TO: President's Council  
    Administrative Council  
    Planning Fiscal Council

FROM: Sandy Sandello

SUBJECT: Revision of AP 3435

The following AP is up for review. I have attached a copy of the proposed language along with CCLC’s recommended language for your preview and edit:

- AP 3435 Discrimination and Harassment*

*AP 7353 was reviewed at PFC on February 11, 2014. It was returned after incorporating VPAAs edits and adding "ethnicity" in the paragraphs; Dr. Pierson reported that Dr. Foster and Dr. Wetsman collaborated and made vast changes to this AP which were recommended by Academic Senate. VPAA wants to take more time to review with Dr. Foster so the sub-committee on AP 3425 reconvened. The attached AP was reviewed by the PFC subcommittee.

/SS
I. Purpose

Unlawful discrimination and sexual harassment as covered under state and federal laws (see Legal References) is a matter requiring prompt attention by the District because failure to act may cause damage to the alleged victim. Since this District recognizes the delicate nature of such situations, each step in the complaint procedure must be conducted with discretion in order to maintain confidentiality. It is the intent of this procedure to result in prompt recourse and to ensure fairness and equity to both the individual alleging unlawful discrimination or sexual harassment and to the person accused of such behavior.

The District recognizes that confidentiality is important to all parties involved in an alleged unlawful discrimination or sexual harassment complaint investigation. To the extent possible, the confidentiality of the complainant, respondent and witness will be protected except as may be required or permitted by law, which includes the policies and procedures of the District. Employees and/or students interviewed in accordance with these procedures shall assist in maintaining such confidentiality.

The District recognizes that it is in the best interest of all parties to a complaint for resolution to occur expeditiously. To that end, and to the extent feasible, it is the District's intent that all complaints be resolved in the least amount of time possible and at the lowest level possible.

Nothing in this procedure shall affect the right of the complainant to pursue the matter with any state or federal enforcement agency. Complaints may be filed concurrently with an external agency.

Rio Hondo Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veterans status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity. Such discrimination is prohibited by California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation Act of 1998 (29 U.S.C. § 794a),

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

Definitions

The District Compliance Officer is the responsible officer designated by the district to receive and process complaints and to coordinate investigations of unlawful discrimination or sexual harassment under this procedure. The District Compliance Officer also serves as the Title IX, ADA, and Section 504 Coordinator. The Compliance Officer is the "responsible District officer" charged with receiving all complaints of unlawful discrimination or harassment 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) under contract with the District. Such delegation procedures will be used whenever the District Compliance Officer is named in the complaint or is implicated by the allegations in the complaint. The District Compliance Officer (or third party investigator) shall disclose any real or perceived conflicts of interest and may be required to delegate the responsibility to investigate to another impartial investigator.

Complainant: An individual who believes s/he has been unlawfully discriminated or sexually harassed.

Respondent: The individual who allegedly unlawfully discriminated or sexually harassed the complainant.

Days: As used in this procedure means calendar days.
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 employees and students—anyone who believes they are being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints as soon as possible 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.

Complaints not involving employment shall 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 allegation of unlawful discrimination.

Complaints alleging discrimination in employment shall be filed within 180 days of the date of the alleged unlawful discrimination, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

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 further encourages anyone students and staff to the extent they are comfortable doing so, to let the offending person know immediately and firmly that the when conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

V. Who May File a Complaint

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

VI. Where to File a Complaint

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

VII. Informal/ Formal Complaint Procedure

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

(1) Undertake efforts to informally resolve the charges;
(2) Advise the complainant that he/she need not participate in informal resolution;
(3) Notify the person of his or her right to file a formal complaint and explain the procedure for doing so;
(4) Assure the complainant that he/she will not be required to confront, or work out problems with the person accused of unlawful discrimination or harassment;
(5) Advise the complainant that he/she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency’s jurisdiction.
(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.

