

Equal Employment Opportunity Plan

**RIO
HONDO
COLLEGE**



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I. Introduction

The Rio Hondo Community College District Equal Employment Opportunity Plan (*Plan*) was adopted by the governing board on April 15, 2015. The *Plan* reflects the District's commitment to equal employment opportunity. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment, which is welcoming to all, will foster diversity and promote excellence.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. The *Plan's* immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (section 53000 et seq.) and the steps the District shall take in the event of underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the District's workforce population and an analysis of whether underrepresentation of monitored groups exists in our applicant pools. The *Plan* also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all¹; and procedures for dissemination of the *Plan*. To properly serve a growing diverse population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

Teresa Dreyfuss
Superintendent / President

¹Diversity and equal employment opportunity are related but separate concepts. An environment that promotes principles of diversity simultaneously promotes an accepting environment for implementation of equal employment opportunity. Because of the interrelationship of diversity and EEO, Plan Component 14 is dedicated to diversity programs and projects as a way to further EEO efforts.

II. Definitions

Most of the following definitions are taken from Title 5, section 53001. The definition of “diversity” is not in Title 5, but it encompasses important considerations of inclusion that appear throughout the *Model Plan*.

- a) ***Adverse Impact:*** a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "*Uniform Guidelines on Employee Selection Procedures*") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code section 12940 defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- b) ***Business Necessity:*** circumstances which justify an exception to the requirements of section 53021(b) (1) because compliance with that section would result in substantial additional financial cost to the District or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
- c) ***Diversity:*** means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by race gender. Disability status, belief, age, national origin, cultural background, life experience and other enriching characteristics.
- d) ***Equal Employment Opportunity:*** means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a) in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance. Ensuring Equal employment opportunity also involves: (1) identifying and eliminating barriers to employment that are not job related; and (2) creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code section 12940.
- e) ***Equal Employment Opportunity Plan:*** a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

- e) ***Equal Employment Opportunity Programs***: means all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.
- g) (1) ***Ethnic Minorities***: American Indians or Alaskan Natives, Asians or Pacific Islanders, Blacks/African Americans, and Hispanics/Latinos.
- (2) ***Ethnic Group Identification***: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
- h) ***In-house or Promotional Only Hiring***: means that only existing District employees are allowed to apply for a position.
- i) ***Monitored Group***: means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- j) ***Person with a Disability***: means any person who: (1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
- k) ***Projected Representation***: the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
- l) ***Reasonable Accommodation***: the efforts made on the part of the District to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.
- m) ***Screening or Selection Procedures***: means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
- n) ***Significantly Underrepresented Group***: means any monitored group for which the percentage of persons from that group employed by the District in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

III. Policy Statement

The Rio Hondo Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. It is the District's current Board Policy (BP) 3410 (Appendix A) that is used to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry, sexual orientation, language, accent, citizenship status, transgender, parental status, marital status, economic status, veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas. An Equal Employment Opportunity *Plan* will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

An annual e-mail to all employees of BP 3410 and BP 7100 (Appendix A) will be provided emphasizing the District's commitment to diversity and equal opportunity in employment and promotional opportunities.

IV. Delegation of Responsibility, Authority and Compliance

It is the goal of the Rio Hondo Community College District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District. The general responsibilities for the prompt and effective implementation of this *Plan* are set forth below.

1. *Board of Trustees*

The governing board is ultimately responsible for proper implementation of the District's *Plan* at all levels of the District and college operation, and for ensuring equal employment opportunity as described in the *Plan*.

2. *Superintendent / President*

The Board of Trustees delegates to the Superintendent / President the responsibility for ongoing implementation of the *Plan* and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Superintendent / President shall advise the Board of Trustees concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual analysis on *Plan* implementation. The Superintendent / President shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the *Plan*.

3. *Equal Employment Opportunity Officer*

The District has designated the Human Resources Director as its equal employment opportunity officer who is responsible for the day-to-day implementation of the *Plan*. If the designation of the equal employment opportunity officer changes before this *Plan* is next revised, the District will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the *Plan* and for assuring compliance with the requirements of Title 5, sections 53000 et seq as well as ensuring that applicant pools and screening procedures are properly monitored.

4. *Equal Employment Opportunity Advisory Committee*

The District has established an Equal Employment Opportunity Advisory Committee to act as an advisory body to the equal employment opportunity officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committees shall assist in the implementation of the *Plan* in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for *Plan* revisions as appropriate.

5. *Agents of the District*

Any organization or individual, whether or not an employee of the District, who acts on behalf of the governing board with regard to the recruitment and screening of personnel, is an agent of the District and is subject to all the requirements of this Plan.

