

# Equal Employment Opportunity Plan

Revised May 20, 2021

For Review & Adoption by the Board of Trustees on June 1, 2021



## District Mission

College of the Redwoods puts student success first by providing accessible and relevant transfer, career and adult education of the highest quality. We strive to create a safe and inclusive environment that promotes and values diversity among students, faculty, and staff. We partner with the community to contribute to the economic vitality and lifelong learning needs of our service area. We continually assess student learning and institutional performance which leads directly to the continuous improvement of our curriculum, programs and services.

**Education Master Plan:** Implement practices that lead to the hiring of staff and faculty who will add to the diversity of the college community (*Goal 1.e*)

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# I. Introduction

The Redwoods Community College District Equal Employment Opportunity Plan (the Plan) was originally adopted by the governing board on September 10, 2012. The plan reflects the District's commitment to equal employment opportunity by taking active and vigorous steps to ensure continuous improvement. The District strives to create an academic environment and an environment for employees that is welcoming to all, will foster equity and diversity, and promotes excellence.

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

Keith Flamer, Ph.D. President/Superintendent

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## II. Definitions<sup>1</sup>

**Adverse Impact:** a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

**Diversity:** means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds.

**Equal Employment Opportunity:** means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to those of any or all gender identities, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by title 5, section 53000 et seq.

**Equal Employment Opportunity Plan:** a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

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<sup>1</sup> Title 5 references can be found in the California Code of Regulations

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**Equal Employment Opportunity Programs:** all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

**Ethnic Group Identification:** means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

**In-house Only Hiring:** means that only existing District employees are allowed to apply for a position.

**Monitored Group:** means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).

**Person with a Disability:** any person who (1) has a physical or mental impairment as defined in Government Code, section 12926 which limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

**Reasonable Accommodation:** the efforts made on the part of the District to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.

**Screening or Selection Procedures:** any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

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***Significantly Underrepresented Group:*** any monitored group for which the percentage of persons from that group employed by the District in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

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### **III. Policy Statement**

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which employment opportunity is equalized and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that employee diversity in the academic environment fosters cultural awareness, mutual understanding, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The President/Superintendent shall develop, for review and adoption by the Board, and implement a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Reference: Education Code Sections 87100, et seq.; Title 5, Section 53000, et seq.; ACCJC Standard III.A.12

Adopted by the Board of Trustees: August 6, 2013

Last revised by the Board of Trustees: June 4, 2019

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## **IV. Delegation of Responsibility, Authority, and Compliance**

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

1. Board of Trustees

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

2. President/Superintendent

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

3. Equal Employment Opportunity Officer

The District has designated the Director and Chief Human Resources Officer as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The Equal Employment

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Opportunity Officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et seq. The Equal Employment Opportunity Officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

4. Equal Employment Opportunity Advisory Committee

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

5. Agents of the District

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

6. Good Faith Effort

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

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## V. Advisory Committee

The District's Equal Employment Opportunity Advisory Committee assists in implementing the Plan. The Equal Employment Opportunity Advisory Committee shall be trained on the Plan itself and trained on equal employment compliance similar to training provided for hiring committees.

The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups. The committee<sup>2</sup> will be composed of:

- one faculty member appointed by the Academic Senate Co-Presidents,
- one faculty member appointed by the CRFO President,
- one classified staff member appointed by the CSEA President,
- one manager appointed by the Manager's Council,
- one representative from the Del Norte Education Center,
- the standing chair or designee from the Multicultural and Diversity Committee,
- one member of administration appointed by the President/Superintendent,
- one student recommended by the ASCR President,
- the Director, Student Equity and Success, and  
the Director and Chief Human Resources Officer/Equal Employment Opportunity Officer, who also serves as the ADA compliance officer, serving as an ex-officio member.

The Equal Employment Opportunity Advisory Committee shall hold a minimum of two (2) meetings per fiscal year, with additional meetings if needed. The advisory committee shall review the annual diversity analysis and current EEO and diversity efforts, programs, policies, and progress. Due to the geographic size of the District,

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<sup>2</sup> Title 5 does not require any specific composition for the advisory committee.

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committee members may actively participate in meetings via telephone or web conferencing. When appropriate, the advisory committee shall make recommendations to the governing board, the President/Superintendent, and the Equal Employment Opportunity Officer.

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## VI: Complaints

1) Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026). The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations<sup>3</sup> have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to section 53026 to the Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the College and/or District level using the process provided by section 53026. (See California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints at: <http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>.)

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints

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<sup>3</sup> The equal employment opportunity regulations are found in California Code of Regulations, title 5, section 53000 et seq.

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must include a District statement of the reason for returning the complaint without action.

The complaint shall be filed with the Equal Employment Opportunity Officer. If the complaint involves the Equal Employment Opportunity Officer, the complaint may be filed with the President/Superintendent. A written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. If this is not practical, a written notification will be provided to the complainant as to the reasons for the extension and estimated date of completion. The Equal Employment Opportunity Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

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

2) Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Director and Chief Human Resources Officer/Equal Employment Opportunity Officer is responsible for receiving such complaints and for coordinating their investigation. Campus complaint officers may be assigned investigation responsibilities. The District's discrimination and sexual harassment complaint procedures are attached to this Plan.

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## VII: Notification to District Employees

The commitment of the District's Board of Trustees and the President/Superintendent to equal employment opportunity is emphasized through the broad dissemination of its Board Policies and Administrative Procedures, Equal Employment Opportunity Policy Statement, and the Plan. The policy statement will be printed in the College catalog and class schedules. The Plan and subsequent revisions will be distributed to the District's governing board, the President/Superintendent, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees. The Plan will be available on the District's website, and when appropriate, may be distributed by email. Each year, the District will provide all employees with a copy of the Board's Equal Employment Opportunity Policy Statement (located in Plan Component 3 of this Plan) and written notice summarizing the provisions of the District's Equal Employment Opportunity Plan. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their employment with the District. The annual notice provided to all employees will contain the following provisions:

- 1) The importance of the employee's participation and responsibility in ensuring the Plan's implementation.
  
- 2) Where complete copies of the Plan are available, including in every campus library, in the District's public folders, on the campus and District internet site, the Office of the President/Superintendent, the Office of Human Resources, and both the Del Norte and Klamath- Trinity administrative offices.

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# VIII: Training for Screening/Selection

## Committees

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/selection of personnel shall receive appropriate training on the requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias.

The office of Human Resources is responsible for providing and tracking the required training, which is effective for a -one year period. Any individual acting on behalf of the District with regard to recruitment and screening of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan. This provision includes any individuals who are not employees of the District but are acting on behalf of the District.

A tracking report has been established to track and monitor individuals who have been trained on equity, diversity, and legal compliance with recruitment. Human Resources staff responsible for coordinating employment searches will verify appointed committee members are current on their recruitment and equity training.

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## **IX: Annual Written Notice to Community Organizations**

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. The notice will inform these organizations that they may obtain a copy of the Plan, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan. The notice will also include the internet address where the District advertises its job openings and the names, departments and phone numbers of individuals to call in order to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which may receive this notice, is attached to this Plan. This list may be revised from time to time as necessary.

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# X: Analysis of District Workforce & Applicants

The Office of Institutional Research, in conjunction with the Human Resources Department performs an annual survey of the District's workforce composition and monitors applicants for employment on an ongoing basis to evaluate the District's progress in implementing the Plan, to provide data needed for the reports required by this Plan and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders<sup>4</sup>, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the analysis, each applicant or employee is afforded the opportunity to voluntarily identify their gender, ethnic group identification and, if applicable, their disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information is kept confidential and is separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). The District annually reports to the Chancellor's Office the results of its annual analysis.

At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- 1) Executive/Administrative/Managerial
- 2) Faculty and other Instructional Staff
- 3) Professional Non-faculty
- 4) Secretarial/Clerical

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<sup>4</sup> The Asian or Pacific Islander subgroup is not necessary when addressing the issue of under representation in the Plan, but the breakdown is required in annual reports.

- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

## Employees

The District has evaluated hiring process outcomes by race, ethnicity, and gender to determine where opportunities to positively impact workforce diversity exist.

### ***Ethnicity & Gender: Annual Comparison of Permanent Employees***

	Management		Faculty		Classified		Total	
	#	%	#	%	#	%	#	%
<b>Fall 2020</b>	<b>16</b>	<b>100%</b>	<b>58</b>	<b>100%</b>	<b>184</b>	<b>100%</b>	<b>258</b>	<b>100%</b>
African-American	3	19%	1	2%	1	1%	5	2%
American Indian/Alaskan Native	1	6%		0%	7	4%	8	3%
Asian/Pacific Islander		0%	1	2%	5	3%	6	2%
Hispanic	1	6%	5	9%	28	15%	34	13%
Multi-Ethnicity		0%	1	2%	7	4%	8	3%
Unknown	1	6%		0%		0%	1	0%
White Non-Hispanic	10	63%	50	86%	136	74%	196	76%
Female	6	38%	24	41%	112	61%	142	55%
Male	10	63%	34	59%	72	39%	116	45%
	Management		Faculty		Classified		Total	
	#	%	#	%	#	%	#	%
<b>Fall 2019</b>	<b>14</b>	<b>100%</b>	<b>64</b>	<b>100%</b>	<b>189</b>	<b>100%</b>	<b>267</b>	<b>100%</b>
African-American	2	14%	1	2%	1	1%	4	1%
American Indian/Alaskan Native	1	7%		0%	7	4%	8	3%
Asian/Pacific Islander		0%	2	3%	5	3%	7	3%
Hispanic		0%	5	8%	27	14%	32	12%
Multi-Ethnicity		0%	1	2%	8	4%	9	3%
Unknown	1	7%		0%		0%	1	0%
White Non-Hispanic	10	71%	55	86%	141	75%	206	77%
Female	6	43%	28	44%	115	61%	149	56%
Male	8	57%	36	56%	74	39%	118	44%
	Management		Faculty		Classified		Total	
	#	%	#	%	#	%	#	%
<b>Fall 2018</b>	<b>14</b>	<b>100%</b>	<b>67</b>	<b>100%</b>	<b>185</b>	<b>100%</b>	<b>266</b>	<b>100%</b>
African-American	2	14%		0%	2	1%	4	2%
American Indian/Alaskan Native	1	7%		0%	6	3%	7	3%
Asian/Pacific Islander		0%	2	3%	5	3%	7	3%
Hispanic		0%	5	7%	24	13%	29	11%
Multi-Ethnicity		0%	1	1%	5	3%	6	2%
Unknown	1	7%	9	13%	4	2%	14	5%
White Non-Hispanic	10	71%	50	75%	139	75%	199	75%
Female	6	43%	29	43%	111	60%	146	55%
Male	8	57%	38	57%	74	40%	120	45%

Source: CCCCO DataMart

## Annual Comparison of Under-Represented Employees

The following table contains an additional three years of historical data to better reveal trends.

