
- (4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
- (5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- (6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

~~(7) Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decisionmaker has a sexual relationship and denying such benefits to other students or employees.~~

~~1.11 "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.~~

~~1.12 "Unlawful discrimination" means discrimination based on a category protected under title 5, section 59300, including sexual harassment and retaliation.~~

## ~~2.0 Notice, Training, and Education for Students and Employees~~

~~2.1 The District's responsible officer shall make arrangements for or provide training to employees and students on the District's unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the District's written policy on unlawful discrimination at the beginning of the first quarter or semester of the college year after the policy is adopted.~~

~~2.2 All District employees will receive this training and a copy of the unlawful discrimination policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and biennially thereafter. In years in which a substantive policy or procedural change has occurred all District employees will attend a training update and/or receive a copy of the revised policies and procedures.~~

~~2.3 A training program or informational services will be made available to all students at least once annually. The student training or informational services will include an explanation of the policy, how it works, and how to file a complaint. In addition, a copy of the District's written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.~~

## ~~3.0 Informal/Formal Complaint Procedure~~

~~3.1 When a person brings charges of unlawful discrimination to the attention of the District's responsible officer, that officer will:~~

- ~~(1) Undertake efforts to informally resolve the charges;~~
- ~~(2) Advise the complainant that he or she need not participate in informal resolution;~~
- ~~(3) Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;~~
- ~~(4) Assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of unlawful discrimination;~~
- ~~(5) Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction;~~
- ~~(6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.~~

~~3.2 Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. *Even if the complainant does dismiss the complaint, the responsible district officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation.* Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to title 5, section 59336.~~

~~3.3~~ In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

~~3.4~~ The District will allow for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case-by-case basis.

#### ~~4.0~~ Filing of Formal Written Complaint

~~4.1~~ If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

~~<http://www.cccco.edu/divisions/legal/discrimination/discrimination.htm>~~

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

~~4.2~~ Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

#### ~~5.0~~ Threshold Requirements Prior to Investigation of a Formal Written Complaint

~~5.1~~ When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- ~~• The complaint must be filed on a form prescribed by the State Chancellor's Office.~~
- ~~• The complaint must allege unlawful discrimination prohibited under title 5, section 59300.~~
- ~~• The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.~~
- ~~• In any complaint not involving employment, the complaint must be filed within one 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 specific incident or incidents of alleged unlawful discrimination.~~
- ~~• In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.~~

~~5.2~~ Additional information about this initial review of complaints can be found in the Guidelines for Processing Formal Title 5 Unlawful Discrimination Complaints prepared by the State Chancellor's Office.

#### ~~6.0~~ Defective Complaint

~~6.1~~ If a complaint is found to be defective it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the claimant will also be sent to the State Chancellor's Office.

#### ~~7.0~~ Notice to State Chancellor or District

~~7.1~~ A copy of all complaints filed in accordance with the title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

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#### ~~8.0~~ Confidentiality of the Process

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~~8.1~~ Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

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~~8.2~~ Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

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~~8.3~~ If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

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~~8.4~~ It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

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~~8.5~~ Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.

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#### ~~9.0~~ Administrative Determination

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~~9.1~~ In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

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~~(a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;~~

~~(b) a description of actions taken, if any, to prevent similar problems from occurring in the future;~~

~~(c) the proposed resolution of the complaint; and~~

~~(d) the complainant's right to appeal to the District governing board and the State Chancellor.~~

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~~9.2~~ In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300, et seq., the responsible District officer will complete the investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

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~~(a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;~~

~~(b) a description of actions taken, if any, to prevent similar problems from occurring in the future);~~

~~(c) the proposed resolution of the complaint; and~~

~~(d) the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing.~~

~~9.3 The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.~~

#### ~~10.0 Complainant's Appeal Rights~~

~~10.1 Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:~~

~~10.2 First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal. The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.~~

~~10.3 Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment-related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date.~~

~~10.4 Complainants must submit all appeals in writing.~~

#### ~~11.0 Forward to State Chancellor~~

~~11.1 In any case not involving employment discrimination, within 150 days of receiving a complaint, the responsible District officer will forward the following to the State Chancellor:~~

- ~~• A copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.~~
- ~~• A copy of the notice of appeal rights the District sent the complainant.~~
- ~~• Any other information the State Chancellor may require.~~

~~11.2 The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination, make them available to the State Chancellor upon request.~~

#### ~~12.0 Extensions~~

~~12.1 If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.~~

~~12.2 A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt.~~



~~12.3 The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.~~

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### ~~13.0 Record Retention~~

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~~13.1 Unlawful discrimination records that are part of an employee's employment records may be classified as Class 1 Permanent records and retained indefinitely or microfilmed in accordance with title 5, California Code of Regulations, section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class 1 Permanent may be classified as Class 2 Optional records or as Class 3 Disposable records, to be retained for a period of three years.~~

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~~13.2 Records related to a student discrimination complaint will be deemed worthy of preservation if, at the end of three years after the case is closed, a complaint on similar grounds has been filed against the same employee. In such cases, the records shall continue to be classified as Class 2 records and retained at least until complaints against that particular employee have been resolved.~~

**Filing a Timely Complaint:** Since 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 within 30 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 investigate and remediate.

