

NONDISCRIMINATIONBP No.
3410

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

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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 (CCLC), military and veteran status (AB556), 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 (CCLC), military and veteran status (AB556), 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 Personnel.
- 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.
See Administration Procedure 3410.

BP 3410 Nondiscrimination

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.;
Accreditation Standard II.B.2.c

NOTE: This policy is legally required.

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

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, 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.

The [*CEO*] shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

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

See Administrative Procedure [#].

Revised 9/02, 9/08, 3/12, 6/13

**GOVERNMENT CODE
SECTION 12920**

12920. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account 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, or sexual orientation.

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foment domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general.

Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.

**Assembly Bill No. 556
CHAPTER 691**

An act to amend Sections 12920, 12921, 12926, and 12940 of the Government Code, relating to employment.

[Approved by Governor October 10, 2013. Filed with Secretary of State October 10, 2013.]

legislative counsel's digest

AB 556, Salas, Fair Employment and Housing Act: military veterans.

(1) Existing law, the California Fair Employment and Housing Act, protects and safeguards the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account 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, or sexual orientation.

This bill would add "military and veteran status," as defined, to the list of categories protected from employment discrimination under the act. The bill would also provide an exemption for an inquiry by an employer regarding military or veteran status for the purpose of awarding a veteran's preference as permitted by law.

(2) This bill would incorporate additional changes to Section 12940 of the Government Code made by SB 292 that would become operative if both bills are chaptered on or before January 1, 2014, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 12920 of the Government Code is amended to read:

12920. It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account 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. It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foment domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general. Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.

It is the purpose of this part to provide effective remedies that will eliminate these discriminatory practices.

This part shall be deemed an exercise of the police power of the state for the protection of the welfare, health, and peace of the people of this state.

SEC. 2. Section 12921 of the Government Code is amended to read:

12921. (a) The opportunity to seek, obtain, and hold employment without discrimination because 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 is hereby recognized as and declared to be a civil right.

(b) The opportunity to seek, obtain, and hold housing without discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, genetic information, or any other basis prohibited by Section 51 of the Civil Code is hereby recognized as and declared to be a civil right.

SEC. 3. Section 12926 of the Government Code is amended to read:

12926. As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) "Genetic information" means, with respect to any individual, information about any of the following:

(A) The individual's genetic tests.

(B) The genetic tests of family members of the individual.

- (C) The manifestation of a disease or disorder in family members of the individual.
- (2) "Genetic information" includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.
- (3) "Genetic information" does not include information about the sex or age of any individual.
- (i) "Labor organization" includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.
- (i) "Medical condition" means either of the following:
- (1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
- (2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
- (A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
- (B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- (j) "Mental disability" includes, but is not limited to, all of the following:
- (1) Having any mental or psychological disorder or condition, such as intellectual disability, 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 special education or related 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 employer or other entity covered by this part.
- (4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- (5) Being regarded or treated by the employer or other entity covered by this part 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.
- (k) "Military and veteran status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.
- (l) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status.
- (m) "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, hemie and lymphatic, skin, and endocrine.

MATRICULATION STUDENT SUCCESS AND SUPPORT PROGRAM (CCLC)

BP No.
5050

Board Adopted: 11/21/07, 1/14/09

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- I. The District shall provide **Student Success and Support Program matriculation** services to students for the purpose of enhancing the equality of educational opportunity and academic success. The purpose of **Student Success and Support Program services matriculation** is to bring the student and the District into agreement regarding the student's educational goals through the District's established programs, policies, and requirements. **(CCLC)**
- II. The **Superintendent/President**, or designee, shall establish procedures to assure implementation of **Student Success and Support Program matriculation** services that comply with the Title 5 regulations. **(CCLC) (current practice)**

III. Source/Reference:

Education Code Sections 78210 et seq.; Title 5 Sections 55500 et. seq.

See Administrative Procedures 5050.

BP 5050 Student Success and Support Program

References:

Education Code Sections 78210 et seq.;

Title 5 Sections 55500 et. seq.

The District shall provide Student Success and Support Program services to students for the purpose of furthering equality of educational opportunity and academic success. The purpose of Student Success and Support Program services is to bring the student and the District into agreement regarding the student's educational goal through the District's established programs, policies, and requirements.

The [*CEO*] shall establish procedures to assure implementation of Student Success and Support Program services that comply with the Title 5 regulations.

See Administrative Procedures [#].

Revised 2/08, 10/13

FINANCIAL AID

BP No. 5130

Board Adopted: 11/21/07, 1/11/12, 11/14/12

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- I. A program of financial aid to students will be available, which may include, but is not limited to, scholarships, grants, loans, and work and employment programs.
- II. All financial aid programs will adhere to guidelines, procedures, and standards issued by the funding agency, and will incorporate federal, state, and other applicable regulatory requirements.
- III. The Superintendent/President, or designee, shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV and state student aid programs in compliance with the United States Department of Education Policies and Regulations.

IV. Misrepresentation

- A. Consistent with the applicable federal regulations for federal financial aid, the District shall not engage in "substantial misrepresentation" of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates.
- B. The Superintendent/President, or designee, shall establish procedures for regularly reviewing the District's website and other informational materials for accuracy and completeness and for training District employees and vendors providing educational programs, marketing, advertising, recruiting, or admissions services concerning the District's educational programs, financial charges, and employment of graduates to assure compliance with this policy.
- C. The Superintendent/President, or designee, shall establish procedures wherein the District shall periodically monitor employees' and vendors' communications with prospective students and members of the public, and take corrective action where needed.
- D. This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and Board of Trustees do not waive any defenses or governmental immunities by enacting this policy.

V. Source/Reference:

20 U.S. Code Sections 1070 et seq.; 34 Code of Federal Regulations Section 668; Education Code Section 66021.6, 76300; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended. (CCLC)

See Administrative Procedure 5130.