V. Informal Complaint

The purpose of this informal complaint process is to allow an individual who believes s/he have been sexually harassed to resolve the issue through a mediation process rather than the more formal process provided by the District. If it is determined that unlawful discrimination or sexual harassment has taken place, resolution may require nothing more than an apology from the respondent and an assurance that the offending behavior will cease. It is not a requirement for an individual to communicate or confront the individual whose conduct is discriminatory or offensive. The District Compliance Officer or designee shall promptly investigate all potential violations of the college policy against discrimination, of which he or she becomes aware. Such an investigation may be initiated on the basis of an informal complaint, a referral from a supervisor or employee, or any other source of information indicating a potential violation of the college policy against discrimination.

The steps of the informal complaint process are as follows:

A. If an individual believes s/he has been unlawfully discriminated or sexually harassed by another whose conduct or behavior is believed to be discriminatory or offensive, s/he may file an informal complaint with the District Compliance Officer.

B. The District Compliance Officer will counsel the complainant regarding the unlawful discrimination or sexual harassment policy and complaint procedure.
DISCRIMINATION AND HARASSMENT INVESTIGATIONS

C. The District Compliance Officer will advise the complainant that he or she:

1. Need not participate in the informal resolution;

2. May file his or her non-employment-based complaint with the U.S. Department of Education, Office of Civil Rights;

3. May file his or her employment-based complaint with the U.S. Equal Employment Opportunity Commission and/or the California Department of Fair Employment and Housing;

4. May file a formal complaint pursuant to Title V, 5932

D. The complainant's allegation of unlawful discrimination or sexual harassment shall be kept confidential and used only to provide a factual basis for resolving the complaint, except as may be required or permitted by law, which includes policies and procedures of the District. The District Compliance Officer will explain to the complainant the nature and extent of the confidentiality provided by this process.

E. Within 10 calendar days of receipt of the informal complaint, the District Compliance Officer shall contact the respondent in an attempt to resolve the matter informally. The respondent will be asked to provide a response to the allegations.

F. Within 10 calendar days of discussing the matter with the respondent, the District Compliance Officer will review the statements made by both the complainant and the respondent and meet individually with each party in an attempt to resolve the matter.

G. If the matter cannot be resolve, the District Compliance Officer will convey this information to both parties. The complainant will be informed of his/her right to file a formal complaint under this procedure or to file a complaint with any appropriate state or federal enforcement agency.

H. The informal process must be completed within a maximum of thirty (30) calendar days.

VIII. Filing a Formal Written Complaint

A student or employee who believes he or she has been discriminated against or harassed in violation of these policy and procedures may make...
complaint orally or in writing. Any complaint not involving employment shall be filed within one year of the date of the alleged discrimination/harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

Any complaint alleging discrimination/harassment in employment shall be filed within 180 days of the date of the alleged discrimination/harassment occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

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


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.

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 Chancellor's Office. Any District employee who receives a harassment or discrimination complaint shall notify the District Compliance Officer immediately.

VII. Intake and Processing of the Complaint

Upon receiving notification of a harassment or discrimination complaint, the District Compliance 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 or she need not participate in an informal resolution of the complaint, as described above, and that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education. The Compliance Officer shall also notify the Chancellor of California Community Colleges of the complaint.

- 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 discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

- In any case not involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor and a copy or summary of the investigative report to the complainant. The Chancellor, 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. 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. In any case involving employment discrimination, within 90 days of receiving a complaint, the district shall complete its investigation and forward a copy or summary of the investigative report to the complainant and 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 to file a complaint with the Department of Fair Employment and Housing. 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.

IX. Threshold Requirements Prior to Investigation of a Formal Complaint

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

- The complaint must allege unlawful discrimination or harassment prohibited under Title 5, section 59300.

- A complaint under Title 5\(^1\) 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 1 (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

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

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

XI. Notice to State Chancellor or District

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

XII. Investigation of the Complaint

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

The District shall promptly investigate every complaint of discrimination or harassment. No claim of workplace or academic 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. 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.