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 an academic or work activity.

**Communicating that the Conduct is Unwelcome:** The District further encourages 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 Executive Vice Chancellor of Human Resources & Educational Services is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Executive Vice Chancellor of Human Resources & Educational Services to other staff or to outside persons or organizations under contract with the District. This must occur whenever the Executive Vice Chancellor of Human Resources & Educational Services is named in the complaint or implicated by the allegations in the complaint.

**Who May File a Complaint:** Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

**Where to File a Complaint:** A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available from the Executive Vice Chancellor of Human Resources & Educational Services and at the State Chancellor's website.

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

- the Executive Vice Chancellor of Human Resources & Educational Services and/or
- the State Chancellor's Office.

Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Executive Vice Chancellor of Human Resources & Educational Services immediately.

**Intake and Processing of the Complaint:** Upon receiving notification of a harassment or discrimination complaint, the Executive Vice Chancellor of Human Resources & Educational Services shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of 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 Executive Vice Chancellor of Human Resources & Educational Services shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Executive Vice Chancellor of Human Resources & Educational Services should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.
- 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 complainants opt for informal resolution, the designated 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 complainant, the accused, 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.
- Set forth the results of the investigation in a written report. The written report shall 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 there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's governing board, and if the complaint does not involve employment discrimination, the right to appeal to the State

- Chancellor. If the complaint involves employment discrimination, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.
- Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the RSCCD Chancellor or designee as to whether harassment or other discriminatory conduct 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 parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office (for non-employment matters). If the complaint involves allegations of employment discrimination, the complainant will be notified of his/her right to file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

**Investigation of the Complaint:** The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and 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, on a District bus, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Executive Vice Chancellor of Human Resources & Educational Services may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute 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 complainant's age; whether there have been other harassment complaints about the same individual; and the accused 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 complainant if it cannot maintain confidentiality.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When 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 promptly and 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.

**Cooperation Encouraged:** All 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(s) and regardless of whether a complaint is filed.

### **Discipline and Corrective Action**

If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the conduct that lead to the discipline.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary 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 complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants 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 District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other 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 may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant, and for non-employment-related complaints, to the State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

For non-employment-related complaints, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty 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 complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant may also file a petition for review with the State Chancellor's Office within thirty days after the governing board issues the final decision or permits the administrative decision to become final.

Within 150 days of receiving a formal non-employment-related complaint, 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.

## **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 posted on campus and 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**

By January 1, 2006, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. After January 1, 2006, the District shall provide 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 sexual harassment and the remedies available to victims of sexual harassment in employment. 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.

**Responsible Manager:** Executive Vice Chancellor of Human Resources & Educational Services

~~Revised April 27, 2009~~ Revised ~~October 10, 2011~~ \_\_\_\_\_ (Previously AR 3410)

# ~~Facilities and Campus Services - AR3500~~

~~January 1, 1997~~

- ~~1.—The Campus Services staff shall have the responsibility of maintaining clean, healthful, safe, businesslike, functional and attractive facilities.~~
- ~~2.—Persons requesting non-emergency services shall make their requests on the Campus Services Job Request form. All information requested on the form shall be completed by the requesting person. The original form is to be submitted to the Campus Services Office for processing and scheduling.~~
- ~~3.—Requests for emergency service may be made by phone, in person or other methods deemed appropriate for the situation.~~
- ~~4.—Priority for requesting service shall be made in the following order: safety, operations, cosmetic.~~
- ~~5.—The maintenance staff is to perform service for repair and maintenance items. Requests for remodel, equipment and custom fabrication are to be made through other district processes.~~
- ~~6.—The Campus Services staff shall be available to assist staff and students to determine best methods and products needed to prepare for remodel or new equipment installation.~~
- ~~7.—The Campus Services staff shall have systems in place to effectively manage their area of responsibility. They shall maintain records such as blueprints, construction documents, maintenance logs, inspection forms, work records, performance standards, building specifications, and financial information needed to track operational costs.~~