BP 5130 Financial Aid

References:

Education Code Sections 66021.6, 76300;
20 U.S. Code Sections 1070 et seq.;
34 Code of Federal Regulations Section 668;
U.S. Department of Education regulations on the Integrity of Federal Student
Financial Aid Programs under Title IV of the Higher Education Act of 1965, as
amended.

***NOTE:** This policy is legally required.*

A program of financial aid to students will be provided, which may include, but is not limited to, scholarships, grants, loans, and work and employment programs.

All financial aid programs will adhere to guidelines, procedures and standards issued by the funding agency, and will incorporate federal, state, and other applicable regulatory requirements.

The [*CEO*] shall establish, publicize, and apply satisfactory academic progress standards for participants in Title IV student aid programs.

***NOTE:** The policy provisions below are legally required in an effort to show good faith compliance with the applicable federal regulations.*

Misrepresentation

Consistent with the applicable federal regulations for federal financial aid, the District shall not engage in "substantial misrepresentation" of 1) the nature of its educational program, 2) the nature of its financial charges, or 3) the employability of its graduates.

The [*CEO*] shall establish procedures for regularly reviewing the District's website and other informational materials for accuracy and completeness and for training District employees and vendors providing educational programs, marketing, advertising, recruiting, or admission services concerning the District's educational programs, financial charges, and employment of graduates to assure compliance with this policy.

The [*CEO*] shall establish procedures wherein the District shall periodically monitor employees' and vendors' communications with prospective students and members of the public and take corrective action where needed.

This policy does not create a private cause of action against the District or any of its representatives or service providers. The District and its Governing Board do not waive any defenses or governmental immunities by enacting this policy.

Revised 7/11, 3/12, 10/13

DISABLED STUDENTS PROGRAMS AND SERVICES

BP No. 5140

Board Adopted: 11/21/07, 11/14/12

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- I. Students with verified disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable programs in the District.
- II. The Disabled Students Programs and Services (DSPS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for disabled students who can benefit from instruction as required by federal and state laws.
- III. DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, **technology accessibility**, accessible facilities, equipment, instructional programs, rehabilitation counseling, and academic counseling. **(CCLC)**
- IV. No student with disabilities is required to participate in the DSP&S Programs and Services program.
- V. The District shall respond in a timely manner to accommodation requests involving academic adjustments. The Superintendent/President shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator, or designee.
- VI. The Superintendent/President shall assure that the DSPS program conforms to all requirements established by the relevant laws and regulations.
- VII. **Source/Reference:**

Education Code Sections 67310, 84850; Title 5 Sections 56000 et seq. and 56027.
See Administrative Procedure 5140.

BP 5140 Disabled Student Programs and Services

References:

Education Code Sections 67310 and 84850;
Title 5 Sections 56000 et seq. and 56027

Students with disabilities shall be reasonably accommodated pursuant to federal and state requirements in all applicable programs in the District.

The Disabled Students Programs and Services (DSPS) program shall be the primary provider for support programs and services that facilitate equal educational opportunities for disabled students who can profit from instruction as required by federal and state laws.

DSPS services shall be available to students with verified disabilities. The services to be provided include, but are not limited to, reasonable accommodations, academic adjustments, technology accessibility, accessible facilities, equipment, instructional programs, rehabilitation counseling and academic counseling.

No student with disabilities is required to participate in the Disabled Students Programs and Services program.

The District shall respond in a timely manner to accommodation requests involving academic adjustments. The [*CEO*] shall establish a procedure to implement this policy which, at a minimum, provides for an individualized review of each such request, and permits interim decisions on such requests pending final resolution by the appropriate administrator or designee.

The [*CEO*] shall assure that the DSPS program conforms to all requirements established by the relevant law and regulations.

Revised 3/12, 10/13

DISCRIMINATION AND HARASSMENT

**AP No.
3435**

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

Formerly CP 5800

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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, color, medical condition genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy (CCLC), military veteran 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

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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 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 that the Conduct is Unwelcome~~ 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 the federal civil rights laws referenced in Section I. (Purpose) complaints of Allegations 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

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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/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.
- (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, [on 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 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

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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) on page 1 above, 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 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.

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).

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, ~~if appropriate~~, 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 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 swiftly as possible. To that end, the District Compliance

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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 governing board and for Title 5 complaints, to the State Chancellor.

In any case involving employment discrimination, within 90 days of receiving

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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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 governing board 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 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 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, 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 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.

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- 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 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 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 by 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. 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 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.

XVIII. 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 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.

XIX. Retaliation

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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 regarding the rights of complainants to be free from retaliation.

XX. Academic Freedom

Rio Hondo Community College District Governing Board reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

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

XXI. 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 provided 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.

XXII. 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 months of assuming a supervisory position and every two 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 on all bases covered by this procedure, and the remedies available to victims of discrimination and harassment.

XXIII. Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Accused" means the individual who allegedly unlawfully discriminated against or **sexually**-harassed the complainant
- "Appeal" means a request by a complainant made in writing to the Rio Hondo 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.
- "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 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

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

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.

- "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.

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- (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.
- "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(s) 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, 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.

(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.

XXIV. 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.

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

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(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)

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References:

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

NOTE: *This procedure is legally required. Local practice may be inserted. The following is an illustrative example.*

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 [*designate position*] 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 [*insert by whom*] to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the [*designate officer*] 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 **[designate officer]** and at the State Chancellor's website.

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

- the **[designate officer]**;
- **[identify others, including the Chief Student Services Officer, Chief Human Resources Officer and CEO]**; 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 **[designated officer]** immediately.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the **[designate officer]** 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 **[designate officer]** 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 [**designate officer**] 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 [**CEO 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. 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 *[designated officer]* 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 misconduct that may have resulted in the complainant being disciplined.

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 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.

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 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.

