



ADMINISTRATIVE **PROCEDURE**

3435

DESERT COMMUNITY COLLEGE DISTRICT

COMPLAINT: DISCRIMINATION AND **HARASSMENT INVESTIGATION**

The District provides an academic and work environment free of unlawful harassment. This procedure defines sexual and other forms of harassment, as well as other unlawful discrimination, and sets forth a procedure for the investigation and resolution of harassment and discrimination complaints by or against anyone associated with the District.

Unlawful Discrimination

Educational Programs

The District shall provide access to its services, classes and programs without regard to national origin, religion, age, sex (gender), race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he or she is perceived to have one or more of the foregoing characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. The District shall not prohibit any student from enrolling in any class or course on the basis of gender. Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

References: Education Code sections 66250, et seq.; 72010 et seq.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, or status as a Vietnam-era veteran. 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.

References: Education Code section 53000 et seq.; Government Code sections 11135 et seq.; 12940 et seq.

Harassment

Generally

Illegal harassment is hostile or offensive behavior motivated by race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, gender, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics. Harassment is illegal and violates District policy.

Gender-based harassment does not necessarily involve sexual conduct. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms including, but not limited to, the following:

- Verbal – Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's physical characteristics, appearance, attire, marital status or sexual orientation; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.
- Physical – Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or making 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.
- Visual or Written – The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- Environmental – Work or study areas permeated by insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can result from 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 or her immediate surroundings, although the conduct is directed at others.

The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment

In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature. This definition encompasses two kinds of sexual harassment:

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

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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.

“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 or educational 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.

Sexual harassment includes, but is not limited to, the following:

- Verbal – Inappropriate or offensive remarks, slurs, jokes or innuendoes of a sexual nature. 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 of a sexual nature.

- Visual or Written – The display or circulation of visual or written material of a sexual nature, including, but is not limited to, pictures, posters, cartoons, drawings, graffiti, reading materials, and videos, computer graphics or other electronic media transmissions.
- Environmental – Work or study areas permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on sex or gender; gratuitous comments regarding sex that are not relevant to the subject matter of the class or activities on the job. A hostile environment can result from unwarranted focus on sexual topics or sexually suggestive statements. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others.

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.

As with other forms of harassment, the determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees or between administrators, faculty or staff members and students are strongly discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. In addition, 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. The nature of a consensual sexual relationship also may change, so that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the relationship must be reported to one's next level supervisor or appropriate Dean. The burden of reporting the relationship rests with the supervisor/instructor not the subordinate employee or student. In this situation the District has the authority to transfer any involved employee/student and take any other steps deemed necessary to eliminate or attenuate the supervisory/instructor authority over the other employee or student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and shall not constitute discipline against any affected employee. However, the failure to report a romantic/sexual relationship to one's supervisor/Dean shall result in disciplinary action.

Complaint Procedures

Responsible District Officer

The District has identified the Executive Director of Human Resources and Labor Relations as the District Officer responsible for receiving all unlawful discrimination complaints filed pursuant to Title 5, Section 59328, and for coordinating its investigations. The actual investigation of complaints may be conducted by the District of Human Resources, assigned to other staff, or assigned to outside persons or organizations under contract with the District. Such delegation procedures must be used whenever the Director of Human Resources is named in the complaint or is implicated by the allegations in the complaint. Employees and students shall direct all complaints of unlawful discrimination to the Director of Human Resources, unless named or implicated in the complaint, in which case the complaint shall be directed to the Superintendent/President.

Faculty Responsibility

Understanding the importance of and preserving academic freedom, faculty members are responsible for using material in their courses that is germane to the discipline. If material is used that some may feel is offensive, the faculty member should alert the students of the mature nature of the course in the course syllabus.