	Management		Full-time		Classified		Total	
	#	%	#	%	#	%	#	%
Fall 2020	5	33%	7	12%	41	22%	53	21%
Fall 2019	3	23%	8	13%	40	21%	51	19%
Fall 2018	3	23%	7	12%	37	20%	47	19%
Fall 2017	2	22%	9	13%	38	20%	49	18%
Fall 2016	1	9%	7	12%	45	23%	53	20%
Fall 2015	1	11%	8	12%	35	20%	44	18%

Percentages (%) represent the number of under-represented employees in a given category divided by the total number of employees in that category less those who declined to state ethnicity.

## Employee Comparison to Potential Workforce

	College of the Redwoods Employees* (Data Mart 2020)		All California Colleges (Data Mart 2020)		Population in Humboldt & Del Norte Counties (U.S. Census ACS 2019)		Population in Humboldt & Del Norte Counties (Census 2019 QuickFacts)		Population in Humboldt & Del Norte Counties (Census 2010)	
	#	%	#	%	#	%	#	%	#	%
Total	452	100.0%	73,903	100.0%	163,435	100.0%	163,370	100.0%	163,233	100.0%
African-American	6	1.3%	5,163	7.0%	2,235	1.4%	3,007	1.8%	2,360	1.4%
American Indian/Alaskan Native	12	2.7%	435	0.6%	8,207	5.0%	11,373	7.0%	8,896	5.4%
Asian/Pacific Islander	10	2.2%	9,008	12.2%	5,411	3.3%	5,256	3.2%	4,150	2.5%
Hispanic	48	10.6%	16,377	22.2%	21,151	12.9%	21,993	13.5%	18,304	11.2%
Multi-Ethnicity	11	2.4%	1,155	1.6%	7,972	4.9%	9,229	5.6%	6,512	4.0%
Unknown / Other	1	0.2%	4,955	6.7%	353	0.2%		0.0%	540	0.3%
White Non-Hispanic	364	80.5%	36,810	49.8%	118,106	72.3%	117,285	71.8%	122,471	75.0%
Female	253	56.0%	41,223	55.8%	81,114	49.6%	80,948	49.5%	79,731	48.8%
Male	198	43.8%	32,629	44.2%	82,321	50.4%	82,422	50.5%	83,502	51.2%

Includes Full- and Part-Time Faculty

Data sources: CCCCCO Data Mart, U.S. Census Bureau 2010 Decennial Census, U.S. Census Bureau 2019 American Community Survey (ACS), U.S. Census Bureau 2019 QuickFacts

## Workforce Analysis: 2020

All current employees, including part-time employees, were evaluated in 2020 by hby race, ethnicity, and gender to determine where opportunities to positively impact workforce diversity exist.

	Total		Male		Female		American Indian or Alaska Native		Black or African American		Asian/Pacific Islander		Hispanic/Latino		Two or More Races		White		Unknown	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Executive, Administrative, and Managerial	44	20	24	55%	4	9%	4	9%		0%	3	7%	1	2%	31	70%	1	2%		
Professional (Non-Faculty)	46	11	35	76%	1	2%		0%	1	2%	6	13%	2	4%	36	78%				0%
Clerical / Secretarial	39	4	35	90%	2	5%		0%	1	3%	9	23%	1	3%	26	67%				0%
Technical / Paraprofessional	37	21	16	43%		0%		0%	3	8%	5	14%	2	5%	27	73%				0%
Skilled Crafts	6	5	1	17%		0%		0%		0%	1	17%		0%	5	83%				0%
Service / Maintenance	23	18	5	22%	1	4%		0%		0%	3	13%	1	4%	18	78%				0%
Instruction /	5	3	2	40%		0%		0%		0%	1	20%		0%	4	80%				0%
Faculty: Full-Time	58	34	24	41%		0%	1	2%	1	2%	5	9%	1	2%	50	86%				0%
Faculty: Part-Time	194	82	111	57%	4	2%	1	1%	4	2%	14	7%	3	2%	168	87%				0%

Data Source: College of the Redwoods Office of Institutional Research

## Applicants

The District has evaluated availability, applicant pools, and hiring process outcomes by race, ethnicity, and gender to determine where opportunities to positively impact workforce diversity exist.

### Ethnicity & Gender: Annual Comparison of Applicant Pool

	Management		Classified		Full-time Faculty		Part-time Faculty	
	#	%	#	%	#	%	#	%
<b>2020</b>	<b>45</b>	<b>100%</b>	<b>265</b>	<b>100%</b>	<b>109</b>	<b>100%</b>	<b>283</b>	<b>100%</b>
Male	32	71%	109	41%	42	39%	107	38%
Female	11	24%	130	49%	57	52%	148	52%
American Indian or Alaska Native	2	4%	4	2%	3	3%	3	1%
Asian/Pacific Islander	2	4%	12	5%	15	14%	11	4%
Black or African American	6	13%	6	2%	6	6%	9	3%
Hispanic/Latino	3	7%	33	12%	5	5%	41	14%
Other/Unknown	3	7%	21	8%	9	8%	34	12%
Multi-Ethnicity	3	7%	17	6%	5	5%	15	5%
White	26	58%	172	65%	66	61%	170	60%
	Management		Classified		Full-time Faculty		Part-time Faculty	
	#	%	#	%	#	%	#	%
<b>2019</b>	<b>58</b>	<b>100%</b>	<b>313</b>	<b>100%</b>	<b>48</b>	<b>100%</b>	<b>465</b>	<b>100%</b>
Male	40	69%	126	40%	26	54%	201	43%
Female	16	28%	172	55%	19	40%	230	49%
American Indian or Alaska Native	1	2%	7	2%		0%	8	2%
Asian/Pacific Islander	1	2%	6	2%	9	19%	26	6%
Black or African American	11	19%	4	1%	4	8%	21	5%
Hispanic/Latino	5	9%	56	18%	2	4%	73	16%
Other/Unknown	3	5%	16	5%	3	6%	45	10%
Multi-Ethnicity	5	9%	14	4%	2	4%	21	5%
White	32	55%	210	67%	28	58%	271	58%
	Management		Classified		Full-time Faculty		Part-time Faculty	
	#	%	#	%	#	%	#	%
<b>2018</b>	<b>14</b>	<b>100%</b>	<b>316</b>	<b>100%</b>	<b>79</b>	<b>100%</b>	<b>256</b>	<b>100%</b>
Male	5	36%	80	25%	31	39%	112	44%
Female	9	64%	218	69%	38	48%	127	50%
American Indian or Alaska Native		0%	17	5%	1	1%	2	1%
Asian/Pacific Islander	1	7%	5	2%	6	8%	7	3%
Black or African American		0%	4	1%	4	5%	10	4%
Hispanic/Latino	2	14%	53	17%	3	4%	34	13%
Other/Unknown	1	7%	26	8%	8	10%	30	12%
Multi-Ethnicity		0%	19	6%	5	6%	8	3%
White	10	71%	192	61%	52	66%	165	64%

Data Source: College of the Redwoods Office of Human Resources

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## **Analysis of Employee and Applicant Data & Trends**

### District Workforce Data Analysis

#### Summary of Permanent Employees

Permanent Staff at College of the Redwoods (CR) are predominantly Caucasian. In fall 2019, 79 percent of all full-time employees identified themselves as Caucasian. The annual comparison of permanent employees shows that this percentage is fairly stable from year to year, but is trending towards slight growth in under-represented permanent employees. Full-time faculty have the smallest percentage of under-represented employees. Although the table begins in Fall 2015, the percentage has remained around 12 percent since 2009. The percentage of underrepresented classified staff raised dramatically to 20 percent in fall 2014 from 14.6 percent in fall 2013. This trend has continued to Fall 2020. Fall 2016 and Fall 2020 had the largest percentage of underrepresented classified staff in the last six years.

Management remains the group with the largest number of underrepresented employees, although it is the smallest group of employees. The percentage of under-represented Management rose in fall 2020 to 33 percent. In fall 2017, under-represented Management accounted for over 20 percent of Management who reported their ethnicity, which was a sharp change since fall 2016. Management percentages fluctuate greatly because changes in just a few employees greatly influence the numbers because of the group size.

In fall 2020, more permanent employees were female (55 percent) than male (45 percent). The proportion of female employees has not changed in the past few years. Full-time faculty are the only group to have consistently more men than women. In fall 2020, 59 percent. This percentage has remained fairly constant for the past six years.

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## Comparison to Available Workforce

In the absence of availability data from the state Chancellor's Office for statewide comparisons, ethnicity and gender of employees statewide (provided by the Chancellor's Office for employees at all California Community Colleges) and ethnicity and gender of the population in the region served by College of the Redwoods (from the 2010 Census and the 2019 Census American Community Survey ) are used. These comparisons are not ideal given that each California Community College has demographic differences in the local population it serves, and not all members in the service region are eligible for employment, but College of the Redwoods has chosen to use these two general comparisons in the absence of more relevant availability data.