NOTE: *The following is suggested as good practice, and will generally be viewed by a court as helping to reduce District liability.*

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

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

Education and Prevention for Students

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

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

Revised 7/02, 2/03, 2/05, 2/06, 3/12, 6/13

CONFLICT OF INTERESTBP No.
2710

Board Adopted: 3/13/02; 11/12/03; 2/20/08

Page 1 of 1

- I. **Members of the Board Trustees** members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.
- II. A Board member shall not be considered to be financially interested in a contract if his or her interest is limited to those interests defined as remote under Government Code Section 1091, or is limited to interests defined by Government Code Section 1091.5.
- III. A Board member who has a remote interest in any contract considered by the Board shall disclose his or her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

- IV. A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to his or her duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. Upon leaving the Board, former members shall not, for a period of one year, act as an attorney, agents or otherwise represent for compensation others appearing before the Board.
- V. In compliance with law and regulation, the Superintendent/President shall ~~has~~ **established** administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.
- VI. Board members shall file statements of economic interest with the filing officer identified by the administrative procedures. (~~See Conflict of Interest and Disclosure Code, addendum, incorporated as part of this Board Policy, approved by the Board of Supervisors, County of Los Angeles at their meeting held January 8, 2002~~)
- VII. Source/Reference
Government Code Sections 1090, et seq., 1126, 87200, et seq.; Title 2, Sections 18730 et seq.; Former Policy 1001.

BP 2710 Conflict of Interest

References:

Government Code Sections 1090 et seq.; 1126; and 87200 et seq.;
Title 2 Sections 18730 et seq.

Board members shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members.

A Board member shall not be considered to be financially interested in a contract if his/her interest is limited to those interests defined as remote under Government Code Section 1091 or is limited to interests defined by Government Code Section 1091.5.

A Board member who has a remote interest in any contract considered by the Board shall disclose his/her interest during a Board meeting and have the disclosure noted in the official Board minutes. The Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract.

A Board member shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to his/her duties as an officer of the District.

In compliance with law and regulation, the [CEO] shall establish administrative procedures to provide for disclosure of assets of income of Board members who may be affected by their official actions, and prevent members from making or participating in the making of Board decisions which may foreseeably have a material effect on their financial interest.

Board members shall file statements of economic interest with the filing officer identified by the administrative procedures.

Note: Although the following is not legally required, it is legally advised.

Board members are encouraged to seek counsel from the District's legal advisor in every case where any question arises.

See Administrative Procedures [#].

Revised 2/06

BOARD MEMBER HEALTH BENEFITS

BP No.
2730

Board Adopted: 3/13/02; 11/12/03

Page 1 of 1

- I. Members of the Board **of Trustees** shall be permitted to participate in the District's health benefit programs. *The benefits of members of the Board through the District's health benefit programs shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employees of the District. (CCLC)*
- II. Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if all the following criteria are met:
 - A. The member must have begun service on the Board after January 1, 1981;
 - B. The member must have been first elected to the Board before January 1, 1995;
 - C. The member must have served at least twelve (12) years.
- III. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.
- IV. Source/Reference
Government Code Sections 53201, **53208.5**; Former Policy 5360.

BP 2730 Board Member Health Benefits

References:

Government Code Sections 53201 and 53208.5

Note: If the Board has determined that Board members are permitted to participate in the District's health benefits programs, the following policy language can be used to set out the District's commitment to current and former Board members. The determination of whether or not Board members and former Board members may participate must be made in accordance with Government Code Section 53201.

Members of the Board shall be permitted to participate in the District's health benefit programs. The benefits of members of the Board through the District's health benefits programs shall not be greater than the most generous schedule of benefits being received by any category of non-safety employee of the District.

Note: The following provision should only be used if former members of the Board have been permitted to continue receiving health benefits since before January 1, 1995.

() Former members of the Board may continue to participate in the District's health benefits programs upon leaving the Board if the following criteria are met: the member must have begun service on the Board after January 1, 1981; the member must have been first elected to the Board before January 1, 1995; and the member must have served at least 12 years. All other former Board members may continue to participate in the District's health benefits programs on a self-pay basis.

Revised 3/12

BOARD MEMBER TRAVEL

BP No. 2735

Board Adopted: 3/13/02; 11/12/03

Page 1 of 1

- I. Members of the Board **of Trustees** shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.
- II. Reimbursement shall be at the same rate and for the same purposes as for College employees.
- III. Each **Board** member must submit a travel request for each trip or conference with the Secretary of the Board in consultation with the Board President. If the member does not complete the travel, they **he/she shall are-to notify the Secretary of the Board and** shall be responsible for reimbursing the College for the expense. Reimbursement shall not be required if it is determined by the Board that the member was ill or had an emergency.
- IV. **Upon returning from the trip or conference, the Board member shall provide an update on the professional development activity under the "Staff and Board Comments" section of the Board agenda at the next regular Board meeting Source/Reference**

Education Code Section 72423; ACCJC **Accreditation Standard IV.B.1.f.**

● BP 2735 Board Member Travel

Reference:

Education Code Section 72423

Members of the Board shall have travel expenses paid whenever they travel as representatives of and perform services directed by the Board.

Note: Boards may wish to add local policies that describe expectations and processes for approving Board member travel.

See Administrative Procedure [#].



BOARD EDUCATION

BP No. 2740

Board Adopted: 3/13/02; 11/12/03; 11/11/09

Page 1 of 1

- I. The Board **of Trustees** is committed to its ongoing development as a Board and to a trustee education program that includes new trustee **and student trustee** orientation. To that end, the Board **of Trustees** will engage in study sessions, **be provided** access to reading materials, and financially support conference attendance and other activities that foster trustee education. The Board members will provide post-professional development activity reports at the subsequent Board meeting.
- II. **Newly elected or appointed trustees will be provided an orientation as detailed in Administrative Procedures 2740.**
- III. **Source/Reference**
CCLC; ACCJC Accreditation Standard IV.B.1.f., AP 2740

BP 2740 Board Education

Reference:

Accreditation Standard IV.B.1.f

The Board is committed to its ongoing development as a Board and to a trustee education program that includes new trustee orientation.