6. *Good Faith Effort*

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

7. *Compliance*

The District's Compliance Officer is responsible for receiving complaints described in Plan Component six (6).

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V. Advisory Committee

Rio Hondo Community College has established an Equal Employment Opportunity Advisory Committee to assist the District in implementing its *Plan*. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The equal employment opportunity officer shall train the advisory committee on equal employment compliance and the *Plan* itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups.

The committee will be composed of:

- two faculty members appointed by the Academic Senate President
- two classified members appointed by California School Employees Association President
- the District's Compliance Office
- the Equal Opportunity Officer (Human Resources Director)
- one confidential employee and
- one student appointed by the Associated Students of Rio Hondo College

The committee shall receive training in all of the following:

- the requirements of this subchapter and of state and federal nondiscrimination laws
- identification and elimination of bias in hiring
- the educational benefits of workforce diversity and
- the role of the advisory committee in carrying out the District's EEO plan

The Equal Employment Opportunity Advisory Committee shall hold a minimum of two (2) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate. The advisory committee shall make recommendations to the Board of Trustees and the Superintendent / President.

VI. Complaints

- 1) *Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026)* The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations² have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the *Plan* that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to section 53026 to the Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the District level using the process provided by section 53026. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints* at:

<http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx#HowFile>

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a District statement of the reason for returning the complaint without action.

The complaint shall be filed with the District's Compliance Officer. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The District's Compliance Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under section 53026 alleges unlawful discrimination, it will be processed according to the requirements of section 59300 et seq.

² The equal employment opportunity regulations are found in California Code of Regulations, Title 5, section 53000 et seq.

- 2) *Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.)* The District has adopted BP 3410 and Administrative Procedures (AP) 3410 and 3435 (Appendix A) for complaints alleging unlawful discrimination and/or harassment. The Compliance Officer is responsible for receiving such complaints and for coordinating an investigation.

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VII. Notification to District Employees

The commitment of the Board of Trustees and the Superintendent / President to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the *Plan*. The *Plan* and subsequent revisions will be distributed to the District's Board of Trustees, the Superintendent / President, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees. The *Plan* will be available on the District's website, and when appropriate, may be distributed by e-mail. Each year, the Compliance Officer will inform all employees of the *Plan's* availability.

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VIII. Training for Screening/Selection Committees

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/interview of personnel shall receive appropriate training on the requirements of Title 5 regulations on equal employment opportunity (section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, recruitment, and hiring; training on elimination of bias in hiring and employment; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/interview committees. The Equal Employment Opportunity Office is responsible for providing the required training on a regular basis.

Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening of applicants is subject to the equal employment opportunity requirements of Title 5³ and the District's Equal Employment Opportunity Plan.

³ See Title 5, § 53020(c).

IX. Annual Written Notice to Community Organizations

The equal employment opportunity officer will provide annual written notice to appropriate community-based and professional organizations concerning the *Plan*. The notice will inform these organizations that they may obtain an updated copy of the *Plan* online and shall solicit their assistance in identifying diverse qualified candidates. In addition, the notice is to include the internet address to the location where the District advertises job openings and provides employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which will receive this notice, is located in the Office of Human Resources. This list may be revised from time to time as necessary.

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X. Analysis of District Workforce and Applicant Pool

The Human Resources Department will annually survey the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the Plan, to provide data needed for the reports required by this Plan and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey, applicants and employees are afforded the opportunity to voluntarily identify their gender, ethnic group identification and, if applicable, their disability. The composition of the applicant pool is recorded and reviewed by the equal employment officer or designee. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening committee and hiring administrator(s). At least every three (3) years the *Plan* will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- 1) Executive/Administrative/Managerial
- 2) Full Time Faculty
- 3) Professional Nonfaculty
- 4) Secretarial/Clerical
- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

Title 5 section 53004(a) does not require the *Plan* to break down the "Faculty and other Instructional Staff" categories into disciplines and part-time subcategories. However, since these are the job categories the Chancellor's Office uses, it makes sense for the District to use the same categories.