More employees at CR (full- and part-time) identified themselves as Caucasian (81%) vs. employees in California Community Colleges Statewide (50%). The population in the region served by CR, however, is 72% Caucasian, and more closely resembles employees at CR. The service area demographics are considerably different than statewide demographics. To identify trends The following is an analysis of the demographic breakdown for each employment group in fall 2020.

Executive/Administrators: This group has 70 percent who identified themselves as White/Caucasian. R was higher than the service area population demographics for Asians/Pacific Islanders, and Black/African American employees. CR has no employees who identify as Asian/Pacific Islander Executive/Administrators. As noted above, the institutionalization of an EEO Advisory Committee will ensure the District regularly assesses diversity outreach efforts in an attempt to increase equal employment opportunity and diversity in the workforce.

Professional/Nonfaculty: Too few employees identified as underrepresented professional non-faculty to interpret the data, other than that the employees are predominantly White. This group does have a much larger percentage of female employees compared to the available workforce (76% vs. 55%).

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Secretarial/Clerical: Asian/Pacific Islanders, American Indian, and Hispanic/Latino employees are represented to a larger extent at CR than in the service area population. In addition, females make up 90% of employees in this employment category.

Technical and Paraprofessional: Too few employees identified as underrepresented professional non-faculty to interpret the data, other than that the employees are predominantly White.

Skilled Craft: Only six employees fall into this employment group. Therefore, this group will not be interpreted.

Faculty – Full-Time: Full-time faculty at CR are less diverse than the service area population. The only group that is less diverse is the part-time faculty. The largest self-reported change that has happened in recent years is growth in Hispanic/Latino full-time faculty. Full-time faculty also remain more male (59%) than the overall employees at the college. The EEO Advisory Committee will review the data and recommend actions toward improving diversity.

Faculty – Part-Time: Similar to full-time faculty, part-time faculty at CR are less diverse than the service area population. All under-represented ethnicities have a smaller proportion of part-time faculty than exists in the service area population. Unlike full-time faculty, part-time faculty are more female (57%).

Gender analysis: A large majority of males are employed at CR in skilled craft and service and maintenance jobs (17% and 22% respectively), whereas a large majority of females are employed at CR in secretarial/clerical (90% female) and professional/non-faculty (76%) jobs.

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## Annual Comparison of Under-Represented Applicants

In the following table, percentages (%) represent the number of under-represented applicants in a given category divided by the total number of applicants in that category, less those who declined to state ethnicity.

	Management		Classified		Full-time Faculty		Part-time Faculty	
	#	%	#	%	#	%	#	%
2020	10	24%	30	12%	24	24%	33	13%
2019	14	25%	23	8%	13	29%	65	15%
2018	2	15%	35	12%	11	15%	22	10%

*Data source: College of the Redwoods Office of Human Resources*

## College of the Redwoods Applicant Analysis: 2018-2020

	Females											
	Total	Male	Female		American Indian or Alaska Native		Black or African American		Asian/Pacific Islander		Hispanic/Latino	
			#	%	#	%	#	%	#	%	#	%
			#	%	#	%	#	%	#	%	#	%
Executive / Managerial	92	53	35	38%	3	3%	8	9%	4	4%	7	8%
Professional (Non-Faculty)	220	81	124	56%	2	1%	6	3%	11	5%	43	20%
Clerical / Secretarial	375	76	277	74%	20	5%	5	1%	9	2%	58	15%
Technical / Paraprofessional	145	46	86	59%	3	2%	1	1%	1	1%	21	14%
Service / Maintenance	179	136	34	19%	3	2%	11	6%	1	1%	19	11%
Faculty: Full-time	236	99	114	48%	4	2%	14	6%	29	12%	9	4%
Faculty: Part-time	1004	420	505	50%	13	1%	40	4%	43	4%	142	14%

	Females									
	Total	Male	Female		Two or More		White		Other/Unknown	
			#	%	#	%	#	%	#	%
			#	%	#	%	#	%	#	%
Executive / Managerial	92	53	35	38%	6	7%	56	61%	8	9%
Professional (Non-Faculty)	220	81	124	56%	10	5%	125	57%	23	10%
Clerical / Secretarial	375	76	277	74%	19	5%	228	61%	36	10%
Technical / Paraprofessional	145	46	86	59%	7	5%	97	67%	15	10%
Service / Maintenance	179	136	34	19%	14	8%	119	66%	12	7%
Faculty: Full-time	236	99	114	48%	12	5%	140	59%	28	12%
Faculty: Part-time	1004	420	505	50%	42	4%	595	59%	129	13%

Data Source: College of the Redwoods Office of Human Resources

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## **Analysis of Applicant Pools**

The annual comparison of applicants shows that a larger percentage of applicants for management positions were of under-represented ethnicity in 2019 and 2020 than in 2018. Management and full-time faculty positions consistently attract the most diverse applicant pool, with at least one quarter of applicants from under-represented groups in 2019, and close to a quarter in the surrounding years. Despite roughly the same number of applicants in the last three years for Classified and Part-Time Faculty positions, classified pools have been much less diverse. The EEO Advisory Committee will review the data and recommend actions toward improving diversity.

### Comparison by Job Classification

The applicant pool was also disaggregated by job classification. Comparisons of the application pools by gender, race and ethnicity reveals several gaps for which the applicant pool is more diverse than the group of CR employees. For example, females represent only 74% of the clerical/secretarial pool in 2018-2020, compared to 90% of the current employees. Similarly, approximately 50% of faculty applicants are female, compared to significantly more full-time faculty.

The applicant pool, when compared to the available workforce in the region, also reveals systematic gaps for which the applicant pool is more diverse than the employees in terms of race and ethnicity when broken down by job classification. Only a few classifications for select minority groups show the opposite trend. The EEO Advisory Committee will review the data and recommend actions toward addressing these important gaps to yield a more equitable employment environment of diversity.

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## **XI: Analysis of Degree of Underrepresentation and Significant Underrepresentation**

In the event that College of the Redwoods identifies statistically significant underrepresentation for a particular monitored group in its analysis, the District shall take the following steps:

1. Analyze the longitudinal hiring process results for potential adverse impact affecting the identified monitored group at all relevant phases of the process.
2. Review additional analyses of phases where adverse impact was observed to determine specific aspects of the hiring process that are disproportionately eliminating the monitored group applicants.
3. Analyze and review the identified selection process elements contributing to the lack of success for the monitored group to determine whether they can be eliminated or replaced with an enhanced procedure that decreases and eliminates adverse impact.
4. Analyze the composition of applicants from the prior seven years to determine whether the representation of monitored group applicants is consistent with the expected representation stated in the District's availability estimates and/or targeted representation for the group.
5. Review current recruitment procedures and develop recommendations for modification. This may include, but is not limited to language in job announcements, and funding priorities towards recruitments.
6. Interview the responsible administrator for the area where the significant underrepresentation occurs to develop a recruitment and hiring action plan to assist in addressing the significant underrepresentation. Examples of steps to include in the action plan include: reviewing and revising screening protocols and selection process evaluation tools, and revising hiring committee participation to be more diverse

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7. Following implementation of the action plan, present the findings to the EEO Committee, equity committee, and other relevant groups to identify other potential good faith efforts to make positive progress towards eliminating the underrepresentation.

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## **XII: Methods to Address Underrepresentation**

The data and annual analysis described herein indicate that in general the employee population and applicant pools at College of the Redwoods are less diverse than the community it serves, with the exception of the Asian/Pacific Islander employees and applicants who were somewhat more represented compared to the service area population.

In response to these findings of underrepresentation in one or more job categories (as mandated by Title V), the College of the Redwoods District has developed the following strategic initiatives for the 2016-2017 academic year, and has made a commitment to explore initiatives for further actions to be implemented in future annual cycles.

### **Strategic Initiatives**

- Update all Board Policies and Administrative Procedures related to employment diversity to reflect the goals of the Strategic Plan and to be compliant with current California Education Code and Title V requirements and limitations.  
Responsible: Chief Human Resources Officer
- Employment goals will be reported to the Board of Trustees as part of the annual reporting of the EEO Plan  
Responsible: Chief Human Resources Officer
- Expand recruitment advertising to a broad range of relevant websites and publications oriented toward reaching a diverse range of applicants. Websites and publication resource links will also be listed on the Human Resources webpage beginning fall 2021. Responsible: Chief Human Resources Officer

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- Create and maintain a diversity/equity related web-page that demonstrates that CR is an institution that welcomes diversity and works to assure equity. The site will include statements underscoring the institution's commitment to diversity. A statement provided by the President/Superintendent will be highlighted. This site will include links to relevant position openings, the Multicultural and Diversity Committee (MDC) web page, the Student Equity Plan, the EEO Plan and the Strategic Equity in Hiring Plan. Additionally, this site will include links to websites which announce local cultural activities and resources and other promotional materials. The Multicultural and Diversity web page will be updated by the MDC annually. Responsible: Chief Human Resources Officer; President/Superintendent, Chair of the MDC
  - Require that all selection committees question applicants in the interview process about their personal knowledge and understanding of issues regarding diversity, using a standardized question(s). Responsible: Chief Human Resources Officer
  - Implement web-based training on diversity in hiring for all persons who may be involved at any level of the hiring process. Responsible: Director and Chief Human Resources Officer; Distance Education Leadership
  - Improve the College's relationship with diverse groups within our communities, and to serve as a model for community agencies in promoting respect and appreciation for diversity. The Director and Chief Human Resources Officer (or designee) and the President/Superintendent will continue to meet with diverse groups within the District. Specifically, a copy of the Equal Employment Opportunity Plan and its commitment to diversity will be sent to the County and local state offices of Employment and Training, as well as the respective County Workforce Investment Boards. Responsible: Chief Human Resources Officer
  - Application materials and announcements will include key diversity related components of the institutions values statement Responsible: Chief Human Resources Officer
  - Include cultural proficiency as a preferred qualification for employment.
  - Responsible: Chief Human Resources Officer
  - The Multicultural and Diversity Committee will review curriculum offerings to determine courses (or additional courses) that would serve our

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underrepresented students and attract a diverse pool of instructors.