Note: Local districts may insert their own policy here regarding their programs of Board development. A general statement is:

To that end, the Board will engage in study sessions, provide access to reading materials, and support conference attendance and other activities that foster trustee education.

Note: The Community College League has resources to assist Boards in further developing a local new trustee orientation program as well as ongoing development for the Board and experienced trustees.

BOARD MEETINGS: SPECIAL AND EMERGENCY MEETINGSAP No.
2320

Board Reviewed: 5/17/06

Page 1 of 1

- I. Whenever a special meeting of the **Board of Trustees** governing-board is called, the CEO **Superintendent/President** shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The CEO **Superintendent/President** shall also ensure that the following notices of the meeting are delivered either personally or by other means:
 - A. Written notice to each member of the governing-board **Board**, including any student trustee(s).
 - B. Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.
 - C. The written notice must be received at least 24 hours before the time of the meeting as sent out in the notice. The notice shall specify the time and place of the special meeting, and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.
- II. Whenever an emergency meeting of the governing-board **Board** is called, the CEO **Superintendent/President** shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the CEO **Superintendent/President** shall provide the newspapers, radio stations, and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.
- III. Source/Reference:

Government Code Sections 54956; 54956.5 Education Code Sections 72023.5; 72129

AP 2320 Special and Emergency Meetings

References:

Education Code Sections 72023.5 and 72129;
Government Code Sections 54956 and 54956.5

Note: *It is legally required to have this procedure.*

Whenever a special meeting of the governing board is called, the CEO shall cause the call and notice to be posted at least 24 hours prior to the meeting in a location freely accessible to the public. The CEO shall also ensure that the following notices of the meeting are delivered either personally or by other means:

Written notice to each member of the governing board, including any student trustee(s).

Written notice to each local newspaper of general circulation, and each radio or television station that has previously requested in writing to be provided notice of special meetings.

The written notice must be received at least 24 hours before the time of the meeting as set out in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. The notice may be waived by members of the governing board in writing either prior to or at the time of the meeting.

Whenever an emergency meeting of the Governing Board is called, the CEO shall cause notice to be provided by telephone at least one hour prior to the meeting to each local newspaper of general circulation and each radio or television station that has requested notice of special meetings. If telephone services are not functioning, the CEO shall provide the newspapers, radio stations and television stations with information regarding the purpose of the meeting and any action taken at the meeting as soon after the meeting as possible.

Revised 9/01

EVALUATION OF SUPERINTENDENT/PRESIDENT CEOAP No.
2435

Board Reviewed: 5/17/06

Page 1 of 1

- I. The Board of **Trustees** evaluates the Superintendent/President annually. The evaluation process, agreed upon between the CEO **Superintendent/President** and the Board, consists of an evaluation instrument that includes input from staff, faculty, students, and managers.
- II. The Board and CEO **Superintendent/President** have established an annual timeline to complete the evaluation process of the CEO **Superintendent/President** to coincide with the conclusion of the CEO's **Superintendent/President's** contract year.
- III. As a part of the evaluation process, the CEO **Superintendent/President** and the Board of **Trustees** shall mutually agree upon the goals and objectives to be considered for the following year.
- IV. The final evaluation will be based upon:
 1. Progress toward goals and objectives;
 2. The CEO's **Superintendent/President's** self-evaluation; and
 3. A composite of the evaluation forms completed by members of the constituent groups.
- V. The Board, as a whole, will meet with the CEO- **Superintendent/ President** to discuss the final evaluation. A copy of the final evaluation shall be furnished to the CEO- **Superintendent/President** prior to that meeting.
- VI. A final written summary evaluation shall be prepared by the Board President. A signed copy will be retained by the CEO **Superintendent/President**, and one will be placed in the personnel file.
- VII. Source/Reference:
ACCJC Accreditation Standard 10-A-4- **IV.B.1.j.**

AP 2435 Evaluation of [CEO]

Reference:

Accreditation Standard IV.A

Note: *This procedure is required to meet accrediting standards and is good practice. Local practice may be inserted here. The provision that the [CEO] is evaluated should be contained in the [CEO] contract. Detailed descriptions of the evaluation process may be included as part of these Administrative Procedures or in a separate document.*

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

Page 1 of 3

Note: It is required that districts have this procedure.

I. Incompatible Activities (Government Code Sections 1126, 1099)

Members of the Board of Trustees and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's and employees' duties as officers of the District.

A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

II. Financial Interest (Government Code Section 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to be financially interested in a contract if his or her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he or she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

III. No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the ~~governing board~~ **Board of Trustees** unless and until he or she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part-time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

IV. Financial Interest in a Decision (Government Code Section 87100 et seq.)

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

Page 2 of 3

If a Board member or employee determines that he or she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter:

1. Publicly identify the financial interest in detail sufficient to be understood by the public;
2. Re-excuse himself or herself from discussing and voting on the matter;
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

V. Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays, and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506. A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501, 89502).

CONFLICT OF INTERESTAP No.
2710

Board Reviewed: 5/17/06; 9/9/09; 12/14/11

Page 3 of 3

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests. The term "honorarium" does not include:

1. Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade, or profession is making speeches.
2. Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction for income tax purposes.

VI. Representation (Government Code 87406.3)

Elected officials and the Superintendent/President shall not, for a period of one year after leaving their position, act as an agent or attorney for, or otherwise represent for compensation, any person appearing before that local government agency.

VII. Source/Reference:

Government Code Sections 87105, 87200-87210, 87406.3;
Title 2, Section 18700 et seq. and as listed above.