~~Legal reference: N/A~~

~~Responsible Manager: Director of Maintenance and Operations~~

# ~~Facility Modification and New Construction~~ ~~AR3511~~

~~January 1, 1997~~

- ~~1. No later than November 1 of each year, the Executive Director for Facility Planning shall distribute to the college community two approved forms entitled, Space Allocation/ Facility Relocation and Facility Modification Request (attached). a) Appropriate directions for completion of these forms will also be provided, as well as submittal deadlines in accordance with the budget development calendar. b) Forms shall be submitted in their entirety with all signatures and reviews as indicated.~~
- ~~2. Once the forms are completed and reviewed by the Vice Chancellors, they are sent to the Executive Director of Facility Planning. a) The Executive Director assumes responsibility for formal review of all submitted projects by the Facility Planning Committee. b) Projects recommended by the Facility Planning Committee are then sent to the Budget Committee. c) Recommended projects from the Budget Committee are forwarded to the Planning and Finance Council which makes an ultimate recommendation to the Coordinating Board for review by the Chancellor with regard to budgetary priorities.~~
- ~~3. Only projects that have been approved via the facility modification process shall be eligible for completion by the Campus Services Department. Any exceptions shall require approval of the college Coordinating Board and the Chancellor in keeping with BP3511.~~

~~Legal reference:~~ Education Code 81820, 81133, and 81142 California Code of Regulations – Title 24

~~Responsible Manager:~~ Executive Director of Facility Planning and Campus Services



# AR 3540 Sexual and Other Assaults on Campus

**Legal Reference:** Education Code Section 67385; ~~20 U.S. Code Section 1092(f) the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act;~~ 34 C.F.R. § 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, 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 or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also, BP ~~5500-5204~~, Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse 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;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts under California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AR 3500, 3510, and 3515.

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Safety and Security Department which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Director of District Safety and Security is authorized to release such information.

The Director of District Safety and Security shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified ~~of the assault~~, and procedures for such notification, if the alleged victim consents:

- Assistant Vice Chancellor of Human Resources
- Dean of Students Vice President of Student Services or designee
- Student Health Center psychologist
- Local police department regarding investigation and victim services

• A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:

- transportation to a hospital, if necessary;
- counseling by Student Health Center psychologist, or referral to a counseling center;
- notice to the police, if desired;
- assistance with disciplinary process by Dean of Students Vice President of Student Services or designee;
- a list of other available campus resources or appropriate off-campus resources by Director of District Safety and Security

• A description of each of the following procedures:

- criminal prosecution;
- civil prosecution (i.e., lawsuit);
- District disciplinary procedures, both student and employee;
- modification of class schedules;
- tutoring, if necessary.

The Director of District Safety and Security should be available to provide assistance to District safety unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AR 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the District Safety and Security Department of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the Director of Public Affairs and Publications which will work with District Safety and Security Department ~~which shall work with the~~ and Dean of Students Vice President of Student Services or designee's office to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

• A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non forcible sex offenses;

- Procedures to follow if a domestic violence, dating violence, sex offense ~~sexual assault~~, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's ~~option right~~ to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense ~~sexual assault~~, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense ~~sexual assault~~, or stalking, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense ~~sexual assault~~, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

### **Education and Prevention Information**

The Vice President of Student Services or designee shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

**Responsible Manager:** Director of Safety and Security

**Adopted January 10, 2005 Revised** \_\_\_\_\_

## **AR 6500 Property Management — ~~AR3518~~**

The Chancellor shall be responsible for managing property, supervising acquisitions of real property, including appraisals and valuations of real property and improvements; securing title insurance policies; dedications or conveyance of easements; vacation of streets and alleys, street lighting and other special assessments; and the condemnation of real property.

Revised ~~August 14, 2002~~ \_\_\_\_\_ (Previously AR 3518)

# AR 6600 Capital Construction ~~AR3504~~

## ~~Five Year Capital Construction Plan - AR3506~~

~~January 1, 1997~~

**Legal Reference:** Education Code 81005, 81820; Title 5, Section 57150 et seq.

The Assistant Vice Chancellor ~~for~~ of Facility Planning, District Construction and Support Services is responsible for ensuring the preparation, review, and submittal of the district's Five Year Construction Plan in accordance with California Community College guidelines and BP 6600 3506.