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

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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 take appropriate disciplinary and remedial action, if necessary; and see that all recommended action(s) is 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 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 Chancello\(^2\):

(a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe unlawful

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\(^2\) 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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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 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;

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• 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.

- 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.

X. Appeals

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If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen (15) 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 or her right to appeal this decision.

If the Board does not act within forty-five (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 Section 59350 of Title 5 of the California Code of Regulations.

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 or 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.

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

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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

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, as defined in BP 4030, but recognizes that academic freedom does not allow any form of unlawful discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for 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.

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, faculty members, members of the administrative staff, and members of the support staff 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.

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

XXIII. Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Accused" means the individual who allegedly unlawfully discriminated against or harassed the complainant
- "Appeal" means a request by a complainant made in writing to the Rio Hondo Community College District 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 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.
- "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 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.
(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:


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)
AP 3435 Discrimination and Harassment Investigations

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.C. 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
2014-2015

INSTITUTIONAL GOALS & OBJECTIVES
INSTITUTIONAL GOALS & OBJECTIVES 2014 - 2015
GOAL 1: Rio Hondo College will provide excellent instruction in general education and major requirement courses leading to increased student degree completion and successful university transfer.

GOAL 2: Rio Hondo College will provide instruction in career technical education, leading to certificates, degrees and job placement/job enhancement.

GOAL 3: Rio Hondo College will provide excellent and innovative instruction and other learning opportunities in basic skills leading to increased completion of Basic Skills sequences.

GOAL 4: Rio Hondo College will offer opportunities to meet the educational needs and interests of the community.

GOAL 5: Rio Hondo College will promote a student-centered climate that contributes to increases in retention & persistence, and improves student success through collaboration that values diversity.

GOAL 6: Rio Hondo College will respond to the region’s educational needs and contribute to its economic future through service to the community and partnerships with public, private, and non-profit organizations.

GOAL 7: Rio Hondo College will act responsibly, ethically, efficiently, and in an accountable manner, including actively seeking outside sources of funding, to preserve fiscal solvency.

GOAL 8: Rio Hondo College will recruit, hire, develop, retain, train, and support highly qualified and diverse administrators, faculty, and classified staff.

GOAL 9: Rio Hondo College will meet the ever-changing technological needs required to support the educational process and to enhance student access and success.

GOAL 10: Rio Hondo College will design, modernize, and maintain a physical infrastructure, both on and off site, that meets the changing needs of students, staff, and the College’s instructional and student support programs while valuing and enhancing the aesthetic beauty of the college.

GOAL 11: Rio Hondo College will provide students and employees with an engaging and rewarding campus life.

GOAL 12: Rio Hondo College will offer increased educational opportunities for students who are traditionally not college-bound.
GOAL 1: Rio Hondo College will provide excellent instruction in general education and major requirement courses leading to increased student degree completion and successful university transfer.

Objective 1a: The College will increase from 4 to 17 the number of A.A. (T) and A.S. (T) degrees offered between 2012 and 2015.

Objective 1b: The College will increase the number of degrees awarded by 5% over the previous five-year average by 2018. The number of degrees awarded will represent no less than 5% of the annual FTES.

Objective 1b: By 2018, the number of degrees the College awards will increase 5% over the previous five-year average (2007-2008/2013-2014).

Objective 1c: Develop a research project to identify and promote best practices for increasing student success in online courses by Spring 2015.

Objective 1c: The Distance Education Committee will develop a research project to measure the effectiveness of best practices for increasing student success in online courses by Spring 2015.

Objective 1d: The College will improve success and retention rates in online courses by 1% annually through 2018.

Objective 1e: The College will increase transfer levels by 5%, over the previous five-year average, by 2018.

Objective 1e: By 2018, the College will increase the number of students who have transferred to four-year institutions or earned Transfer Prepared status by five percent over the previous five-year average (2007-2008/2011-2012).

Objective 1f: The College will develop a survey to identify which faculty members currently have a service learning component in their curriculum. Data results from the faculty survey will be utilized to establish a service learning program plan by Fall 2015.