AP 2710 Conflict of Interest

References:

Government Code Sections 87105 and 87200-87210;
Title 2 Sections 18700 et seq.; and as listed below

Note: *It is legally required that districts have this procedure.*

Incompatible Activities (Government Code Sections 1126 and 1099)

Board members and employees shall not engage in any employment or activity that is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the District. A Board member shall not simultaneously hold two public offices that are incompatible. When two offices are incompatible, a Board member shall be deemed to have forfeited the first office upon acceding to the second.

Financial Interest (Government Code Sections 1090 et seq.)

Board members and employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as members of the Board or as employees.

A Board member shall not be considered to be financially interested in a contract if his/her interest meets the definitions contained in applicable law (Government Code Section 1091.5).

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other member of the Board to enter into the contract. Remote interests are specified in Government Code Section 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his or her minor child.

No Employment Allowed (Education Code Section 72103(b))

An employee of the District may not be sworn in as an elected or appointed member of the Governing Board unless and until he/she resigns as an employee. If the employee does not resign, the employment will automatically terminate upon being sworn into office. This provision does not apply to an individual who is usually employed in an occupation other than teaching and who also is, at the time of election to the Board, employed part time by the District to teach no more than one course per semester or quarter in the subject matter of that individual's occupation (Education Code Section 72103(b)).

Financial Interest in a Decision (Government Code Sections 87100 et seq.)

If a Board member or employee determines that he/she has a financial interest in a decision, as described in Government Code Section 87103, this determination shall be

disclosed and made part of the Board's official minutes. In the case of an employee, this announcement shall be made in writing and submitted to the Board. A Board member, upon identifying a conflict of interest, or a potential conflict of interest, shall do all of the following prior to consideration of the matter.

- Publicly identify the financial interest in detail sufficient to be understood by the public;
- Recuse himself or herself from discussing and voting on the matter;
- Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter is placed on the agenda reserved for uncontested matters. A Board member may, however, discuss the issue during the time the general public speaks on the issue.

Gifts (Government Code Section 89503)

Board members and any employees who manage public investments shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law.

Designated employees shall not accept from any single source in any calendar year any gifts in excess of the prevailing gift limitation specified in law if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests.

The above limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

Gifts of travel and related lodging and subsistence shall be subject to the above limitations except as described in Government Code Section 89506.

A gift of travel does not include travel provided by the District for Board members and designated employees.

Board members and any employees who manage public investments shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering (Government Code Sections 89501 and 89502).

Designated employees shall not accept any honorarium that is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, if the employee would be required to report the receipt of income or gifts from that source on his/her statement of economic interests. The term "honorarium" does not include:

- Earned income for personal services customarily provided in connection with a bona fide business, trade, or profession unless the sole or predominant activity of the business, trade or profession is making speeches.

- Any honorarium that is not used and, within 30 days after receipt, is either returned to the donor or delivered to the District for donation into the general fund without being claimed as a deduction from income tax purposes

Representation (Government Code Section 87400.3)

Elected officials and the CEO shall not, for a period of one year after leaving their position, be an agent or officer for, or otherwise be employed for compensation by any person appearing before that local government agency.

Approved: 2009, 2008, 2011

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2740Board Reviewed: **NEW**

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- I. **Orientation for Newly Elected Trustees**
 - A. **The Superintendent/President and the President of the Board of Trustees, or their designee (s), will be responsible for the orientation of new Board of Trustees members. A thorough orientation and education is essential to the success of a new trustee to provide not only knowledge about their policy roles and responsibilities, but also the history, programs, and culture of the college they will govern. In order to educate new trustees, the following process has been developed.**
 - a. **Prior to election, Board of Trustees candidates will be provided information about the roles and responsibilities of trustees and about the College, as well as materials provided by the Community College League of California. Copies of Board agendas will be mailed to the candidates for every regular and special Board meeting.**
 - b. **After Board elections, an orientation will be provided by the Superintendent/President which will include the Vice President of Academic Affairs, the Vice President of Student Services, and the Vice President of Finance and Business. An overview of the state of the College; participatory governance with the various constituent groups (Academic Senate, CSEA, RHCFA, and ASRHC); review of the Trustee roles and responsibilities; review of the Board policies on the governing Board, particularly the Code of Ethics and Board Protocols, will be provided.**
 - B. **The Superintendent/President will arrange for a tour of the campus and the off-campus educational centers (Santa Fe Springs Regional Training Center, El Monte Educational Center, and South Whittier Educational Center).**
 - C. **The newly elected Board members will meet with the Director of Human Resources to review compensation and health benefits.**
- II. **Board members are encouraged to attend and participate in statewide and national conferences (Community College League of California and the Association of Community College Trustees). Workshops are provided on the Brown Act, differences between policy making and micromanaging, review of Education Code and governing board responsibilities and function. After attending these Board development conferences, the Board members will provide post-professional development activity reports at the subsequent Board meeting.**

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III. Student Trustee Orientation

- A. After the student election and the Board President administers the Oath of Office to the student trustee, the student trustee shall arrange to meet with the Director of Student Life and Leadership and the outgoing student trustee who will update the new student trustee on any outstanding business.
- B. The Superintendent/President or his/her designee will be responsible for familiarizing the student trustee with administrative policies and procedures and understanding the Board structure, general operational principles of the Board, and the student trustee's rights, responsibilities, and privileges.
- C. The Superintendent/President or his/her designee will schedule regular monthly meetings with the student trustee to review the Board agenda.
- D. The student trustee is encouraged to attend the Community College League of California student trustee orientation or a similar statewide or national conference.
- E. The Director of Student Life and Leadership will be responsible to train the student trustee on communication training and parliamentary procedures.

IV. Source/Reference
ACCJC Accreditation Standard IV.B.1.f.

ADMISSIONSAP No.
5010

Board Reviewed: New

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[Note: This procedure is legally required. Local practice can be inserted here, so long as it does not conflict with the general admissions requirements of Education Code Section 76000.]