The resulting list of courses will be sent to appropriate discipline experts, division deans, and directors to consider in course scheduling and course initialization.

The list will also be sent to the Enrollment Management Committee for consideration. Responsible: Chair of MDC and Senate Co-Presidents

- Professional Development Committee investigates funding for employee professional development in the area of diversity. Responsible: Chair of Professional Development Committee; President/Superintendent
- The Human Resources Department will continue to provide new employees with appropriate collective bargaining agreements and other information of rights established under District contracts. In addition, new employees will be directed to appropriate collective bargaining units for further information regarding conditions of employment and employee representation related to the bargaining unit. Responsible: Chief Human Resources Officer
- Within the first year of employment all personnel will be provided EEO and diversity training. Responsible: Chief Human Resources Officer
- Standardize on-site/in-person interview process to provide uniformity of experience to provide equitable consideration for all employment candidates. This includes uniformity of all interview related activities and accommodations. Responsible: Chief Human Resources Officer
- Ensure standardization of the selection process for part-time faculty that requires equitable recruiting and employment practices. Responsible: Chief Human Resources Officer

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## **XIII: Additional Steps to Remedy Significant Underrepresentation**

These initiatives require research to evaluate responsible parties, timelines, and budget implications. Some of these initiatives will take time to implement if changes to policies and procedures and personnel duties are required. The Director and Chief Human Resources Officer and appropriate Human Resources staff will evaluate these actions in consultation with appropriate college entities to determine how each can be implemented. The resulting analysis will be used to propose the following year's list of initiatives.

- Analyze underrepresented employee retention data to determine if actions are required to increase retention of underrepresented groups.
- Explore actions to improve campus climate to provide an inviting work place for a diverse work force. These actions might include augmenting or initiating training in multicultural awareness, campus climate measures, exit interviews, and EEO self-audits.
- Include a statement on evaluation forms that ensures that all employees are held to the same expectations regardless of membership of gender, age, race, ability, ethnicity, cultural background, national origin and age.
- When feasible, make recruiting visits to job fairs using a team approach to recruit underrepresented faculty, staff and administrative applicants.
- Partner with community agencies to promote job opportunities.
- Scholarship Office to explore the diversity scholarship resources CR district employees with the objective of assisting employees to earn teaching credentials or administrative degrees to advance positions in critical areas of need.
- Explore options to develop a long-term plan to support underrepresented population employment advancement within the institution. Such a plan would

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be parallel to plans to support all District personnel in advancement opportunities.

## **Annual Analysis, Actions, Update, and Responsible Parties**

In order to maintain adherence to this EEO Plan, the following actions will be conducted by the identified parties on an ongoing basis:

- Each Fall Semester the Director and Chief Human Resources Officer (or designee) will work with the Director of Institutional Research (or designee) to provide a survey of the demographic data for the previous academic year. The data will be aggregated into the same categories as the previous year in order to provide comparisons and analyses of the effectiveness of the strategic initiatives. An exception will be made in cases where the categories and/or format of data is found to be inadequate for making informed analysis or where the categories and/or format is out of compliance with existing policies and standards (at District, State, and/or Federal level). In these cases a new format and categories will be established.
- Upon receipt of the institutional research data, the Director and Chief Human Resources Officer (or designee) will consult with the President/Superintendent and Cabinet about the EEO Plan initiatives for the following year. A proposal of actions will be presented to the EEO Advisory Committee for comment and input, and final approval for the Board of Trustees.  
This proposal will be completed by the end of the fall term each year.
- The Director and Chief Human Resources Officer will track the annual initiatives and report to the Board of Trustees about the effectiveness of the initiatives and any required changes. This annual reporting will incorporate an assessment of the three-year period as the reasonable period of time required to affect change (as defined in Title V). Annual reporting on the EEO Plan initiatives as well as demographic data will be included on the Board of Trustees Calendar for a spring meeting.

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- The effectiveness of the EEO Plan processes will be evaluated by the Director and Chief Human Resources Officer and reported at the Annual Planning Summit. The Institutional Effectiveness Committee will evaluate the report on the EEO Plan processes, and any recommended changes to the processes will be reported in the year-end institutional effectiveness report.

The Director and Chief Human Resources Officer may incorporate these recommendations into an update of the EEO Plan initiatives and the updated EEO Plan will then be submitted to the EEO Advisory Committee and Cabinet for approval.

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## **XIV: Other Measures Necessary to Further Equal Employment Opportunity**

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

- A. Invite and encourage presentations from and about underrepresented groups who may inspire students and employees alike.
- B. Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other
- C. publications. Include in job announcements language indicating that candidates are required to demonstrate that they support diversity in their major job duties.
- D. Conduct diversity dialogues, forums, and cross-cultural workshops.
- E. Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the District's website. The website will also list contact persons for further information on all of these topics.

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- F. Encourage sabbatical topics to include a focus on diversity and multicultural issues.
  - G. Encourage various cultural events on campus.
  - H. Review and revise College/District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
  - I. Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by continuing to award a yearly diversity recognition award.
  - J. Develop leadership opportunities with current staff focusing on diversity.
  - K. Ensure that top administrative staff support diversity objectives and that the diversity and/or Equal Employment Opportunity Officer position is maintained as a cabinet or other high-level administrative position.
  - L. Seek direct contact with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.

Suggestions listed below:

- a. Masters and PhD programs at HSU
  - b. Masters and PhD programs at University of Oregon
  - c. Latino, Native-American, and African-American Student Resource Programs at HSU
  - d. LatinoNet
  - e. Humboldt County Promotores
  - f. Humboldt County Chapter of the NAACP
  - g. Tribal Councils of the Wiyot, Yurok, Karuk, & Hoopa Tribes
- M. Distribute recruitment announcements in publications targeting underrepresented populations.
  - N. Representatives from Human Resources, The Equal Employment Opportunity Advisory Committee, and The Multi-Cultural & Diversity Committee, will consult biannually regarding training of employment screening committees to assure that practices in hiring are standardized and bias free.
  - O. Increase the diversity of applicant pools through targeted community or individual outreach.

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P. Ensure that all funding procedures and criterion for diversity related activities and events are transparent and accessible.

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# **XV: Persons with Disabilities: Accommodations and Goals for Hiring**

College of the Redwoods, pursuant to Title 5 Section 53025, shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may be paid for with funds provided pursuant to Title 5 section 53030.

## **XV.1 Reasonable Accommodations**

Applicants and employees with disabilities at College of the Redwoods shall receive reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Accommodations may include, but are not limited to, job site modifications; job restructuring; part-time work schedules; flexible scheduling; reassignment to a reasonably equivalent vacant position; adaptive equipment; and auxiliary aides such as readers, interpreters, and note-takers.

The Vice President of Human Resources is responsible for handling requests for accommodations from current employees, and from applicants seeking such accommodations during the application process.

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## **XVI: Graduate Assumption Program of Loans for Education**

The District will encourage community College students to become qualified for, and seek employment as community College employees. The District shall research and inform students about programs that may assist them to complete their graduate studies and become community College employees. The District will post informational flyers on the campuses concerning such programs, and make information available in student newspapers, the course catalog, and in locations accessible to students. Efforts will be made to inform graduate students in local Colleges and universities about the benefits of employment at a community College.

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## **Appendix A - Policies & Procedures**

Appendix A – The District’s Policies and Procedures which outline the prohibition of unlawful discrimination, harassment, and retaliation.

- BP 3410 (Appendix A-1)
- BP 3420 (Appendix A-2)
- BP 3430 (Appendix A-3)
- BP 3431 (Appendix A-4)
- BP 3433 (Appendix A-5)
- BP 3540 (Appendix A-6)
- BP 7100 (Appendix A-7)
- AP 3410 (Appendix A-8)
- AP 3420 (Appendix A-9)
- AP 3430 (Appendix A-10)
- AP 3431 (Appendix A-11)
- AP 3434 (Appendix A-12)
- AP 3435 (Appendix A-13)
- AP 3540 (Appendix A-14)

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## **BP 3410 Nondiscrimination (A-1)**

Adopted

May 3, 2011

Last Revised

March 5, 2020

Last Reviewed

January 25, 2021

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

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

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

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foregoing characteristics, or because of his/her/their association with a person or group with one or more of these actual or perceived characteristics.

Reference: Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.; Title 5 Sections 53000 et seq. and 59300 et seq.; Penal Code Section 422.55; Government Code Sections 12926.1 and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements; Title 2 Sections 10500 et seq.

### **BP 3420 Equal Employment Opportunity (A-2)**

Adopted

August 6, 2013

Last Revised

August 6, 2013

Last Reviewed

June 4, 2019

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which employment opportunity is equalized and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that employee diversity in the academic environment fosters cultural awareness, mutual understanding, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The President/Superintendent shall develop, for review and adoption by the Board, and implement a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

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Reference: Education Code Sections 87100, et seq.; Title 5, Section 53000, et seq.;  
ACCJC Standard III.A.12

Adopted by Board of Trustees: August 6, 2013

### **BP 3430 Prohibition of Harassment (A-3)**

Adopted

June 7, 2016

Last Revised

February 18, 2020

Last Reviewed

January 25, 2021

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, ethnicity, national origin, immigration status ,ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the

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District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student, employee, intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the President/Superintendent shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President/Superintendent shall establish procedures that define harassment on all District sites and locations. The President/Superintendent shall further establish procedures for employees, students, interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff,

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students, interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, interns, and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program.

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;

Government Code Sections 12940 and 12950.1; Title VII of the Civil Rights Act of 1964, 42

U.S. Code Annotated Section 2000e Title 2 Sections 10500 et seq.