Communicating that the Conduct is Unwelcome

One element of unlawful harassment is that the conduct in question is “unwelcome and unwanted.” Accordingly, students and staff are strongly encouraged to inform anyone engaging in offensive or harassing conduct immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

Complaints

As the “Responsible District Officer,” the Executive Director of Human Resources and Labor Relations is responsible for receiving complaints of discrimination or harassment and coordinating investigations. The actual investigation of complaints may be assigned by the Superintendent/President or his/her designee to other staff, or to outside persons or organizations under contract with the District (e.g., if the Superintendent/President or the Executive Director of Human Resources and Labor Relations is named in the complaint or implicated by the allegations in the complaint).

Any student or employee who believes he or she has been sexually harassed, or harassed based on any other protected status must make a complaint, orally or in writing, within one hundred eighty (180) calendar days. This period may be extended by up to 90 calendar days (i.e. a complaint may be filed within 270 calendar days) if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

The failure to report harassment and discrimination on a timely basis impedes the District’s ability to stop the inappropriate behavior. Accordingly, employees and students who believe they are being harassed or discriminated against are strongly encouraged to file a complaint within 30 calendar days of the alleged incident or incidents constituting harassment. While all

complaints will be taken seriously and investigated promptly, any delay in filing may interfere with the District's ability to investigate and remediate the situation.

The complaint should be submitted to any of the following:

- The Executive Director of Human Resources and Labor Relations
- Vice Superintendent/President of Student Affairs, Vice Superintendent/President of Academic Affairs, the Vice Superintendent/President of Business Affairs; and/or
- The Chancellor of the California Community Colleges.

Any other District employee who receives an oral or written complaint of harassment or discrimination shall immediately direct the complainant to one or more of the above named individuals and notify the Executive Director of Human Resources and Labor Relations (unless the Director of Human Resources and Labor Relations is the accused, in which case the Superintendent/President should be notified).

All employees, vendors, volunteers and students, as a condition of participation, employment or study, have a mandatory duty to report incidents they become aware of involving harassment and discrimination; the existence of a hostile, offensive, or intimidating work environment; and all acts of retaliation. The failure to forward a complaint of harassment or discrimination constitutes unprofessional conduct which may result in discipline.

A student or employee who orally claims to have been sexually harassed, or harassed based on any other protected status, should be strongly encouraged to make a written complaint on the form prescribed by the California Community College Chancellor's Office. This form is available from the Executive Director of Human Resources and Labor Relations and at the following URL:

www.cccco.edu/divisions/legal/discrimination/discrimination.htm

If the student or employee who claims to have been harassed or discriminated against refuses to submit a written complaint, the allegations shall nevertheless be reported to the Director of Human Resources (or the Superintendent/President if the Executive Director of Human Resources and Labor Relations is the accused) for a determination as to whether the Complaint should nevertheless be investigated by the District.

Intake and Processing of Complaints

The District shall promptly review every complaint of harassment or discrimination that is made and no claim of workplace or academic harassment or discrimination shall remain unexamined. Upon receiving notification of a harassment or discrimination complaint, the Responsible District Officer shall:

- Undertake efforts to informally resolve the charges when appropriate, including, but not limited to, mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling and/or training, etc.;
- Advise complainants they need not participate in informal resolutions as described above and they may file a complaint with the Office of Civil Rights of the U.S. Department of Education. Employee complainants shall also be advised that they may file complaints of employment discrimination or harassment with the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH). The Responsible District Officer shall notify the Chancellor of the California Community Colleges of complaints filed as required by law.
- Authorize the investigation of the complaint and supervise and/or conduct a thorough, prompt and impartial investigation, as set forth below.

Notice to Accused

Once a complaint is filed the individual(s) accused of engaging in prohibited discrimination or harassment shall be advised in writing by the Responsible District Officer or his/her designee of the filing of and general nature of the complaint. This will occur as soon as possible and appropriate under the circumstances. The Responsible District Officer or his/her designee shall also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must absolutely be avoided. [Title 5 Cal. Code Regs. §§ 59311, 59328].