- I. The authority and responsibility for the admissions process lies with the Director of Admissions and Records. Publication of admissions policies and procedures will be in the College Catalog, which is available in print and on-line. (current practice)
- II. Any graduate of an accredited high school may be admitted to Rio Hondo College. (current practice)
- III. Any person having successfully completed the California High School Proficiency Examination (CHSPE) or the General Education Developmental Test (GED) with scores of 45 overall and with no subtest lower than 35 may be admitted. (current practice)
- IV. The College may admit other persons 18 years of age or older without a high school diploma when the evidence indicates that the individual will benefit from college-level instruction. (current practice)
- V. Admission procedures include a determination of residency status (see AP 5015 titled Residence Determination). (current practice)
- VI. For admission of concurrently enrolled high school and younger students, see AP 5011. (current practice)
- VII. The [Chief-Instructional-Officer] Director of Admissions and Records shall establish procedures for evaluating the validity of a student's high school completion if the District or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education. (CCLC) (current practice)
- VIII. Source/Reference:

Education Code 76000; U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended; 34 Code of Federal Regulations Section 668.16(p) (CCLC); AP5011; AP5015.

AP 5010 Admissions

References:

Education Code Section 76000;

U.S. Department of Education regulations on the Integrity of Federal Student Financial Aid Programs under Title IV of the Higher Education Act of 1965, as amended;

34 Code of Federal Regulations Section 668.16(p)

Note: *This procedure is legally required. Local practice can be inserted here, so long as it does not conflict with the general admissions requirements of Education Code Section 76000. The District should address:*

- Designated authority and responsibility for the admissions process
- Admission procedures for students over 18 with a high school diploma
- Admission criteria and procedures for students over 18 without a high school diploma
- Admission procedures for non-resident students that include a determination of residency status (AP 5015 titled Residence Determination)
- Publication of admissions policies and procedures

The Chief Instructional Officer shall be responsible for evaluating the validity of a student's high school completion if the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education.

Revised 7/11

STUDENT CONDUCT PROCEDURESAP No.
5520

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- I. The purpose of these procedures is to provide a prompt and equitable means to address violations of BP 5500 and AP 5500, Standards of Conduct, which guarantee to the student or students involved the Due Process rights guaranteed them by state and federal constitutional protections. These procedures will be used in a fair and equitable manner, and not for purposes of retaliation. They are not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.
- II. These Procedures are not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.
- III. The following definitions should be applied in the context of this administrative procedure:

"District" refers to the Rio Hondo Community College District.

"Student" refers to any person currently enrolled as a student at any College or in any program offered by the District.

"Instructor" refers to any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

"Short-term Suspension" refers to exclusion of the student by the Dean of Student Affairs for good cause from one or more classes for a period of up to ten consecutive days of instruction.

"Long-term Suspension" refers to exclusion of the student by the Dean of Student Affairs for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the College for one or more terms.

"Expulsion" refers to exclusion of the student by the Board of Trustees from the College for one or more terms.

"Removal from Class" refers to exclusion of the student by an instructor for the day of the removal and the next class meeting.

"Written or Verbal Reprimand" refers to an admonition to the student to cease and desist from conduct determined to violate the Standards of Conduct as referenced in BP/AP 5500. Written reprimands may become part of a student's permanent record at the College. A record of the fact that a verbal reprimand has been given may become part of a student's record at the College for a period of up to one year.

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"Withdrawal of Consent to Remain on Campus" – refers to withdrawal of consent by the Dean of Student Affairs for any person to remain on campus in accordance with California Penal Code Section 626.4 in which the Dean of Student Affairs has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

"Days"- **refers to the days** Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

IV. Short-term Suspensions, Long-term Suspensions, and Expulsions:

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- A. Notice. The Dean of Student Affairs will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
- the specific section of BP/AP 5500, Standards of Conduct, that the student is accused of violating;
 - a short statement of the facts supporting the accusation;
 - the right of the student to meet with the Dean of Student Affairs, or designee, to discuss the accusation, or to respond in writing;
 - the nature of the discipline that is being considered.
- B. Time Limits. The notice must be provided to the student within thirty (30) days of the date on which the conduct took place, or the date the College became aware of the conduct; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within thirty (30) days of the date on which conduct occurred or the date the College became aware of the conduct which led to the decision to take disciplinary action.
- C. Meeting. If the student chooses to meet with the Dean of Student Affairs, the meeting must occur no sooner than three (3) days after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation and must be given an opportunity to respond verbally or in writing to the accusation.
1. **Short-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Dean of Student Affairs' decision shall be provided to the student. The notice will include the length of time of the suspension or the nature of the lesser disciplinary action. The Dean of Student Affairs' decision on a short-term suspension shall be final.

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2. **Long-term Suspension.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to impose a long-term suspension. Written notice of the Dean of Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed and a copy of this policy describing the procedures for a hearing.
3. **Expulsion.** Within five (5) days after the meeting described above, the Dean of Student Affairs shall decide whether to recommend expulsion to the Vice President of Student Services. Written notice of the Dean of Student Affairs' decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed and a copy of this policy describing the procedures for a hearing.