The District's workforce for fiscal year Fall 2014 is as follows:

**Rio Hondo College
Workforce Analysis
Fall 2014**

<u>Job Category</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>American Indian/Alaskan Native Male/Female</u>	<u>Black/African American Male/Female</u>	<u>Asian Pacific Islander Male/Female</u>	<u>Hispanic/Latino Male/Female</u>	<u>White Male/Female</u>	<u>Other/Unknown Race/Sex</u>	<u>Persons with Disabilities</u>
Exec/Admin	34	21	13	0	2 / 1	3 / 2	5 / 5	10 / 5	0	0
Faculty & Other Instructional Staff	546	273	273	4 / 2	9 / 12	26 / 41	78 / 84	156 / 134	0	9 / 3
Professional Nonfaculty	3	1	2	0	0	0 / 2	0	1 / 0	0	0
Secretarial/ Clerical	154	25	129	0	1 / 0	2 / 12	16 / 96	6 / 21	0	1 / 0
Technical Paraprofessional	70	30	40	0 / 1	1 / 2	8 / 4	13 / 25	8 / 8	0	0
Skilled Craft	5	5	0	0	0	0	4 / 0	1 / 0	0	0
Service and Maintenance	29	26	3	0	0	3 / 0	18 / 1	5 / 2	0	0

Rio Hondo Community College
Analysis of Applicant Pool
Fall 2014

<u>Job Category</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>American Indian/Alaskan Native Male/Female</u>	<u>Black/African American Male/Female</u>	<u>Asian Pacific Islander Male/Female</u>	<u>Hispanic/Latino Male/Female</u>	<u>White Male/Female</u>	<u>Other/Unknown Race/Sex</u>	<u>Persons with Disabilities</u>
Exec/Admin	147	78	69	3 / 0	18 / 16	10 / 5	21 / 22	19 / 20	7 / 6	2 / 4
Faculty & Other Instructional Staff	773	342	431	5 / 5	26 / 43	38 / 53	104 / 165	143 / 127	26 / 33	13/8
Professional Nonfaculty	41	22	19	0 / 1	3 / 3	3 / 7	6 / 5	9 / 2	1 / 1	0 / 2
Secretarial/ Clerical	639	149	490	2 / 3	13 / 25	16 / 45	88 / 344	18 / 57	12 / 16	4 / 4
Technical Paraprofessional	33	19	14	0 / 1	2 / 1	0 / 0	8 / 10	7 / 0	2 / 2	1 / 0
Skilled Craft	22	13	9	0 / 0	0 / 1	1 / 0	6 / 3	4 / 3	2 / 2	0 / 0
Service and Maintenance	202	183	19	0 / 1	26 / 5	6 / 1	10 / 6	20 / 2	4 / 0	1 / 2

XI. Analysis of Underrepresentation and Significant Underrepresentation

Per the latest guidelines from the State Chancellor's Office, Districts are advised that EEO plan components 11-13 and 15 are not required to be worked on until such information is provided. (Appendix B)

XII. Methods to Address Underrepresentation

Per the latest guidelines from the State Chancellor's Office, Districts are advised that EEO plan components 11-13 and 15 are not required to be worked on until such information is provided. (Appendix B)

XIII. Additional Steps to Remedy Significant Underrepresentation

Per the latest guidelines from the State Chancellor's Office, Districts are advised that EEO plan components 11-13 and 15 are not required to be worked on until such information is provided. (Appendix B)

XIV. Other Measures Necessary to Further Equal Employment Opportunity

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity, the development of a diverse workforce, and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination.

The District will take significant steps to promote equal employment opportunity, workplace diversity and an inclusive work environment. The District shall also take concrete steps to monitor its progress in these areas. These steps may be the following options, among others, to further equal employment opportunities.

- 1) Conduct campus climate studies to identify hidden barriers.
- 2) Distribute recruitment announcements in publications targeting underrepresentative populations.
- 3) Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate that they can infuse diversity into their major job duties.
- 4) Conduct diversity dialogues, forums, and cross-cultural workshops; Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- 5) Review and revise college/District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- 6) Promote a series of EEO/diversity workshops at FLEX day.
- 7) Evaluate administrators on their ability and efforts to meet the District's equal employment opportunity and diversity efforts.
- 8) Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, Americans with Disability Act, sexual harassment and nondiscrimination policies, procedures and programs on the District's website. The website will also list contact persons for further information on all of these topics.

- 9) Promote sabbaticals that will assist the District in achieving its equal employment opportunity and diversity objectives.
- 10) Promote various cultural celebrations on campus.
- 11) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.
- 12) Develop leadership opportunities with current staff focusing on diversity.
- 13) Ensure that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.
- 14) Seek direct contact with students, professionals, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.
- 15) Conduct exit interviews with employees who voluntarily leave the District. This data will be reviewed to see if a pattern impacting monitored groups exist, and implement measures to minimize turnover.

XV: Persons with Disabilities: Accommodations and Goals for Hiring

Per the latest guidelines from the State Chancellor's Office, Districts are advised that EEO plan components 11-13 and 15 are not required to be worked on until such information is provided. (Appendix B)

In the absence of necessary comparison data and until such information is provided, Rio Hondo is committed in providing all applicants and employees with disabilities reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m); section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act, as amended. The District welcomes applicants and employees with disabilities.