The Board of Trustees provides to district staff the authority to approve construction change orders, as follows:

1. Authority be given by the Board to management of the district to approve change order requests ~~which call under predetermined limits:~~

- o Staff will review and evaluate Change Order requests and make recommendations to the Vice Chancellor, Business Operations and Fiscal Services
- o The Vice Chancellor, Business Operations and Fiscal Services (or designee) shall have authority to approve cumulative change orders up to ~~5~~ 10% of the contract value
- o Change orders ~~falling under these criteria~~ will become a ratification process by the full Board of Trustees, thereby avoiding any construction delays.

2. ~~For change orders that exceed the limits noted above,~~ The Board shall form an ad-hoc committee to evaluate change orders as follows:

- o The ad-hoc committee appointed by chair (or designee) will be comprised of at least two (2) Board members to evaluate change orders ~~when they cumulatively exceed 5% of contract cost~~
- o The role of the ad-hoc committee will be to review change order requests in association with district personnel, architects, engineers, contractors and other external professionals, as necessary
- o ~~The ad hoc committee shall have authority to approve or decline change order requests~~
- o Approval of change orders will become a ratification process by the full Board of Trustees

~~January 1, 1997~~

**Responsible Manager:** Assistant Vice Chancellor of Facility Planning, District Construction and ~~Campus~~ Support Services

Revised ~~July 22, 2002~~ \_\_\_\_\_ (Previously AR 3504 and AR 3506)

# **AR 6602 Facility Construction Standards ~~AR3505~~**

**Legal Reference:** Education Code 81130, 81133, and 81142; California Code of Regulations - Title 24

1. All facilities constructed by the district shall comply with applicable codes, laws and ordinances.
2. The district shall employ professional consultants to develop plans and specifications that comply with the required codes. These plans and specifications shall be approved and stamped by the appropriate agency when such approval is required. The hired consultant shall be responsible for obtaining such approval.
3. The district shall contract with inspection and testing companies licensed and approved to perform such services. These services shall provide written proof that facilities are constructed in accordance with plans and specifications. The written proof shall be in the form required by the approving agency and/or district.
4. Work that is not performed in accordance with the plans and specifications is to be removed or corrected to the satisfaction of the inspecting or testing agent.
5. Minor repair, maintenance activity, or minor remodel that does not require agency approval may be performed by district staff and/or contract service. It shall be the responsibility of the Director, Facility Planning, District Construction and Support Services to determine if the work requires agency approval. All work not requiring agency approval shall be done in strict accordance with applicable codes.

**Responsible Manager:** Assistant Vice Chancellor of Facility Planning, District Construction and Support Campus Services

~~January 1, 1997~~ Revised \_\_\_\_\_ (Previously AR 3505)

# **AR 6604 ~~Deferred Scheduled~~ Maintenance ~~—AR3512~~**

**Legal reference:** California Code of Regulations – Title 5 Chapter 4, Section 57200-57205

The Assistant Vice Chancellor of Facility Planning, District Construction and Support Services shall assume responsibility for preparation of the annual ~~deferred scheduled~~ maintenance ~~plan projects~~ after consultation with appropriate staff, the Vice Presidents of Administrative Services ~~Director of Campus Services, Facility Planning Committee~~, and the Vice Chancellor of Business Operations and Fiscal Services.

The ~~Deferred Scheduled~~ Maintenance Plan shall be prepared and submitted by the Assistant Vice Chancellor of Facility Planning, District Construction and Support Services in accordance with California Community College guidelines and BP 6604 ~~to the Board of Trustees for review and approval.~~

**Responsible Manager:** Assistant Vice Chancellor of Facility Planning, District Construction and Campus Support Services

~~January 1, 1997 Revised~~ \_\_\_\_\_ **(Previously AR 3512)**

## AR 6605 Selection of Architects ~~—AR3503~~

1. Board Policy ~~3503~~ 6605 for selection of architects applies only to major capital outlay projects and may be waived by the Chancellor for minor remodeling and construction projects.
2. The Facility Planning Office develops the Request For Proposal (RFP) for architectural services and distributes this document to a list of three to eight firms, depending upon the scope of the project and input received from the Chancellor.
3. The ~~Executive Director for~~ Assistant Vice Chancellor, Facility Planning, District Construction and Support Services evaluates each proposal according to the criteria noted in ~~BP3503~~ 6605.
4. The ~~Executive Director for~~ Assistant Vice Chancellor, Facility Planning, District Construction and Support Services provides a recommendation to the Chancellor.

~~Legal reference:~~ N/A

**Responsible Manager:** Assistant Vice Chancellor of Facility Planning, District Construction and ~~Campus~~ Support Services

~~January 1, 1997~~ Revised \_\_\_\_\_ (Previously AR 3503)