V. Hearing Procedures:

- A. **Request for Hearing.** Within five (5) days after receipt of the Dean of Student Affairs' decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the Dean of Student Affairs, or designee.
- B. **Schedule of Hearing.** The formal hearing shall be held within ten (10) days after a formal request for hearing is received.
- C. **Hearing Panel.** The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.
 1. The Dean of Student Affairs, the President of the Academic Senate, and the President of the Associated Students of Rio Hondo College (ASRHC) shall each, at the beginning of the academic year, establish a list of at least five (5) persons who will serve on student disciplinary hearing panels. The Dean of Student Affairs shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member, or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.
- D. **Hearing Panel Chair.** The Dean of Student Affairs shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

E. Conduct of the Hearing. (current practice)

1. **The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response**

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- provided by the student before the hearing begins. (current practice)
2. The facts supporting the accusation shall be presented by a College representative. The College representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter. (current practice)
 3. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. (current practice)
 4. Unless the hearing panel determines to proceed otherwise, the College representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The College representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the College representative to prove by **substantial the preponderance of the** evidence that the facts alleged are true. (current practice) (CCLC)
 5. The student may represent himself or herself, and may also have the right to be represented by a person of his or her choice. If the student wishes to be represented by an attorney, a request must be presented not less than five (5) days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the College representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. (current practice)
 6. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than five (5) days prior to the date of the hearing. (current practice)
 7. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary. (current practice)
 8. The hearing shall be recorded by the District either by audio recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by audio recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Audio recording shall remain in the

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custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the audio recording. (current practice)

9. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be audio recorded is not unavailable. (current practice)
10. Within five (5) days following the close of the hearing, the hearing panel shall prepare and send to the Vice President of Student Services a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing. (current practice)

VI. Decision: (current practice)

- A. **Long-term Suspension.** Within five (5) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services, or designee, shall render a final written decision. The Vice President of Student Services, or designee, may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, the Vice President of Student Services, or designee, shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Vice President of Student Services, or designee, shall be final. (current practice)
- B. **Expulsion.** Within five (5) days following receipt of the hearing panel's recommended decision, the Vice President of Student Services or designee shall forward a written recommendation to the Board of Trustees. The Vice President of Student Services or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the Vice President of Student Services or designee modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Vice President of Student Services, or designee's, shall be forwarded to the Board of Trustees. (current practice)

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VII. Board of Trustees Decision: (current practice)

- A. The Board of Trustees shall consider any recommendation from the Vice President of Student Services, or designee, for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision. (current practice)
- B. The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122) (current practice)
- C. The student shall be notified in writing, by registered or certified mail or by personal service, at least three (3) days prior to the meeting of the date, time, and place of the Board's meeting. (current practice)
- D. The student may, within forty-eight (48) hours after receipt of the notice, request that the hearing be held as a public meeting. (current practice)
- E. Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session. (current practice)
- F. The Board may accept, modify, or reject the findings, decisions, and recommendations of the Vice President of Student Services and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final. (current practice)
- G. The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District. (current practice)

VIII. Immediate Interim Suspension (Education Code Section 66017): (current practice)

The Vice President of Student Services, or designee, may order immediate suspension of a student where he or she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing in which a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days. (current practice)

IX. Removal from Class (Education Code Section 76032): (current practice)

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Any instructor may order a student removed from his or her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the Vice President of Student Services and the Dean of Student Life Affairs. The Dean of Student Life Affairs shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the Dean of Student Life Affairs shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the Dean of Student Life Affairs from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal. (current practice)

- X. **Withdrawal of Consent to Remain on Campus: (current practice)**
- A. The Dean of Student Life Affairs may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he or she must promptly leave or be escorted off campus. If consent is withdrawn by the Dean of Student Life Affairs, a written report must be promptly made to the Vice President of Student Services. (current practice)
 - B. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven (7) days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions. (current practice)
 - C. In no case shall consent be withdrawn for longer than fourteen (14) days from the date upon which consent was initially withdrawn. (current practice)
 - D. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest. (Penal Code Section 626.4) (current practice)
- XI. **Time Limits: (current practice)**
- Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties. (current practice)
- XII. **Source/Reference: (current practice)**
- Education Code Sections 66300, 72122, 76030 (current practice), 76032; Penal Code Section 626.4.

AP 5520 Student Discipline Procedures

References:

Education Code Sections 66300, 72122, and 76030

Note: *This procedure is legally required, except as specifically noted. Local practice may be inserted, but must comply with the standards of due process reflected in this example.*

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Conduct, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These Administrative Procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by Education Code Section 76120, and will not be used to punish expression that is protected.

Definitions:

District – The *[insert name of district]*.

Student – Any person currently enrolled as a student at any college or in any program offered by the District.

Instructor – Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or other academic employee who has responsibility for the student's educational program.

Short-term Suspension – Exclusion of the student by the *[CEO]* for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension – Exclusion of the student by the *[CEO]* for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion – Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from class – Exclusion of the student by an instructor for the day of the removal and the next class meeting.

Written or verbal reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the **[designate authority]** for any person to remain on campus in accordance with California Penal Code Section 626.4 where the **[designate authority]** has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays.

Short term Suspensions, Long-term Suspensions, and Expulsions: Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

- Notice – The **[designated position]** will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Standards of Student Conduct that the student is accused of violating.
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the **[designated position]** or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
- Time limits – The notice must be provided to the student within **[number of days]** of the date on which the conduct took place; in the case of continuous, repeated or ongoing conduct, the notice must be provided within **[number of days]** of the date on which conduct occurred which led to the decision to take disciplinary action.
- Meeting – If the student chooses to meet with the **[designated position]**, the meeting must occur no sooner than **[number of days]** after the notice is provided. At the meeting, the student must again be told the facts leading to the accusation, and must be given an opportunity to respond verbally or in writing to the accusation.

Short-term Suspension – Within **[number of days]** after the meeting described above, the **[CEO]** shall, pursuant to a recommendation from the **[number of days]**, decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the **[CEO]** decision shall be provided to the student. The notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The **[CEO's]** decision on a short-term suspension shall be final.

Long-term Suspension – Within *[number of days]* after the meeting described above, the *[CEO]* shall, pursuant to a recommendation from the *[designated position]*, decide whether to impose a long-term suspension. Written notice of the *[CEO]* decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before a long-term suspension is imposed, and a copy of this policy describing the procedures for a hearing.

Expulsion – Within *[number of days]* days after the meeting described above, the *[CEO]* shall, pursuant to a recommendation from the *[designated position]*, decide whether to recommend expulsion to the Board of Trustees. Written notice of the *[CEO's]* decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of this policy describing the procedures for a hearing.