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XVI: Graduate Assumption Program of Loans for Education

The District will encourage community college students to become qualified for, and seek employment as, community college employees by announcing employment vacancies in the District's Career Center. The District will consider strategies to inform students about the opportunity to participate in the Graduation Assumption of Loans Programs for Education when the program is funded and available.

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APPENDIX A

NONDISCRIMINATION

BP No. 3410

Board Adopted: Revised 9/02, 02/03, 08/03, 02/06, 8/06; 2/18/09; 7/11/12;
5/14/14

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- I. The District is committed to equal opportunity in educational programs, employment, and access to all institutional programs and activities.

 - II. The District, and each individual who represents 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, military and veteran status or because he or 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.

 - III. The Superintendent/President shall establish administrative procedures that ensure all members of the College community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

 - IV. No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

 - V. The District officer responsible for ensuring District compliance with rules and regulations adopted by the Board of Governors of the California Community Colleges regarding unlawful discrimination shall be the Affirmative Action Officer, Director of Human Resources, and District's Title IX Officer/Section 504/ ADA Coordinator, Dean of Student Affairs.

 - VI. The District will provide annual notice of its policy against unlawful discrimination to students, new employees when they commence working, and all current employees.

 - VII. Reference:

Education Code Sections 66250, et seq., 72010, et seq., 87100 et seq.; Title 5, Sections 53000, et seq., 59300 et seq.; Penal Code Section 422.55; Government Code 12926.1, 12940, et seq.; Assembly Bill 556 (AB 556)
See Administration Procedure 3410.

COMMITMENT TO DIVERSITY

BP No. 7100

Board Adopted: 1/11/12

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- I. The District is committed to employing qualified administrators, faculty and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

- II. Source/Reference
Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq.;
Board resolution on equity of 14 September, 1994

NONDISCRIMINATION

AP No. 3410

Board Reviewed: 9/14/09; 6/13/12; 6/11/14

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I. Education Programs

- The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and/or veteran status, or because he or 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 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 1.6.

II. 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.

NONDISCRIMINATION

AP No. 3410

Board Reviewed: 9/14/09; 6/13/12; 6/11/14

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- 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.

Nondiscrimination References for Employment:

Education Code Sections 66250 at seq., 200 at seq. and 72010 et seq.;
Title 5 Sections 59300 et seq.; Penal Code section 422.55 et seq.;
Accreditation Standard 1.6.

DISCRIMINATION AND HARASSMENT

AP No. 3435

Board Reviewed: 8/14/96; 9/14/09; 3/10/10; 1/14/15

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I. Purpose

Rio Hondo Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of 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, military and veterans status, 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, in any program or activity. Such discrimination is prohibited by California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and/or the Age Discrimination Act (42 U.S.C. § 6101).

Rio Hondo Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

Rio Hondo Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

II. District Compliance Officer

The District Compliance Officer serves as the Title IX, ADA, and Section 504 Coordinator. The Compliance Officer is the "responsible District officer" charged with receiving all unlawful discrimination complaints filed pursuant to Title 5, section 59328, and coordinating their investigation. The actual investigation of complaints may be assigned to a third party investigator (outside persons or organizations). Such delegation procedures will be used whenever the District Compliance Officer is named in the complaint or is implicated by the allegations in the complaint. The District Compliance Officer (or third party investigator) shall disclose any real or perceived conflicts of interest and may be required to delegate the responsibility to investigate to another impartial investigator.

III. 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 he/she is being harassed or discriminated against to file a complaint. The District also strongly

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encourages the filing of such complaints as soon as possible following an 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.

IV. Communicating Unwelcome Conduct

The District encourages anyone to the extent they are comfortable doing so, to inform the offending person immediately and firmly when conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

V. Who May File a Complaint

A complaint may be filed by anyone who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of Board Policy 3410, Board Policy 3430, or this procedure. In addition, under federal civil rights laws referenced in Section I. (Purpose) complaints of unlawful discrimination or harassment may be filed by parties who have not personally suffered unlawful discrimination or harassment.

VI. Where to File a Complaint

Anyone who believes he/she has been discriminated against or harassed in violation of Board Policy 3410, Board Policy 3430, or this procedure may make a complaint orally or in writing within one year of the date of the alleged discrimination or harassment, or the date on which the complainant knew or should have known of the facts underlying the complaint. The District Compliance Officer is located in the Student Services Building, Room SS-204, and can be reached at (562) 908-3498.

VII. Informal/Formal Complaint Procedure

When a person brings a charge(s) of unlawful discrimination or harassment to the attention of the District's Compliance Officer, that officer will:

- (1) Undertake efforts to informally resolve the charges;
- (2) Advise the complainant that he/she need not participate in informal resolution;
- (3) Notify the person of his or her right to file a formal complaint and explain the procedure for doing so;
- (4) Assure the complainant that he/she will not be required to confront, or work out problems with the person accused of unlawful discrimination or harassment;
- (5) Advise the complainant that he/she may file a non-employment 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.