Threshold Requirements Prior to Investigation of a Formal Written Complaint Under Title 5 Section 59328

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements of Title 5, Section 59328:

- The complaint must be filed on a form prescribed by the State Chancellor's Office.
- The complaint must allege unlawful discrimination prohibited under Title 5, Section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a classified employee, faculty member or administrator.
- In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which

the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination.

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

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

If a complaint meets the above requirements, it shall be investigated and processed in accordance with the requirements of Title 5, Sections 59300 et seq. A copy of all complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint, a copy should be forwarded to the District.

If a complaint does not meet the above requirements, it will be immediately returned to the complainant with a notice informing the complainant that the complaint does not meet the requirements of section 59328 and providing a complete explanation of why the complaint is defective and why an investigation will not be initiated under California Code of Regulations, Title 5, Section 59300 et seq. If the deficiency is able to be remedied, the complainant may be provided an opportunity to resubmit the complaint. A copy of the notice to the claimant shall also be sent to the State Chancellor's Office. Although a complaint may not meet the specific requirements under Title 5, Section 59328, the District may nevertheless investigate any allegations of harassment or discrimination it deems valid and warranted.

Investigation of the Complaint

Investigation of Informal Complaints

Where a complainant opts for an informal resolution, the Responsible District Officer shall determine whether an investigation is necessary to ensure resolution of the matter and may utilize the investigation process as deemed appropriate.

Investigation of Formal Complaints

The District and any assigned investigators shall utilize the following steps to fairly and objectively investigate complaints of harassment and discrimination:

- Interview complainant(s).
- Interview respondent(s).

- Identify and interview witnesses and any other persons who may have relevant knowledge concerning the allegations in the complaint, including victims of similar conduct.
- Remind all individuals involved of the District's non-retaliation policy.
- Consider whether any involved person should be removed from District-controlled areas or grounds pending completion of the investigation.
- Review personnel/academic files of all involved parties.
- Reach a conclusion as to whether the alleged conduct occurred and if so, whether it constitutes harassment or other unlawful discriminatory conduct after giving consideration to all factual information gathered through the investigation in the totality of the circumstances and context in which the alleged incidents occurred.
- Set forth the results of the investigation in a written report that includes 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.
- Provide the complainant with a copy or summary of the investigative report within ninety days from the date the Responsible District Officer received the complaint. The complainant shall also be provided with written notice setting forth the determination of the Superintendent/President or his/her designee as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint. The summary shall include a description of actions taken, if any, to prevent similar problems from occurring in the future, the proposed resolution of the complaint, and notice of the parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office.

The Superintendent/President shall notify the accused and any appropriate academic or administrative official(s) of the results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred.

Summaries shall be prepared so as not to violate any applicable privacy rights of the complainant or the accused.

- See that all recommended actions are carried out in a timely fashion

Timeline for Completion

The District undertakes its investigation promptly and as swiftly as possible. To that end, the

investigator shall complete the above steps, and prepare a written report within 90 calendar days of the District receiving a written complaint.

Cooperation Encouraged

All employees, volunteers, vendors, and students have a duty to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District shall 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.

Confidentiality of the Process

Investigative processes can best be conducted within a confidential climate. Potential complainants are sometimes reluctant to pursue a complaint and witnesses are reluctant to testify if they believe their names will be revealed. Therefore, the District shall make every effort to keep the investigation confidential to the extent possible and not reveal information about such matters except as necessary to fulfill its legal obligations.

However, it must also be recognized that the District cannot guarantee absolute confidentiality because the release of some information on a “need-to-know-basis” is essential for a thorough investigation. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Also, complainants must 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 responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant’s request as long as doing so does not jeopardize the rights of other students or employees.