GOAL 2: Rio Hondo College will provide instruction in career technical education, leading to certificates, degrees and job placement/job enhancement.

Objective 2a: The College will increase from 86 to 96 the number of certificate and/or degree programs (both locally approved and Chancellor’s Office approved) including job placement and job enhancement courses and programs to be offered by 2015.
Objective 2b: The College will annually increase by 5% 7% the number of certificates and degrees (both locally approved and Chancellor’s Office approved) awarded between 2012 and 2017.

Objective 2c: The College will develop and refine certificate SLOs annually with input from advisory committees.

Objective 2d: The College will review/renew curricular alignment with secondary schools and ROPs and increase the students who apply for college credit by 2015.

Objective 2c: The College will review/renew curricular alignment (articulation) with secondary schools and ROPs and increase the number of requests by 10% from 2013 to 2017.

Objective 2d: The College will increase the students who apply for college credit through articulation by 5% from 2014 to 2017.

Objective 2e: The College will increase by 10% the number of CTE students transferring within two years of leaving Rio Hondo College from 2013 to 2017 by 2015.

GOAL 3: Rio Hondo College will provide excellent and innovative effective instruction and other learning opportunities in basic skills leading to increased completion of Basic Skills sequences.

Objective 3a: The College will institutionalize best-practice program models by 2016.

Objective 3b: The College will improve success in basic skills course sequences by 3% by 2016.

Objective 3c: The percentage of first time students who begin their assessed math course in the first semester at Rio Hondo and continue through the sequence without interruption will increase by 1% annually through 2018.

Objective 3d: The College will increase the three-year developmental progression rate by 1% annually through 2018. The three-year developmental progression rate is the percentage of students starting a basic-skills sequence who complete a transfer-level or degree-required course in the same subject within six primary semesters.
GOAL 4: Rio Hondo College will offer opportunities to meet the educational needs and interests of the community.

GOAL 4: Rio Hondo College will meet the lifelong learning needs of the community.

Objective 4a: The College will continually offer courses, including special topics courses, based on community interests as indicated through annual survey data.

Objective 4b: The College will develop a strategic action plan for the off-site centers at SWEC and EMEC by Spring 2014.

Objective 4b: The college will work with its AB56 partners to create a dynamic, regional approach to adult education.

Objective 4c: The College will continue to integrate and cross-market credit courses with fee based classes using web-based and printed materials by Spring 2015.

Objective 4d: The College will provide recommendations for the implementation of a process for students to repeat certain classes under a fee-based not-for-credit structure by Spring 2014.

Objective 4d: The Continuing Education program will align its English as a Second Language program with the college for credit English as a New Language program to create pathways into academic and vocational programs.
GOAL 5: Rio Hondo College will promote a student-centered climate that contributes to increases in retention & persistence, and improves student success through collaboration that values diversity.

Objective 5a: Student Services Program Leadership Council (SSPLC) will develop and implement a plan to ensure access to student support services that promote student success by Fall 2014.

Objective 5a: The College will submit the Student Success and Support Plan and the Student Equity Plan in the Fall of 2014. The implementation of these plans will be evaluated annually.

Objective 5b: The College will document the number of students who participate in activities and increase that number by 5% annually until 2015.

Objective 5b: The Student Life and Leadership Department will partner with the Associated Students of Rio Hondo College to plan activities with enhanced student involvement.

Objective 5c: The College will establish an evaluation process for activities and services that promote student engagement by Fall 2014.

Objective 5d: By July 2015, the College will initiate a student intervention process requiring all students, including online students, to meet with a counselor to identify a specific college goal and complete an education plan outlining classes needed to achieve that goal prior to the end of the second semester.

Objective 5e: The College will increase the three-semester persistence rate by 3% from 69% to 75% by 2018.

GOAL 6: Rio Hondo College will respond to the region’s educational needs and contribute to its economic future through service to the community and partnerships with public, private, and non-profit organizations.