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(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 Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Efforts at informal resolution need not include any investigation unless the District Compliance 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 in writing. Even if the complainant does dismiss the complaint, the District Compliance Officer may require the investigation to continue if he/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.

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether 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 or the U.S. Equal Employment Opportunity Commission.

The District will allow for representation where required by law or collective bargaining agreement and may allow for representation in other circumstances on a case-by-case basis.

VIII. Filing a Formal Written Complaint

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he or she should be advised, but not required, to file the complaint on a form prescribed by the Chancellor's Office. The approved form is available from the District Compliance Officer, at the Rio Hondo College Website, and also at the State Chancellor's Office website.

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

If a complaint of unlawful discrimination or harassment is presented in another written format, such as a letter, the District may request that the complainant complete the form. Every effort should be made to have the complaint filed on this form and to obtain the complainant's signature. However, where a complainant has indicated that he or she wishes to pursue the formal complaint process, a complaint should not be rejected solely based on the failure to file the complaint on this form. If

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there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District will attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under Title 5 standards, the merits of the complaint itself may still be valid and must be addressed.

Once a complaint is filed, the individual(s) accused of engaging in unlawful discriminatory or harassing conduct should be advised of that filing and the general nature of the complaint. The District will take appropriate and reasonable action to ensure that the alleged behavior does not continue while the investigation is being conducted. 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.

IX. Threshold Requirements Prior to Investigation of a Formal Complaint

When a formal written complaint is filed it will be reviewed by the District Compliance Officer to determine if the complaint meets the following requirements:

- The complaint must allege unlawful discrimination or harassment prohibited under Title 5, section 59300.
- A complaint under Title 5¹ must be filed by one who alleges that he or she has personally suffered unlawful discrimination or harassment or by one who has learned of such unlawful discrimination or harassment in his or her official capacity as a College employee.
 - In addition, under the federal civil rights laws referenced in Section I (Purpose), this procedure also covers complaints of discrimination or harassment filed by someone, such as a representative, a family member, or other third party, on behalf of an individual or group of individuals alleged to have suffered unlawful discrimination or harassment.
- 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 or

¹ The portions of this procedure that pertain to communication with the State Chancellor's Office, and the appeal to that Office, do not apply unless the complainant meets the definition of complainant contained in Title 5, section 59328(a).

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harassment.

- In any complaint alleging unlawful discrimination or harassment in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination or harassment 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.

X. Defective Complaint

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 of Title 5, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.

XI. Notice to State Chancellor or District

A copy of all formal complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt, regardless of whether the complaint is brought by a student or by an employee. Similarly, when the State Chancellor's Office receives a complaint, a copy will be forwarded to the District immediately.

XII. Investigation of the Complaint

Rio Hondo Community College District recognizes the importance of, and is therefore committed to, completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

The District shall promptly investigate every complaint of discrimination or harassment. No claim of unlawful discrimination or harassment shall remain unexamined. The District shall investigate complaints involving acts that occur off campus if they are related to an academic or work activity. This includes complaints involving activities 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 Compliance officer may limit the scope of the investigation, as appropriate.

- Investigation Steps. The District will fairly and objectively investigate unlawful discrimination and harassment complaints utilizing the following steps, but not limited to: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party, if any; identifying and interviewing any other witnesses, if necessary; reminding all

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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 take appropriate disciplinary and remedial action, if necessary; and see that all recommended action(s) are carried out in a timely fashion.

- **Timeline for Completion.** The District will undertake its investigation promptly and as swiftly as possible. To that end, the District Compliance Officer (or third party investigator) shall complete the above steps and prepare a written report within 90 calendar 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 or discrimination is, or may be, occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

XIII. Administrative Determination

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.

In any case not involving employment discrimination or harassment, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300, et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy of the summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor²:

- (a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe unlawful discrimination or harassment 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's Board of Trustees and, for Title 5 complaints, to the State Chancellor.

² For non-employment complaints filed under the federal civil rights statutes referenced in Section I, a copy of the summary report and written notice shall be forwarded only to the complainant.

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In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300, et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the summary of the report to the complainant, and written notice setting forth all the following to the complainant:

- (a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe discrimination or harassment 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's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing or the U.S. Equal Employment Commission.

The District will keep these documents on file for a period of at least three (3) years after closing the case, and make them available to the State Chancellor upon request.