Discussions Outside of the Investigation

In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of harassment or discrimination are immune from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to liability for tort claims, such as defamation or slander. Accordingly, it is important that complainants and witnesses understand that they should be extremely cautious about discussing any allegations or charges outside of the District’s investigation process. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

Discipline and Corrective Action

If harassment, discrimination and/or retaliation occurred in violation of policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action shall be prompt, effective, and commensurate with the severity of the offense.

Disciplinary action against faculty, staff, and students conforms to all relevant statutes, regulations, and District policies and procedures, including the provisions of any applicable collective bargaining agreements.

Disciplinary actions taken against employees are generally considered confidential. Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, if discipline is imposed, the nature of the discipline shall not be communicated to the complainant. The privacy rights of the persons involved prevent the District from providing such information.

An exception exists in student disciplinary actions for sexual assault or physical abuse charges. Education Code Section 76234 provides that a victim shall be informed of the disciplinary action, but the victim is required to keep the information confidential.

Retaliation

It is unlawful for anyone to retaliate against any person who files a complaint alleging sexual harassment or other unlawful forms of harassment or discrimination, who refers such a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy. Therefore, the District shall take all reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation.

Appeals

Complainants may appeal if they are not satisfied with the results of the District's administrative determination. All appeals must be in writing. At the time the administrative determination and summary is mailed to the complainant, the Responsible District Officer or his/her designee shall notify the complainant of the following appeal rights:

- If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen calendar days, submit a written appeal to the Board of Trustees. The appeal shall state in detail why the complainant disagrees with the administrative determination. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal.
- The Board shall issue the final decision of the District on the matter within 45 calendar days after receiving the appeal. A copy of the Board's decision shall be forwarded to the

complainant and to the State Chancellor's Office. The complainant shall also be notified of his or her right to appeal the Board's decision. If the Board does not act within these timelines, the previous administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

- If the Complainant is not satisfied with the final decision of the Board/District, the complainant may file a written appeal with the State Chancellor's Office within 30 calendar days after the Board issued the final District decision or permitted the administrative decision to become final. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days for the date. Any such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.

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

Forward of Complaint to State Chancellor

Within 150 calendar days of receiving a formal complaint of harassment or discrimination, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his or her appeal rights. If due to circumstances beyond its control the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than 10 days prior to the expiration of the deadline.

Notice, Training and Education

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment and discrimination shall be provided to all students and employees and shall be posted at the colleges.

When hired, new employees shall be provided with the District's policies and procedures and shall be required to sign an acknowledgment that they have received the policy and procedures. The signed acknowledgment of receipt shall be placed in each employee's personnel file. In addition, these policies and procedures shall be incorporated into the District's course catalogs and orientation materials for new students.

Training and Education

The Responsible District Officer shall provide or arrange to provide training and education on the District's unlawful harassment (including sexual harassment) and discrimination policy and procedures to students and all employees.

A copy of the District's written policies and procedures on unlawful discrimination and harassment (including sexual harassment) shall be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted. These policies and procedures shall also be available on the District's web site for access by any employee, student or member of the public.

In addition to the following, the required training and education shall include information and practical guidance regarding the federal and state statutory provisions on the prohibition against and the prevention and correction of discrimination and harassment (including sexual harassment), as well as the remedies available to victims.

Students

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

All Employees

Training and education regarding prohibited harassment and discrimination (including sexual harassment) shall be made available to all employees at least every two years.

All new employees shall receive orientation and a copy of the unlawful discrimination policy and procedures during the first year of their employment.

Training for academic staff shall emphasize environmental harassment in the classroom.

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

Supervisory Employees

Because of their special responsibilities under the law, supervisors and managers shall undergo at least two hours of mandatory classroom or other effective interactive training and education regarding harassment and discrimination (including sexual harassment) at least every two years. All new supervisory employees shall be provided with training and education within six months of their assumption of a supervisory position. The training and education shall include practical examples aimed at instructing supervisors on the prevention of harassment, discrimination, and

retaliation which is presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

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

Reference: Education Code sections 212.5, 44100, 66281.5; Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A § 2000e.

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