GOAL 6: Rio Hondo College will respond to the region’s educational and workforce needs.

Objective 6a: The College will establish a database and analyze the level of participation with business, industry, government, and non-profit organizations within our service area by Fall 2014.

Objective 6a: The College will analyze the level of participation with partners from service area business, industry, government and non-profit organizations by establishing a database by May 2015.

Objective 6b: The College will update the community occupational needs survey (2008) to identify and devise goals and training programs by Fall 2014.

Objective 6b: The College will update the regional occupational needs survey to better align programs and course offerings with community needs by Fall 2015.
Objective 6c: The College will develop a faculty survey to identify which faculty members currently have a service learning component in their curriculum. Data results from the faculty survey will be utilized to establish a service learning program plan by Fall 2014.

Objective 6d 6c: The College will develop procedures for tracking and evaluating outreach educational activities in K-12 schools annually within the district service area by Spring 2015.

GOAL 7: Rio Hondo College will act responsibly, ethically, efficiently, and in an accountable manner, including actively seeking outside sources of funding, to preserve fiscal solvency.

Objective 7a: The College will inform the public of the financial state of the College annually through means such as the Annual Report, Superintendent's Monthly Update, college website, Citizens Oversight Committee, community updates and local press releases.

Objective 7a: The College will maintain a minimum unrestricted general fund balance of 5% annually.

Objective 7b: The College will maintain no more than 85% expenditures on salaries and benefits in comparison to general fund operational budget annually.

Objective 7c: The annual restricted general fund including categorical and grant funds should be a balanced budget (i.e. revenues = expenses).

Objective 7d: The Rio Hondo College Foundation will maintain a balanced, unrestricted budget annually.

Objective 7e: The RHC Foundation will increase its restricted and unrestricted contribution to RHC by 5% over 5 years from fiscal years 2010 to 2015.

Objective 7d: The College will write and submit 10 new grant proposals to raise a minimum of six million dollars by 2019.

GOAL 8: Rio Hondo College will recruit, hire, develop, and evaluate retain, train, and support highly qualified and diverse administrators, faculty, and classified staff.

Objective 8a: The College will form an EEO (Equal Employment Opportunity) Advisory Committee to evaluate and make recommendations concerning diversity in our hiring process by December 2014.
Objective 8b: The College will assess and revise the evaluation process for administrators, confidential, faculty, and classified staff by Fall 2014.

Objective 8c: The College will compare the professional development needs identified in program plans, unit plans, and surveys with current staff development offerings, and make recommendations as needed by Fall 2013.

Objective 8c: 75% OF THOSE WHO PARTICIPATE IN AND EVALUATE STAFF DEVELOPMENT ACTIVITIES WILL REPORT AN ENHANCED ABILITY TO PERFORM THEIR JOBS AND/OR SERVE THE CAMPUS COMMUNITY. MUST THEY ALSO EVALUATE THE ACTIVITY TO SEE ENHANCED ABILITY? HOW WOULD WE KNOW THAT THERE WAS AN ENHANCEMENT? HOW WOULD WE MEASURE THIS?

Objective 8d: The College will pursue restoration of funding from the State to fully fund Staff Development by Fall 2015.

GOAL 9: Rio Hondo College will meet the ever-changing technological needs required to support the educational process and to enhance student access and success.

Objective 9a: The College will meet the objectives of the current plan to upgrade and replace its distribution network by the end of Fall 2015.

Objective 9b: The College will increase the number of opportunities by 10% for staff to access and incorporate innovative instructional technologies through staff development, sabbaticals, conferences and research by 2015.

Objective 9c: The College will continue to support its replacement cycle for computers and related peripherals. As part of the annual planning process, new technology needs will be assessed in each program plan.

Objective 9c: Prior to the beginning of the Fall 2015 planning cycle, instructional technology will provide an inventory of the age and status of computer, audio visual technology and related peripherals by division.

Objective 9d: The College will assess the costs and options for developing and implementing a technology disaster recovery plan by Summer 2014.