XIV. Discipline and Corrective Action

If harassment, discrimination, and/or retaliation occurred in violation of Board Policy 3410, Board Policy 3430, or this 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:

- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- providing counseling services;
- 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;
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the discrimination or harassment and the misconduct that may have resulted in the complainant being disciplined; and
- preventing offending third parties from entering campus.

If discipline is imposed, the nature of the discipline will generally 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 discrimination or harassment when the sanction directly relates to the complainant; for example, the

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District may inform the complainant that the harasser must stay away from the complainant. A victim of discrimination or harassment who is informed of disciplinary action must keep that information confidential.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination or harassment as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, and 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 unlawful 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, or any retaliation, or new incidents of discrimination or harassment. 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.

XV. Complainant's Appeal Rights

Complainants have appeal rights 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 District Compliance Officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District's Board of Trustees within 15 days from the date of the administrative determination. The Board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The Board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the 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 Board will be forwarded to the complainant and for Title 5 complaints, to the State Chancellor's Office.
- Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any Title 5 case not involving employment-related unlawful discrimination or harassment

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within 30 days from the date that the 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 by the Board or evidence showing the date on which the complainant filed an appeal with the Board, and a statement under penalty of perjury that no response was received from the Board within 45 days from that date. In any case involving employment discrimination or harassment, the complainant has the right to file a complaint with the Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency.

Complainants must submit all appeals in writing. The Title 5 process provides no corresponding appeal rights to any other parties aside from the complainants. 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 disciplinary decision using the procedure for appealing a disciplinary decision. The complainant will be notified if such an appeal is filed and will be given an opportunity to respond.

XVI. Extensions

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 District Compliance Officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. 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.

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 five (5) days of receipt.

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.

XVII. Confidentiality of the Process

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 discrimination or harassment; the complainant's age; whether there have been other discrimination or harassment complaints about the same individual; and the accused individual's rights to receive

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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.

If a complainant insists that his or her name not be revealed, the District Compliance Officer (or third party investigator) 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.

Complainants, witnesses, and those accused of discrimination or harassment shall be informed of the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. Persons who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination or harassment will be asked to sign a confidentiality acknowledgement statement.

XVIII. Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination or harassment complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District's unlawful discrimination and harassment policy.

If an individual believes she/he has been subject to retaliation, the individual may file an additional or amended complaint with the District Compliance Officer. The District Compliance Officer (or third party investigator) shall investigate the claim of retaliation in accordance with these procedures.

If the District Compliance Officer (or third party investigator) determines that the complaint of retaliation is valid, in addition to any other remedies which may be appropriate (such as disciplinary action), the appropriate District administrator/manager shall take all necessary steps to end the retaliatory behavior as quickly as possible and shall provide counseling to the person performing the retaliation in regard to the rights of complainants to be free from retaliation.

XIX. Academic Freedom

Rio Hondo Community College District Board of Trustees reaffirms its commitment to academic freedom, as defined in BP 4030, but recognizes that academic freedom does not allow any form of unlawful discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for any specific community college program, course, or activity, including participatory/shared governance and representation of constituents.

When investigating unlawful discrimination or harassment complaints containing issues of academic freedom, the District will consult with a faculty member appointed

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by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

Reference: Cohen v. San Bernardino Valley College (1995) 883 F.Supp. 1407, 1412-1414, *affd.* in part and *revd.* in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., tit. 5, § 59302

XX. Dissemination of Policy and Procedures

All College employees will be provided with a copy of the District's written policy on unlawful discrimination and harassment at the beginning of the fall semester of each new academic year.

District policy and procedures related to harassment will include information that specifically addresses sexual violence. District Policy and Procedures related to harassment will be made available in the college catalog, emailed to all students and College employees, and will be posted 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.

XXI. Notice, Training, and Education for Students and Employees

Rio Hondo Community College District's Compliance Officer, or designee, shall make arrangements for, or provide training to, employees and students on the District's unlawful discrimination and harassment policy and procedures.

A workshop or informational session will be made available to all District employees at least once annually. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six (6) months of assuming a supervisory position and every two (2) years 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.

A workshop or informational session will be made available to all students at least once annually. The student workshop or informational session will include an explanation of the policy, how it works, and how to file a complaint. The session will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. In addition, a copy of the District's written policy on unlawful discrimination and harassment, as it pertains to students, will be distributed to all students through the student portal at the beginning of each fall semester.

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 and harassment

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on all bases covered by this procedure, and the remedies available to victims of discrimination and harassment.