Civil Code Section 51.9

### **BP 3431 Bullying, Harassment and Discrimination (A-4)**

Adopted

November 7, 2013

Last Revised

June 4, 2019

Last Reviewed

April 7, 2020

The Board of Trustees of the College of the Redwoods District is committed to protecting its students and employees from bullying, harassment or discrimination for any reason and of any type. All students and employees are entitled to a safe, equitable and harassment-free educational and work-place environment.

Bullying is the inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted purposeful written, verbal,

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nonverbal, physical behavior, or any severe or pervasive physical or verbal act, including communications made in writing or by means of an (cyber) electronic act including but not limited to any threatening, insulting or dehumanizing gesture, by an employee or student, that has the potential to create an intimidating, hostile, or offensive educational/work-place environment or cause long term damage, discomfort or humiliation; or unreasonably interfere with the individual's academic or work performance or participation, is carried out repeatedly and is characterized by an imbalance of power.

No form of bullying, harassment or discrimination will be tolerated and shall be just cause for disciplinary action. This policy shall be interpreted and applied consistently with all applicable state and federal laws and the collective bargaining agreements. See Administrative Procedure AP 3431.

Reference: Education Code Section 32260-32262; 32265; 32270; 35294.10-35294.15; 48900-48927;

Adopted by Board of Trustees: November 7, 2013

## **BP 3433 Interim-Prohibition of Harassment under Title 9 (A-5)**

Adopted

March 25, 2021

Last Revised

March 25, 2021

Last Reviewed

March 25, 2021

Prohibition of Sexual Harassment under Title IX

All forms of sexual harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sexual harassment and the District will not tolerate sexual harassment. The District is committed to providing an

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academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission feel free to report incidents of sexual harassment in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of sexual harassment in violation of this policy and Title IX or for participating, or refusing to participate, in a sexual harassment investigation. The District will investigate all allegations of Title IX retaliation swiftly and thoroughly. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission who believes he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434 Responding to Harassment Based on Sex under Title IX. The District requires supervisors to report all complaints of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the President shall ensure that the institution undertakes education and training activities to counter sexual harassment and to prevent, minimize, or

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eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President shall establish procedures that define sexual harassment on campus. The President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment in violation of this policy, and procedures to resolve complaints of sexual harassment in violation of this policy. State and federal law and this policy prohibit retaliatory acts against all participants by the District, its employees, students, and agents.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.

References:

Title IX of the Education Amendments Act of 1972

34 Code of Federal Regulations Part 106

**BP 3540 Interim-Sexual Assault and Sexual Misconduct  
(A-6)**

Adopted

February 3, 2015

Last Revised

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March 25, 2021

Last Reviewed

March 25, 2021

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures consistent with state and federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386 and 34 Code of Federal Regulations Part 668.46.

References:

Education Code Sections 67382, 67385, and 67386;

20 U.S. Code Section 1092 subdivision (f);

34 Code of Federal Regulations Part 668.46 subdivision (b)(11)

### **BP 7100 Commitment to Diversity (A-7)**

August 6, 2013

Last Revised

February 25, 2019

Last Reviewed

July 9, 2019

The District is committed to equal employment opportunity.

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The District, and each individual who represents the District, shall consider all qualified applicants for employment without regard to race, color, sex, gender, gender identity, gender expression, sexual orientation, religion, national origin, age, disability, medical condition, genetic information, ancestry, veteran, or marital status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District's Equal Employment Opportunity Plan reflects the District's commitment to equal employment opportunity. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment, which is welcoming to all, will foster equity and diversity and promote excellence.

The District and each individual who represents the District, will provide an inclusive employment environment that has the goal of increasing and maintaining diversity and equal employment opportunities and conditions.

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

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

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or because of his or her association with a person or group with one or more of these actual or perceived characteristics.

Reference: Education Code Section 87100 et seq.; Title 5, Section 53000, et seq.

Adopted by Board of Trustees: August 6, 2013

### **AP 3410 Nondiscrimination(A-8)**

Adopted

May 3, 2011

Last Revised

March 3, 2020

Last Reviewed

April 7, 2020

#### 1.0 Education Programs

- The District shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
- All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression: means a person's gender-related appearance and behavior whether stereotypically associated with the person's assigned sex at birth.
- The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

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- Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.
  - Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

## 2.0 Employment

- The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identify, gender expression, age, sexual orientation, or military and veteran status.
- All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.
- The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.
- It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

## References:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.; Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJA Accreditation Standard Catalog Requirements (formerly II.B.2.c)

Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq.;

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Government Code Sections 11135 et seq. and 12940 et seq.

## **AP 3420 Equal Employment Opportunity (A-9)**

Adopted

August 6, 2013

Last Revised

February 18, 2020

Last Reviewed

April 7, 2020

Due to the dynamic and untested nature of this area of law, this procedure identifies points in the hiring process where consultation with legal counsel may be prudent.

1. The EEO plan is a district-wide, written plan which implements the District's EEO program, includes the definitions contained in Title 5 Section 53001, and addresses the following:

- a. Submission of plans and revisions to the state Chancellor's Office for review and approval as required;
- b. The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- c. The procedure for filing complaints and the person with whom such complaints are to be filed;
- d. A process for notifying all District employees of the provisions of the plan and the policy statement required;
- e. A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- f. A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;

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- g. An analysis of the number of persons from “monitored groups”, as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
  - h. An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the state Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether the underrepresentation is significant;
  - i. The steps the District will take to promote diversity in its work force;
  - j. Methods for addressing any discrimination that is detected in the District's hiring practices; and
  - k. The plan shall be a public record.

The District shall make a continuous good faith effort to comply with the requirements of the plan.

## 2. Annual Evaluation

The Office of Human Resources will annually survey the district's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the EEO Plan, to provide data needed for the reports required by the Plan and to determine whether any monitored group is underrepresented. The District will annually report to the Chancellor's Office the results of its annual survey of employees. At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, gender identity, and disability composition of existing staff and of those who have applied for employment in each of the following identified categories:

- a. executive/administrative/managerial
- b. faculty and other instructional staff
- c. professional non-faculty
- d. secretarial/clerical
- e. technical and paraprofessional

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- f. skilled crafts; and
  - g. service and maintenance.

For purposes of the survey report, each applicant or employee will be afforded the opportunity to voluntarily identify gender,gender identity, ethnic group identification, and if applicable, her or his disability. Persons may designate as many ethnicities as they identify with,but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications which are forwarded to the screening/selection committees and hiring administrators.

### 3. EEO Advisory Committee

The district established Equal Employment Opportunity Advisory Committee assists the district in implementing its Plan. The Equal Employment Opportunity Officer shall train the advisory committee on equal employment compliance and the Plan itself.

The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the district has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups. The committee will be composed of:

- a. one faculty member appointed by the Academic Senate Co-Presidents,
- b. one faculty member appointed by the CRFO President,
- c. one classified staff member appointed by the CSEA President,
- d. one manager appointed by the Manager's Council,
- e. one representative from the Del Norte Education Center,
- f. one representative from the Mendocino Coast Education Center,
- g. one representative from the Multicultural and Diversity Committee,
- h. one member of administration appointed by the President/Superintendent,
- i. one student recommended by the ASCR President, and

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- j. the Human Resources Director/Equal Employment Opportunity Officer, who also serves as the ADA compliance officer, serving as an ex-officio member. The Equal Employment Opportunity Advisory Committee shall hold a minimum of two (2) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. Due to the geographic size of the District, committee members may actively participate in meetings via telephone or web conferencing. When appropriate, the advisory committee shall make recommendations to the governing board, the President/Superintendent, and the Equal Employment Opportunity Officer.

The Equal Employment Opportunity Advisory Committee, in conjunction with appropriate human resources staff, shall review the District's recruitment procedures and make recommendations on modifications that would address areas of significant underrepresentation of applicants and/or employees, review the Plan and monitor its progress, recommend changes needed in the Plan, and provide input to the annual written report to the President/Superintendent, the Board of Trustees, and the California Community Colleges Chancellor's Office.

#### 4. Employment Procedures

##### Job Analysis and Validation:

- a. The Director/EEO Officer shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.
- b. A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

##### Job Description:

- a. Every job description shall provide a general statement of job duties and responsibilities.
- b. Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to

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sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment:

- a. Recruitment must be conducted actively within and outside of the District work force.
- b. Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.
- c. Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.
- d. Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.
- e. Recruitment for classified positions (full and part-time) shall include notice to all District personnel; related job registries; and advertising in area newspaper of general circulation.

Applicant Pools:

- a. The application for employment shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender identity, ethnicity and, if applicable, his or her disability.
- b. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.
- c. After the application deadline has passed, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for monitored groups.

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- d. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices.
  - e. If not, the hiring process may continue to the next level.
  - f. If, however, the District determines that discriminatory practices caused the underrepresentation, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.
  - g. Once the qualified pool is formed, the pool must again be analyzed.
  - h. If this analysis reveals adverse impact against any monitored group, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

Screening and Selection:

- a. Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.
- b. Procedures to be used must address or include that:
  - 1. Hiring procedures will be provided to the state Chancellor's Office on request.
  - 2. All tests conform to generally applicable legal standards for uniformity.
  - 3. A reasonable number of candidates are identified for interview.
  - 4. Screening and selection committees:
    - i. representative of the District community and campus;
    - ii. Include administrators, faculty and classified staff;
    - iii. Include a diverse membership when possible; and
    - iv. Do not include applicants or persons who have written letters of recommendation.
  - 5.

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6. Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Director/EEO Officer or designee assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

7. Selection shall be based solely on the stated job criteria.

c.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- a. Review its recruitment procedures;
- b. Consult with counsel and EEO Advisory Group to determine whether there are additional lawful improvement measures which may be undertaken; and
- c. Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible.

If significant underrepresentation persists:

- a. Monitor on an on-going basis;
- b. Review each locally-established job qualification to determine if it is job related and consistent with business necessity;
- c. Discontinue the use of any non-job related local qualification; and
- d. Continue using job-related local qualifications only if no alternative standard is reasonably available.