Objective 9e: The College will transition to a new website platform during Fall 2014.

Objective 9f: The College will replace aging Banner hardware and migrate software to a new environment by the end of Fall 2015.

GOAL 10: Rio Hondo College will design, modernize, and maintain a physical infrastructure, both on and off site, that meets the changing needs of students, staff, and the College’s instructional and student support programs while valuing and enhancing the aesthetic beauty of the college.
<table>
<thead>
<tr>
<th>Objective 10a:</th>
<th>The College will expand and modernize facilities based on the five-year construction plan by 2015.</th>
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<tbody>
<tr>
<td>Objective 10b:</td>
<td>The College will update the Campus Facilities Master Plan by summer 2014. <strong>Completed</strong></td>
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<td>Objective 10b:</td>
<td>Annually evaluate fleet management procedures and policies to ensure the safety of students, faculty and staff and to minimize college liability exposure as it pertains to the college fleet.</td>
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<td>Objective 10c:</td>
<td>The College will increase accessibility and safety through bond construction improvements of pedestrian ways and lighting levels by summer 2014.</td>
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<td>Objective 10d:</td>
<td>The College will acquire Leadership in Energy Efficiency Design (LEED) certification for all new buildings that exceed construction costs of 15 million dollars by Spring 2015 through summer 2018.</td>
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<tr>
<td>Objective 10e:</td>
<td>The College will develop and disseminate expanded emergency procedures for existing and future construction, including access for Special Needs population by Fall 2013. 2015</td>
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<tr>
<td>Objective 10f:</td>
<td>The College will complete a plan with metrics to increase the level of campus aesthetics and cleanliness by Spring 2014. <strong>Completed</strong></td>
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<tr>
<td>Objective 10f:</td>
<td>Increase the number of remote day parking permit dispensers from XX to XX by Fall 2015 to reduce traffic congestion, ensure convenience convenient for students and visitors, and increase staff.</td>
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<td>Objective 10g:</td>
<td>The College will create a plan to explore short term parking options and drop off areas for students by Spring 2014. <strong>Completed</strong></td>
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<td>Objective 10g:</td>
<td>The College will assess costs and options for developing a disaster recovery plan by Fall 2014. 2015</td>
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<td><strong>GOAL 11:</strong></td>
<td><strong>Rio Hondo College will provide students and employees with an engaging and rewarding campus life.</strong></td>
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<tr>
<td>Objective 11a:</td>
<td>The College will increase student satisfaction and participation with co-curricular activities by 3% as compared to 2013 by 2015.</td>
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<td>Objective 11b:</td>
<td>The College will evaluate the campus climate survey process and instrument and provide recommendations for improvement by Fall 2014. <strong>Completed</strong></td>
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<td>Objective 11b:</td>
<td>The College will improve participation in the governance process for classified staff, faculty, students, and administrators by Spring 2014.</td>
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Objective 11c: The College will create two new opportunities for social interaction and positive communication among Academic Senate, RHCFRA, CSEA, ASRHC, and the Management & Confidential employees by Fall 2014-2015.

GOAL 12: Rio Hondo College will offer increased educational opportunities for students who are traditionally not college-bound.

Objective 12a: The College will strategically address the needs of underrepresented populations within its service area by Spring 2015 by:

- Increasing the number of first-generation students - 5% increase by providing additional workshops, senior preview days, etc.
- Increasing the access to information regarding availability of scholarships and financial-aid opportunities.

Objective 12b: The College will offer more opportunities that enhance the students’ concept of “global citizenship” by 2015 by:

- Increasing course offerings in courses related to international education
- Increasing number of Study Abroad partnerships
- Increasing outreach efforts to non-traditional students

THE GROUP BELIEVES THAT GOAL 12 IS TOO NARROW TO ADDRESS “EQUITY ISSUES” AND NEEDS A MAJOR REVISION. MUCH MORE TIME & EXPERTISE WILL BE REQUIRED (DYRELL FOSTER).