XXII. Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Accused" means the individual who allegedly unlawfully discriminated against or harassed the complainant
- "Appeal" means a request by a complainant made in writing to the Rio Hondo Community College District Board of Trustees 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.
- "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.
- "Complaint" means a written and signed statement meeting the requirements of Title 5, section 59328³ 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.
- "Complainant" means anyone who alleges that he or she has personally suffered unlawful discrimination in violation of these policies and procedures, or a person who has learned of such unlawful discrimination, including a faculty member, administrator, student, family member, or other third party who files on behalf of an individual or group alleged to have suffered discrimination or harassment.
- "Days" means calendar days.
- "Gender" means sex, and 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.
- "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 disability, 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.

³ See section VIII., Filing a Formal Written Complaint.

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- (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, as well as 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.
- "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

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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.

- "District" means Rio Hondo 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 that receives state funding or financial assistance through the District.
- "Respondent" means the individual who allegedly unlawfully discriminated or sexually harassed the complainant.
- "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.
- "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.
- "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, or 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: threatening to withhold, 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.

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(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 decision maker has a sexual relationship and denying such benefits to other students or employees.

- "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
- "Unlawful discrimination" means discrimination based on a category protected under Title 5, section 59300, including retaliation and sexual harassment.

XXIII. Record Retention

Unlawful discrimination and harassment records that are part of an employee's employment records may be classified as permanent records and retained indefinitely in accordance with Title 5, California Code of Regulations, section 59022.

XXIV. Source /Reference:

In so providing, Rio Hondo Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100, et seq.), and the Age Discrimination Act (42 U.S.C. § 6101).

Education Code Section 66281.5; Government Code 12950.1; Title 5, Sections 59320, 59324, 59326, 59328, and 59300 et seq.; 34 C.F.R. Section 106.8(b).

APPENDIX B

**CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE**

1102 Q STREET, SUITE 4554
SACRAMENTO, CA 95811-6549
(916) 445-8752
<http://www.cccco.edu>



Date: September 23, 2013

To: Chief Executive Officers, Chief Human Resources Officers

From: Steve Bruckman
Executive Vice Chancellor and General Counsel

Re: Revision of Equal Employment Opportunity Program Regulations

Summary

In 2011, the Board of Governors approved a substantial revision of the title 5 regulations pertaining to equal employment opportunity (EEO) in recruiting and hiring. Since that time, the regulations have been under review by the Department of Finance (DOF). DOF was concerned that the regulations could result in claims for reimbursement from districts. On September 10, 2013, DOF signed off on the regulations. The regulations have been filed with the Secretary of State and will become effective on October 19, 2013. The revised regulations can be found on our website at:

http://extranet.cccco.edu/Portals/1/Legal/Regs/FINAL_AS_FILED_EEO_regs.pdf.

While still encouraging diversity in hiring, the revised regulations are less prescriptive in the means of accomplishing this goal. The revised regulations also change what is required for a district equal employment opportunity plan. Although the revised regulations provide that the Chancellor's Office is no longer required to approve district EEO plans, districts are still required to submit their plans to the Chancellor's Office. The adoption of these regulations provides a great opportunity for districts to take a fresh look at the processes for ensuring diversity in employment.

Background

In 2008, community college HR and EEO professionals brought their concerns to the Chancellor's Office about the EEO regulations. The concerns included outdated terminology, methodologies, and potential for legal liability. Most specifically, the regulations required the Chancellor's Office to provide "availability data" for use by districts in determining whether

pools were adequately diverse. Despite multiple efforts, the Chancellor's Office was unable to obtain useful and accurate availability data. This left districts unable to comply with the regulations as written.

Together, the field and Chancellor's Office developed a collaborative effort to share information and gather statewide feedback on the law and current regulations, best practices for promoting, and accurately measuring and assessing employee diversity, and how to design regulations that would best serve California's dynamic and growing community college student population. Under this process, the statewide EEO and Diversity Advisory Committee (led by the Chancellor's Office and comprised of representatives from constituent groups including HR/EEO, faculty and classified staff) formed a task force to draft new regulatory language. The task force, like the Advisory Committee, included the Chancellor's Office and constituent groups. After extensive consultation with professionals in the field, the task force established broad goals and principles for title 5 revisions. Then, a writing team assembled from among its members began its work. The primary goals charged to the writing team were to develop new EEO strategies that would:

- better align with the current legal and social context;
- provide HR and EEO professionals with better tools which are legal and methodologically sound, and practice-oriented; and
- continue to demonstrate and expect meaningful and effective efforts to maximize diversity and identify and eliminate barriers to the employment opportunities for underrepresented groups.

Overview of Revisions

Historically, districts have been held accountable for outcomes, measured by comparisons to external reference groups. Under the revised regulations, districts have both the independence and the responsibility to design and implement strategies that make sense for their particular communities. Districts must conduct systematic self-evaluation of practices that are focused at the district level. Data will still be collected and analyzed, but instead of relying on a single specific test or set of numbers, a more systematic and integrated design allows districts to measure and assess diversity from various angles and through various means relative to known populations. Districts are provided with the flexibility to utilize practices that best meet the needs of their diverse populations, as well as an opportunity to optimize available resources. Chancellor's Office oversight is secondary, in that it is triggered by a district's failure to take responsibility for developing and implementing EEO strategies on its own.