Hearing Procedures – Request for Hearing.

Note: *Timelines may be locally determined. Five days is usually the minimum notice time accepted by courts.*

Within *[number]* days after receipt of the *[CEO's]* decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the *[CEO]* or designee.

Schedule of Hearing – The formal hearing shall be held within *[number]* days after a formal request for hearing is received.

Note: *The Board of Trustees may hear these matters itself, or may use the services of a hearing officer or a panel. If the hearing panel format is adopted, the following is suggested.*

Hearing Panel – The hearing panel for any disciplinary action shall be composed of *[insert composition, such as one administrator, one faculty member and one student.]*

The *[CEO]*, the president of the Academic Senate, and the AS president shall each, at the beginning of the academic year, establish a list of at least five persons who will serve on student disciplinary hearing panels. The *[CEO]* shall appoint the hearing panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing panel.

Hearing Panel Chair – The *[CEO]* shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to

the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

Note: *The hearing must comply with principles of due process, including the right to confront and cross examine witnesses. The following procedure is legally advised.*

The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.

The facts supporting the accusation shall be presented by a college representative who shall be the *[designate position]*.

The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.

Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.

The student may represent himself/herself, and may also have the right to be represented by a person of his/her choice. *[Suggested language: except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.]*

Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than *[number of days]* prior to the date of the hearing.

In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.

The hearing shall be recorded by the District either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.

All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded is not unavailable.

Within *[number]* days following the close of the hearing, the hearing panel shall prepare and send to the *[CEO]* a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

[CEO's] Decision:

Long-term suspension – Within *[number of days]* following receipt of the hearing panel's recommended decision, the *[CEO]* shall render a final written decision. The *[CEO]* may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the *[CEO]* modifies or rejects the hearing panel's decision, the *[CEO]* shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the *[CEO]* shall be final.

Expulsion – Within *[number of days]* following receipt of the hearing panel's recommended decision, the *[CEO]* shall render a written recommended decision to the Board of Trustees. The *[CEO]* may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the *[CEO]* modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The *[CEO]* decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision: The Board of Trustees shall consider any recommendation from the *[CEO]* for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures (Education Code Section 72122).

The student shall be notified in writing, by registered or certified mail or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within forty-eight hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the [CEO] and/or the hearing panel. If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Interim Suspension (Education Code Section 66017): The [CEO] may order immediate suspension of a student where he/she concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the [CEO] and the [designated position]. The [designate position] shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the [designated position] shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the [designated position] from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The [designate position] may notify any person for whom there is a reasonable belief that the person has willfully disrupted

the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she must promptly leave or be escorted off campus. If consent is withdrawn by the *[designate position]* a written report must be promptly made to the *[CEO]*.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than *[number of days]* from the date upon which consent was initially withdrawn.

Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limits: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

Revised 6/13

ATHLETICSAP No.
5700

Board Reviewed: 6/10/09

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- I. The College's athletics program is operated by the District and governed by the Athletic Code of the Community College League of California (CCLC), **and** the constitution **and bylaws** of the California Community College Athletic Association (CCCAA), **and the Foothill Conference, South-Coast-Conference (S.C.C.), and the Mission-Football-Conference (M.C.)**. The Dean of Physical Education and Athletics has been delegated authority to determine individual eligibility according to CCLC, CCCAA, **Foothill Conference S.C.C., M.C.**, and District regulations. The enforcement of rulings is the responsibility of assigned members of Athletics Department staff, the Dean of Physical Education and Athletics, and the **team head** coaches involved. General direction and administration of the program, within the established policies and procedures, is the responsibility of the Dean of Physical Education and Athletics. **Individual-team All head** coaches are directly responsible to the Dean of Physical Education and Athletics for governance of their teams and enforcement of established policies and eligibility rulings. **(current practice)**

II. Rules Governing Athletic Eligibility

All rules of the **Community-College-League-of-California C.C.L.C, California Community-College-Athletic-Association CCCAA, and the Foothill Conference South-Coast-Conference, and the Mission-Football-Conference** are applicable to the College's athletes. In addition: **(current practice)**

1. Each athlete must have completed both the District and conference eligibility procedures before becoming eligible for any contest, game, meet, match, or scrimmage.
2. The College's Athletics Department fully complies with **California Community-College-Athletic-Association C.C.C.A.A bylaw constitution** articles 1.5.4 F and G regarding adherence to the Title IX Education Amendments of 1972 **and R-4 form compliance. (current practice)**
3. When the Dean of Physical Education and Athletics and team coach are notified that an athlete is ineligible, said athlete may not participate until the Dean of Physical Education and Athletics or their designee certifies that the athlete has become eligible. **;-and, (current practice)**
4. Each athlete must complete the **C.C.C.A.A and District physical paperwork, or-equivalent, be enrolled in the specific sport's intercollegiate course**, and be approved for competition by a Dean of Physical Education and Athletics before participation in a College practice or official competition. **(current practice)**

III. Source/Reference:

Title IX, Education Amendments of 1972; Education Code 66271.6, 66271.8, 67360 et seq.

AP 5700 Athletics

References:

Education Code 66271.6, 66271.8, 67360 et seq.;
Title IX, Education Amendments of 1972

Note: *This procedure is legally advised. Local practice may be inserted here. Rules for participation in intercollegiate athletics should be developed in accordance with Education Code Sections 67360 et seq. and BP 5700, which states that the District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics (e.g. the California Community College Athletic Association (CCCAA)).*

The authority for developing, implementing and monitoring these procedures should be stated, and should reference appropriate assistance required from the Academic Senate.

Athletic Drug Testing

Note: *Athletic Drug Testing is not mandated. If the District wishes to consider such a procedure, it may contact the League for sample language.*

Revised 2/04, 2/07, 6/13