#### 5. Delegation of Authority

1. The district has designated the Director of Human Resources as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this Plan is next revised, the district will notify employees and applicants for employment of the new designee.

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2. The Equal Employment Opportunity Officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of title 5, sections 53000 et seq.
  3. The Equal Employment Opportunity Officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.
  4. Complaints shall be filed with the Equal Employment Opportunity Officer. If the complaint involves the Equal Employment Opportunity Officer, the complaint may be filed with the President/Superintendent.
6. Complaint Procedure

The District has identified the Director of Human Resources as the responsible District officer, responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

1. Undertake efforts to resolve the charge informally;
2. Advise the complainant that he or she need not participate in an informal resolution of the complaint;
3. Notify the complainant of the procedures for filing a formal complaint;
4. Notify the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
5. If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the state Chancellor's Office.

A formal complaint not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the

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date on which the complainant knew or should have known of the facts underlying the allegation.

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

The complaint must be filed by someone who alleges that he or she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his or her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the Chancellor that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must 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 that does not involve employment discrimination, the District must provide the Chancellor's Office with a copy of the investigative report within ninety days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Director/EEO Officer as to whether discrimination 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 complainant's right to appeal to the District's governing board and the state Chancellor's Office.

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In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Director/EEO Officer as to whether discrimination 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 the complainant's right to appeal to the District's governing board and to file a complaint with the Department of Fair Employment and Housing.

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within fifteen days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the state Chancellor's Office. The complainant must be notified of his or her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his or her right to file a complaint with the Department of Fair Employment and Housing.

Where the Board does not act within forty-five days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the Chancellor, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his or her right to appeal the District's decision to the Chancellor. In cases involving

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employment discrimination, the complainant shall be notified of his or her right to file a complaint with the Department of Fair Employment and Housing.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the state Chancellor's Office within 30 days after the Board issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the Chancellor may require.

## 7. Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

## Dissemination and Revision of the Plan

The Plan and subsequent revisions will be distributed to the district's governing board, the President/Superintendent, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees. The Plan will be available on the district's website, and when appropriate, may be distributed by e-mail.

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An annual notice provided to all employees will contain the following provisions:

The importance of the employee's participation and responsibility in ensuring the Plan's implementation.

Where complete copies of the Plan are available, including in every campus library, in the district's public folders, on the campus and district internet site, the Office of the President/Superintendent, the Office of Human Resources, and both the Del Norte and Mendocino Coast Center administrative offices.

All new employees will receive a written notice of the Plan when they commence their employment with the district, containing the notice provisions described above.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed. Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor's Office.

References: ACCJC Standard III.A.12

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq. and Sections 59300 et seq.

### **AP 3430 Prohibition of Harassment (A-10)**

Active

Adopted

February 1, 1985

Last Revised

February 18, 2020

Last Reviewed

April 7, 2020

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of

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harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

The District shall provide, as part of each campus' established on-campus orientation program, education and prevention information about harassment. The information shall include the District's harassment policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction. The District shall also post harassment prevention and education information on the campus internet website.

#### Definitions

A. General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a

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person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

1.        Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, gender identity, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.
2.        Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
3.        Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.
4.        Environmental: A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an

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individual or group based on gender, gender identity, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, gender identity, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

B. Sexual Harassment: In addition to the above, sexual harassment consists 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 work or educational setting when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;
2. Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

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"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

C. Consensual Relationships: Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible

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charges of harassment and does not constitute discipline against any affected employee.

D. Academic Freedom: No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

References:

Education Code Sections 212.5; 44100; 66281.5; Title IX, Education Amendments of 1972;

Title 5 Sections 59320 et seq.;

Government Code Sections 12940 and 12923;

Civil Code Section 51.9;

Title 2 Section 10500 et seq.;

Title IX Education Amendments of 1972; Title 5 Sections 59320 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

## **AP 3431 Bullying, Harassment and Discrimination (A-11)**

Adopted

November 7, 2012

Last Revised

June 4, 2019

Last Reviewed

March 3, 2020

The Redwoods Community College District is committed to protecting its students and employees from bullying, harassment or discrimination for any reason and of

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any type. All students and employees are entitled to a safe, equitable and harassment-free educational and work-place environment.

Bullying is the inflicting of physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted purposeful written, verbal, nonverbal, physical behavior, or any severe or pervasive physical or verbal act, including communications made in writing or by means of a (cyber) electronic act. Including but not limited to any threatening, insulting or dehumanizing gesture, by an employee or student, that has the potential to create an intimidating, hostile, or offensive educational/work-place environment or cause damage, discomfort or humiliation; or unreasonably interfere with the individual's academic or work performance or participation, is carried out repeatedly and is characterized by an imbalance of power.

#### DEFINITIONS:

"Harassment, hazing, or bullying" is any gesture or written, verbal, graphic, psychological, or physical act (including electronically transmitted acts – i.e. internet, cell phone) that meets one of the definitions below.

"Harassment" is intentional conduct that adversely affects the ability of another person to participate in or benefit from educational programs or activities because the conduct, as reasonably perceived by the person, is so severe, pervasive, and objectively offensive as to have this effect.

"Hazing" is any conduct which subjects another person, physically, mentally, emotionally, or psychologically, to anything that may endanger, abuse, degrade, or intimidate the person as a condition of association with a group or organization, regardless of the person's consent or lack of consent.

"Bullying" is any action and/or threatening behavior that adversely affects the ability of a person to participate in or benefit from the educational programs or activities

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by placing the person in reasonable fear of physical harm, loss of property, injury to friends or family, or by causing emotional distress.

“Electronic act” means the transmission of a communication via a text, sound or image, or a post on a social network by means of an electronic device including a telephone, computer or pager, according to the new law.

## RESPONSIBILITIES

### Administrators and Managers

- Be familiar with and behave according to this policy.
- Ensure that all employees are aware of the anti-bullying policy and procedure.
- Ensure that any alleged incident of bullying is investigated regardless of whether a complaint of bullying has been received.
- Provide leadership and role-modeling in appropriate professional behavior.
- Respond promptly, sensitively and confidentially to all situations where bullying behavior is observed or alleged to have occurred.
- If you are a witness to bullying, report incidents to the Chief Student Services Officer, Chief Business Officer or Chief Human Resources Officer as appropriate.

### Employees

- Be familiar with and behave according to this policy.
- If you are a witness to bullying, report incidents to your supervisor, Vice-President of Student Development, or Human Resources Director as appropriate.
- Where appropriate, speak to the alleged bully(ies) to object to the behavior.

References: Education Code Section 32260-32262; 32265;32270; 35294.10-35294.15; 48900-48927;

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## **AP 3434 Interim-Responding to Harrassment based on Sex under Title IX (A-12)**

Adopted

September 5, 2020

Last Revised

March 25, 2021

Last Reviewed

March 25, 2021

### Introduction

The Redwood Community College District ["District"] encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined sexual harassment under Title IX and applicable federal regulations and that meet Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

### Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

The District's Title IX Coordinator is the Vice President of Human Resources and the Title IX Coordinator's contact information is:

Vice President, Human Resources

College of the Redwoods

7351 Tompkins Hill Rd

Eureka, CA 95501-9300

(707) 476-4140

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HR-Director@Redwoods.edu

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

#### Title IX Harassment Complaints, Investigations, and Hearings

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

#### Jurisdictional Requirements – Application of Procedures

These procedures apply if the conduct meets the following three jurisdictional requirements:

1. The conduct took place in the United States;
2. The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
3. The conduct meets the definition of Title IX “sexual harassment.”

#### Definitions

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Advisor: Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District's choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

Complainant: A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.

Consent: Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
2. The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
  - a. Asleep or unconscious;

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- b. Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - c. Unable to communicate due to a mental or physical condition.

Decision-Maker: The person our group of people who will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

Formal Complaint: A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.

Parties: As used in this procedure, this means the Complainant and Respondent.

Respondent: A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual Harassment” under Title IX: Conduct that satisfies one or more of the following:

1. A District employee conditions the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (also known as “quid pro quo” harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s educational program or activity;
3. Sexual assault, including the following:
  - a. Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - b. Rape (except Statutory Rape): sexual intercourse with another person, against his/her/their will or without consent, including instances where the victim is incapable of giving consent because of

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his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- c. Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- d. Sexual Assault with an Object. To use an object to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
- e. Fondling. The touching of the private body parts of another person for the purpose of sexual gratification, against that person's will, or where the victim is incapable of giving consent because of their youth or temporary or permanent mental or physical incapacity..
- f. Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.
  - a. Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - b. Statutory Rape - Non-Forcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- g.
- h. Dating violence. Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the

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type of relationship, and the frequency of interaction between the persons involved in the relationship.

- i. Domestic Violence. Violence committed:
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
  - e. By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- j.
- k. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

#### 4.

##### Reporting Options

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee

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safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will make reasonable efforts to ensure that the Title IX process does not hinder legal process or proceedings; however, the District may continue with its investigation prior to the conclusion of any civil or criminal matter.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus)

#### District Employees and Officials with Authority

District Officials with Authority to institute corrective measures are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

#### Intake and Processing of Report

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### Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Officer will discuss supportive measures with the Parties.

### Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

### Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide the Complainant and Respondent with supportive measures as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities. These measures are designed to protect the safety of all Parties, protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will only make disclosures to those with a need to know to enable the District to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

### Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order

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emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

#### Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The District's Director of Human Resources or designee will conduct the individualized safety and risk analysis.

If the administrator or designee determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The administrator or designee will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

#### Administrative Leave

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The District will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

#### Formal Complaint Grievance Process

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## Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing, to the Parties:

1. Notice of the District's Title IX grievance process;
2. Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
3. Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
5. Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source; and
6. Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

## Dismissal of Formal Complaint

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The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

1. If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
2. If the conduct alleged did not occur in the District's education program or activity;
3. If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

1. If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
2. If the Respondent is no longer enrolled or employed by the District; or
3. If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

#### Consolidation of Formal Complaints

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### Equitable Treatment of the Parties

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The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

#### Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process. A live hearing before a neutral Decision-Maker is required prior to the finding of responsibility of the Respondent, as further described below.

#### Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator(s), investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

#### Timeline for Completion

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The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180 calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping.

#### Role of Advisor

The role of the Advisor is to provide support and assistance throughout the investigation process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

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### Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

### Investigations

The Title IX Coordinator is responsible to oversee investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section.

### Trained Investigators

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence and complies with this procedure.

### Burden of Gathering Evidence

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

### Notice of Investigative Interview

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The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

#### Evidence Review

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Prior to the investigator completing an investigative report, the District will send to each Party and the Party's Advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The Parties will have at least ten (10) days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

#### Investigative Report

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

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard;
- Any other information deemed appropriate by the District.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information

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he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten (10) days prior to a hearing, the District will send the investigative report to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for review and written response. The Parties will have at least ten (10) days to submit a written response.

#### Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to the evidence gathered before a Decision-Maker.

#### Notice

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location and purpose of the hearing with sufficient time for the Party to prepare to participate.

#### Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

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The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

#### Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

#### Presenting Witnesses

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

#### Cross-Examination

The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

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If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker will not rely on any statement of that Party or witness in reaching a determination regarding responsibility.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

The Decision-Maker cannot rely on the statements or testimony of a Party or witness who has refused to answer a question the Decision-Maker had found relevant.

The Decision-Maker cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions.

#### Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

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1. Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
  2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
  3. Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
  4. Conclusions regarding the application of the District's code of conduct to the facts;
  5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
  6. A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
  7. A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
  8. The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
  9. The District's procedures and permissible bases for the Complainant and Respondent to appeal.

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The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

#### Disciplinary Sanctions and Remedies

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent 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:

1. Providing an escort to ensure that the Complainant can move safely between classes and activities;
2. Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
3. Providing counseling services or a referral to counseling services;
4. Providing medical services or a referral to medical services;
5. Providing academic support services, such as tutoring;
6. Arranging for a Complainant, if a student, 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
7. 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's discipline.

Possible disciplinary sanctions for student Respondents include, but are not limited to, written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee

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Respondents include, but are not limited to, written or verbal reprimand, required training or counseling, suspension, or discharge.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility  
A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A Complainant or Respondent must submit a written appeal within five business days from the date of the notice of determination regarding responsibility is received or from the date of the District's notice of dismissal of a formal complaint or any allegations is received.

#### Grounds for Appeal

The President or designee will serve as the Decision-Maker on Appeal. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

1. A procedural irregularity affected the outcome;
2. New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
3. The District's Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

#### Appeal Procedure

If the Complainant or Respondent submit an appeal to the District, the District will:

1. Notify the other Party in writing within five business days of receiving a Party's appeal;
2. Allow the non-appealing Parties ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome.

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to

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provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above.

#### Informal Resolution

If the District determines that a formal complaint is appropriate for informal resolution, it may provide the Parties with the opportunity to participate in an informal resolution process, including mediation, at any time prior to reaching a determination regarding responsibility.

Where the District determines informal resolution may be appropriate, the District will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

#### Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified,

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assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation should contact the Title IX Coordinator immediately.

#### Dissemination of Policy and Procedures

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

#### Training

The District will provide training to Title IX Coordinators, investigators, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

#### File Retention

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

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;

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- The investigative report including all evidence gathered and any responses from the Parties;
  - The District's determination regarding responsibility;
  - Audio or audiovisual recording or transcript from a hearing;
  - Records of any disciplinary sanctions imposed on the Respondent;
  - Records of any remedies provided to the Complainant;
  - Any appeal and the result;
  - Any informal resolution and the result; and
  - All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process.

The District will make these training materials available for review upon request.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

References:

20 U.S. Code Sections 1681 et seq.;

34 Code of Federal Regulations Parts 106.1 et seq.;

Education Code Section 67386

## **AP 3435 Interim-Discrimination and Harassment Complaints and Investigations (A-13)**

Adopted

June 1, 1983

Last Revised

March 25, 2021

Last Reviewed

March 25, 2021

### Introduction and Scope

These are the written procedures for filing and processing complaints of unlawful discrimination at the Redwoods Community College District. These policies and procedures incorporate the legal principles contained in nondiscrimination

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provisions of the California Code of Regulations, title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

This policy provides that the Redwood Community College District will 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 ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics protected under applicable state or federal law.

For matters involving sexual harassment under Title IX, Complainants must proceed under AP 3434. For other forms of sexual harassment or gender-based harassment that fall outside Title IX and AP 3434, Complainants should use this procedure.

#### Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing an informal complaint or formal complaint.

#### Informal Complaints

An informal complaint is any of the following: (1) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or (2) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that he/she/they does not want to file a formal complaint.

Any person may submit an informal complaint to the Vice President of Human Resources or any other District or college administrator.

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Administrators receiving an informal complaint shall immediately notify Vice President of Human Resources in writing of all pertinent information and facts alleged in the informal complaint.

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

Investigation of an informal complaint may be appropriate if the Vice President of Human Resources determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice President of Human Resources will explain to any individual bringing an informal complaint that the District may decide to initiate an investigation, even if the individual does not wish to do so.

#### Formal Complaints

A formal complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. Formal Complaints must be filed with the Vice President of Human Resources unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the Director of Human Resources, in which case it should be submitted directly to the President.

The District may request, but shall not require the Complainant to submit a formal complaint on the form prescribed by the Chancellor of the California Community

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Colleges. A copy of the form will be available at Human Resources Department. A Complainant shall report verbal complaints to the Vice President of Human resources. The Vice President of Human Resources or designee shall record the verbal complaint in writing and take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;
- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall 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 the Formal Complaint does not meet the requirements set forth above, the District will promptly contact the Complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the District will handle the matter as an informal complaint.

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

The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice President of Human Resources is named or implicated by the allegations in the complaint or when otherwise deemed appropriate by the District.

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Who May File a Formal Complaint: Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Formal Complaint: A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing directed to the Vice President of Human Resources. Complainants may but are not required to use the form prescribed by the Chancellor of the California Community Colleges. These forms are available from the Human Resources Department and at the California Community Colleges Chancellor's Office website.

#### Employment-Related Complaints

Complainants filing employment-related complaints 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).

Any District employee who receives a harassment or discrimination complaint shall notify the Vice President of Human Resources immediately.

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 as delay in filing impedes the District's ability to investigate and remediate.

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

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The District will investigate complaints involving acts that occur off campus if they are related to academic or work activity, or is otherwise authorized or required by law.

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 or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Vice President of Human Resources or designee shall:

- Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all Parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise a student Complainant that he/she/they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the Department of Fair Employment and Housing. All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. Filing a complaint with law enforcement will not prevent the District from conducting its own investigation. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- 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 Vice President of Human Resources or designee should notify the Complainant of his/her/their 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

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Complainant pending the results of the investigation. When taking steps to separate the Complainant and accused individual, the District should minimize the burden on the Complainant.

#### Investigation

The District shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the complaint, as set forth below. Where the Parties 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.

Investigation of the Complaint: The District shall promptly investigate every complaint and claim of harassment or discrimination. This includes complaints involving activities that occur off campus that are in connection with 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. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the complaint.

Where the Parties opt for an informal resolution, the District 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. Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the

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ability of the District to investigate and respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the District 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. If the respondent cannot adequately respond to the complaint without that information, the District shall not take disciplinary action against the respondent, but should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence if possible.

**Investigation Steps:** The District will fairly and objectively investigate harassment and discrimination complaints. 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 if relevant; 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 unlawful discrimination or harassment has occurred.

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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 Expected: 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. The District may 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. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

#### Written Report

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

- A description of the circumstances giving rise to the Formal Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, including the complainant and any available witnesses identified by the Complainant in the complaint;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the complaint occurred based on the preponderance of the evidence standard;
- Any other information deemed appropriate by the District.

#### Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a

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thorough investigation and to protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

#### Administrative Determination

- In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report, and written notice to the Complainant setting forth all of the following:
  - The President's or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard;
  - In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
  - The proposed resolution of the complaint;
  - The Complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office; and
  - In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.
  
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- In any case involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following:

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- The President's or his/her/their designee's determination as to whether discrimination occurred with respect to each allegation in the complaint based on the preponderance of the evidence standard;
  - If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
  - The proposed resolution of the complaint; and
  - The Complainant's right to appeal to the District's Board of Trustees and to file a complaint with Department of Fair Employment and Housing.

The District shall also provide the Respondent the following:

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

#### Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by video conference and a live hearing conducted by a neutral decision-maker other than the investigator. Formal rules of evidence shall not apply. The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. The neutral third party asking

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questions shall not exclude any questions unless deemed not relevant or there is an objection to the question by any individual charged with making a final determination regarding discipline.

#### Discipline and Corrective Action

If harassment, discrimination, 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 consistent with state and federal law. 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;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to 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.

Where an investigation reveals the need for disciplinary action, the complainant may wish to know what disciplinary actions were taken. However, the privacy rights of the Respondent often prevent the District from providing such information. 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. In student disciplinary actions involving sexual assault or physical abuse, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must

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keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.

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, or discrimination, and to protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems or new incidents of harassment.

#### 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/they may, within 30 days, submit a written appeal to the Board of Trustees.

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

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 the

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Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

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

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

In any case involving employment discrimination, including workplace harassment, the 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.

#### Remand

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

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

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Community College Chancellor's Office within 30 days by following the appeal procedures above.

#### Extension of Time

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

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

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

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

#### Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: the original complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the

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Complainant's appeal of the District's administrative determination, any other non-privileged documents or information the Chancellor requests.

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

#### File Retention

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

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, the District shall provide all relevant, non-privileges documents upon request of the Chancellor.

#### Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff and will be 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

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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, 2021, the District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. All new employees must be provided with the training and education within six months of their assumption of his/her/their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

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, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the

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training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

References:

Education Code Sections 212.5, 231.5, 66281.5, and 67386;

Government Code Section 12950.1;

Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;

Title 2 Sections 11023 and 11024

## **AP 3540 Interim-Sexual and Other Assaults on Campus (A-14)**

Adopted

April 7, 2015

Last Revised

March 25, 2021

Last Reviewed

March 25, 2021

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

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all

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applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 Standards of Student Conduct.)

“Sexual assault,” “dating violence,” “domestic violence,” and “stalking” are defined in AP 3434 Responding to Harassment Based on Sex under Title IX.

It is the responsibility of each person involved in sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

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

The Director of Human Resources or designee shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
- Information about the importance of preserving evidence and the identification and location of witnesses;

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- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
    - transportation to a hospital, if necessary;
    - counseling, or referral to a counseling center;
    - a list of other available campus resources or appropriate off-campus resources;
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  - The victim's option to:
    - notify proper law enforcement authorities, including local police;
    - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
    - decline to notify such authorities;
  - 
  - Information about the participation of victim advocates and other supporting people;
  - The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
  - Information about how the district will protect the confidentiality of victims; and
  - Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement.
  - A description of each of the following procedures:
    - criminal prosecution;
    - civil prosecution (i.e., lawsuit);
    - District disciplinary procedures, both student and employee;
    - modification of class schedules;
    - tutoring, if necessary.

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The Director of Human Resources or designee should be available to provide assistance to District security employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3434 Responding to Harassment Based on Sex under Title IX, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Office of Human Resources of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with state and federal law.

A Complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.

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- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the Complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence and to the extent practicable during an investigation, consistent with state and federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Office of Human Resources, which shall work to assure that all confidentiality rights are maintained consistent with state and federal law.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any district proceeding arising from such a report. The statement must include the following:

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- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
  - Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
  - Information on a student's right to notify appropriate law enforcement authorities, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
  - Information about how the District will protect the confidentiality of victims;
  - Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
  - Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement;
  - Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
    - Such proceedings shall provide a prompt, fair, and impartial resolution;
    - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
    - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
    - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an

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alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

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- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

#### Education and Prevention Information

The Director of Human Resources or designee shall:

- Provide, as part of each campus' established on-campus orientation program, education, prevention, and outreach information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.

The outreach programming included as part of an incoming student's orientation must include, at a minimum, all of the following:

- The warning signs of intimate partner and dating violence.
- Campus policies and resources relating to intimate partner and dating violence.

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- Off-campus resources and centers relating to intimate partner and dating violence.
  - A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.

Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

References:

Education Code Sections 67385, 67385.7, and 67386;

20 U.S. Code Section 1092 subdivision (f);

34 Code of Federal Regulations Part 668.46 subdivision (b)(11)

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## Appendix B

### List of Organizations and Professional Groups for Annual Written Notice of District's EEO Plan

Organizations listed below are not exhaustive. Job announcements will be sent to all employees in the district asking for their assistance in disseminating information to professional organization with which they have membership, or have knowledge of, to assist in reaching a broader audience, especially for underrepresented populations.

#### Publications and Websites

**Academic Diversity Search, Inc. (ADS):** A national employment resource specializing in connecting women and minorities with academic intuitions that truly value diversity.

**American Indian Higher Education Consortium:** A national organization that serves as the collective spirit and unifying voice of our nation's 37 Tribal Colleges and Universities. Issues a quarterly publication that provides journalistic and scholarly articles that highlight issues critical to American and Alaska Native communities. The publication has job posting opportunities.

**The Chronicle of Higher Education:** The No. 1 source of news, information, and jobs for college and university faculty members and administrators.

**California Community Colleges Registry:** A large scale database containing the names, qualifications and desired position(s) of potential California Community College faculty, support staff and management job applicants.

**disABLEDperson:** A public charity organization focused on increasing employment opportunities for individuals with disabilities. The organization hosts a job fair for people with disabilities and provides a resume data bank for employers to identify candidates. For a small fee, employers can post job advertisements.

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**Diverse Issues in Higher Education:** This publication, previously known as Black Issues in Higher Education, considers itself the portal for diversity information in higher education. Annually, the magazine provides a listing of top degree producers which shows which institutions are producing the most diverse undergraduate and graduates. The publication has a job posting service in print and on its website.

**Diversity Web:** An interactive resource hub for higher education sponsored by the Association of American Colleges and Universities (AAC&U). In addition to serving as a clearinghouse for diversity innovations and research, they maintain a job posting site to advertise executive, faculty or postdoctoral positions that have a diversity focus.

**Edjoin:** A national public education job search website.

**Faculty for the Future:** A nationwide resource to connect female and underrepresented candidates in science, business, and engineering to faculty and research positions.

**Hispanic Outlook in Higher Education:** A nationwide resource that publishes a biweekly publication on issues pertaining to Hispanics in higher education. The publication has job posting services in print and on its website.

**Inside Higher Ed:** The online source for news, opinion and jobs for all of higher education.

**Women in Higher Education:** A national monthly publication that focuses on issues specific to women in higher education. The publication reaches thousands of women in higher education. Job posting services are available in print or website.

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## Professional Groups

American Association of Community Colleges: Nonprofit association that is a primary advocacy organization for community colleges at the national level and works closely with directors of state offices to inform and affect state policy.

American Association of University Women: Nonprofit association that advances equity for women and girls through advocacy, education, and research. The organization has over 1,000 branches and 500 college/university partners across the U.S. Their online career center reaches 100,000 members.

The Association of Black Psychologists: The Association has over 1,400 members. They publish a news journal, Psych Discourse, which is the primary source for communication among the membership. The publication allows for online posting of job advertisements.

Association of Latino Professionals in Finance and Accounting: With 37 chapters and 9,000 members, ALPFA is one of the leading professional organizations for Latinos in accounting and finance related professions. The organization's website had a career center where employers can post positions.

Association for Women in Science: A nationwide advocacy organization dedicated to achieving equity and full participation for women in science, mathematics, engineering and technology. Their website allows organizations to post job advertisements.

Minorities in Agriculture and Natural Resources and Related Sciences: Promotes academic and professional advancement by empowering minorities in agriculture, natural resources, and related sciences. Their website included contact information for student chapter advisors and lists job opportunities.

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National Association for Equal Opportunity in Higher Education: Professional association to further the causes of Historically Black Colleges and Universities and predominately Black Institutions.

National Indian Education Association: Focused on improving educational equity and access for American Indian, Alaska Native, and Native Hawaiian populations. It is the largest and oldest Indian educational organization.

National Society of Hispanic MBAs: NSHMBA serves 32 chapters and 8,000 members. The organization works to prepare Hispanics for leadership positions throughout the U.S., so that they can provide the cultural awareness and sensitivity vital in the management of the nation's diverse workforce. Organizations can post position advertisements and search the resume database for potential candidates.

National Society for Hispanic Professionals: With over 10,000 members this organization is one of the primary resources to reach Hispanic professionals. Their website allows employers to post jobs and search a resume database for candidates.

Society for the Advancement of Hispanics/Chicanos and Native Americans in Science: The mission of SACNAS is to encourage Chicano/Latino and Native American students to pursue graduate education and obtain the advanced degrees necessary for science research, leadership, and teaching careers at all levels. Their website allows employers to post jobs.

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- American Civil Liberties Union California Alliance of African American Educators  
16 Drumm St, San Francisco, CA 94111 San Jose [www.caaae.org](http://www.caaae.org) [www.aclunc.org](http://www.aclunc.org)
  - Asian Pacific Islander American Public Affairs Baymec Moving Equity Forward  
[www.apapa.org](http://www.apapa.org) <http://www.baymec.org/>
  - Deaf Women United Deaf Lesbian Organization  
[www.dwu.org](http://www.dwu.org) [www.deaflesbianfestival.org/about.html](http://www.deaflesbianfestival.org/about.html)
  - Federation of Indo Americans Association (FIAA) of Northern California  
[www.fianc.net](http://www.fianc.net)
  - Indo American Community Federation Citizens for a Better Community (CBC)  
[www.indocommunity.us](http://www.indocommunity.us) [www.cbcsfbay.org](http://www.cbcsfbay.org)
  - Hispanic Community Affairs Council Indo Americans for Better Community  
P. O. Box 3151, Hayward, CA 94540 [www.indoabc.com](http://www.indoabc.com) [HCAC@hcac-ac.org](mailto:HCAC@hcac-ac.org)
  - Japanese Cultural Center Latina Leadership Network of the CCCC 334 Moorpark  
Ave, San Jose, CA 95129 [latina-leadership-network.org/wp/](http://latina-leadership-network.org/wp/) [www.jpnants.org](http://www.jpnants.org)
  - National Association of the Deaf 8630 Fenton Street, Suite 820 Silver Spring, MD  
20910
  - National Council of La Raza  
8630 Fenton Street, Suite 820, Silver Spring, MD 20910 [www.nclr.org](http://www.nclr.org)  
[www.nad.org](http://www.nad.org)
  - National Association for the Advancement of Colored People  
304N 6th Street, San Jose, CA 95112 [www.naacp.org](http://www.naacp.org)
  - National Coalition of 100 Black Women, Silicon Valley, [ncbwsvc@yahoo.com](mailto:ncbwsvc@yahoo.com)

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- National Association of Multi-Cultural Education,  
[http://www.nameorg.org/region\\_6.php](http://www.nameorg.org/region_6.php)
  - National Federation of Filipino American Associations  
[www.ncaawa.org](http://www.ncaawa.org)
  - Puente Project | Center for Educational Partnerships Santa Clara Valley National  
Panhellenic Council University of California, Berkeley San Jose,  
<http://www.nextstop.com/scvphc/>  
ebron@berkeley.edu