In addition, the rules for interim appointments have been changed. Previously, interim appointments were allowed for one year, and districts could request approval from the Chancellor's Office for an additional year. The revised regulations allow for a two year interim

appointment with no provision for extension. After two years, the interim appointment must be terminated.

Aside from technical and nonsubstantive changes, below is an overview of the substantial changes and associated rationales.

Previous regulations	Revised regulations
<p>Remedy for discrimination: Pool certifications are based on comparison of diversity of applicants with expected rates in availability data provided by Chancellor's Office and from the qualified applicant pool. Where analysis indicates underrepresentation due to flaws in hiring process, districts are required to re-recruit before hiring.</p>	<p>Remedy for discrimination: Modernization of methodology to include multiple strategies for optimal flexibility for local solutions and preventative practices. <i>Which</i> strategies to use are optional. However, implementing diversity/EEO plans and meaningful strategies is required. Rationale: Avoid overreliance on a single measure; allow for district flexibility and increased validity/reliability. Replaces costly and time consuming certification process with practices aimed at prevention and a broader array of lawful strategies designed to maximize diversity rather than react to underrepresentation.</p>
<p>Sources of accountability: EEO plans reviewed and approved by Chancellor's Office. Applicant pools are required to be certified.</p>	<p>Sources of accountability: Chancellor's Office may impose from among the multiple strategies <i>if</i> they find a pattern of discrimination complaints or other indicators that a district is not employing effective practices, and <i>after</i> the district has been given notice and an opportunity to correct. Rationale: Recognizes limited resources/staff in the Chancellor's Office, as well as provides for advance disclosure of more specific practices which might be required should problems be identified.</p>
<p>EEO for persons with disabilities: Goals and timetables allowed because preferential treatment on the basis of disability is not prohibited by Prop 209. Thus, disability treated differently from other monitored groups.</p>	<p>EEO for persons with disabilities: Disabled applicants are treated consistently with all other applicants, and afforded the benefits and protections of all other protected groups under the law, as well as the proactive practices-based approaches districts are to utilize to maximize diversity. Of course, this is in</p>

	<p>addition to all rights specifically afforded to disabled applicants under the American Disabilities Act and Fair Employment & Housing Act.</p> <p>Rationale: By employing a consistent approach for applicants in ALL underrepresented groups, the regulations are more consistent, coherent, practical and cost effective. It also eliminates the tension of requiring different treatment of one group within regulations designed by their very name to ensure equal treatment. Further, because the Task Force sees the revisions as offering more effective and modern approaches to diversity, this revision does not reflect a diminished commitment to expanding opportunities for disabled applicants</p>
<p>Allowable interim appointments: One year, with additional year based on “business necessity.”</p>	<p>Allowable interim appointments: Two years, without a required showing of business necessity.</p> <p>Rationale: One-year limit is not workable because the recruitment process for leadership positions takes so long. Business necessity, as defined in the regulation, is a standard that is virtually impossible to meet rendering the extension possibility extremely unlikely. A cleaner approach is to allow two years with no extensions.</p>

Next Steps

The revised regulations and implementation will be discussed at the Chief Human Resources Officers Annual Meeting on October 15-18, 2013. Please contact Ruth Cortez if you are interested in attending. The primary Chancellor’s Office contact person will be Senior Attorney, Julia Blair. Julia can be reached at (916) 445-6212, or jblair@cccco.edu.

Budget \$ 425,000
 Allocated \$ 406,700
 Remaining \$ 18,300

Product Category	(All)
Priority	(All)

Sum of Total Cost	Column Labels				
Row Labels	(blank)	Classroom Equipment	Classroom Furniture	Classroom Materials	Grand Total
Arts & Cultural Programs		\$ 94,964			\$ 94,964
Behavioral & Social Sciences		\$ 45,470			\$ 45,470
Business		\$ 3,300			\$ 3,300
Communications & Languages		\$ 11,854			\$ 11,854
CTEC			\$ 8,250		\$ 8,250
Health Science & Nursing		\$ 6,100			\$ 6,100
Library		\$ 6,282	\$ 8,700		\$ 14,982
Math & Sciences		\$ 182,273	\$ 19,200	\$ 18,468	\$ 219,941
SSR		\$ 1,840			\$ 1,840
(blank)					
Grand Total		\$ 352,082	\$ 36,150	\$ 18,468	\$ 406,700

