



College Coordinating Council Meeting

March 22, 2023
 9:30 a.m. – 10:30 a.m.
 L201

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves
Please Review/Bring: Agenda, Minutes

Committee Members:
 Tamira Palmetto-Despain, Academic Senate
 Diana Ferrassoli, ASO
 Pamela Ford, Classified Union
 Greg Bormann Confidential/Management/Supervisory/Administrators
 LaDonna Trimble, Deans
 Dr. Jason Bowen, Faculty Union

Dr. Jennifer Zellet, **CHAIR**
 Shami Brar, Vice President of Administrative Services
 Bridget Cook, General Counsel
 Dr. Howard Davis, Interim Vice President of Academic Affairs
 Victoria Simmons, Interim Vice President of Human Resources
 Idania Reyes, Vice President of Student Services

MEETING

Items	Person(s) Responsible	Time	Action
STANDING ITEMS:			
I. Approval of Previous Minutes of February 22, 2023	All	1 minute	
II. Constituent Reports	All	4 minutes	
DISCUSSION/ACTION ITEMS:			
I. AP 3434 – Responding to Harassment	Victoria	10 minutes	
II. BP/AP 5700 – Intercollegiate Athletics	Jennifer/Idania	2 minutes	
III. Representation on the IT Committee	Shami	2 minutes	
IV. BP/AP 2105 – Election of Student Member	Jennifer	2 minutes	Returned from January 25 th meeting/constituent review.
V. BP 2200 – Board Duties & Responsibilities	Jennifer	2 minutes	Returned from January 25 th meeting/constituent review
VI. BP/AP 2345 – Public Participation at Board Meetings	Jennifer	2 minutes	Returned from January 25 th meeting/constituent review
VII. BP/AP 3410 – Nondiscrimination	Jennifer	2 minutes	Returned from January 25 th meeting/constituent review

VIII.	BP/AP 3420 – Equal Employment Opportunity	Victoria	2 minutes	Returned from February 8 th meeting/constituent review.
IX.	BP/AP 3430 – Prohibition of Harassment	Victoria	2 minutes	Returned from February 8 th meeting/constituent review.
POLICIES OUT FOR CONSTITUENT REVIEW				
BP/AP 3433 – Prohibition of Sexual Harassment – Out for Review on February 22, 2023				
AP 3435 – Discrimination & Harassment – Out for Review on February 22, 2023				
POLICIES IN PROCESS				
BP/AP 2510 – Participation in Local Decision Making	Howard	Working with the task force.		
Decision Making Principle Document	Jennifer	Meeting with various groups on campus for input.		
BP/AP 3720 – Computer Network IT Committee	Shami and IT Committee			
BP/AP 4010 – Academic Calendar	Howard	Waiting for Negotiations.		
BP/AP 4100 – Graduation Requirements	Jose	Working on revisions with counseling.		
BP/AP 4400 – Community Services	Howard	Working on revisions.		
BP/AP 6340 – Bids and Contracts	Shami			
AP 6370 – Contracts for Personal Services	Shami			
BP/AP 7130 - Compensation	Shami & Legal			
BP/AP 7800 – Emeritus Status (NEW)	Jennifer	Working on revisions.		
NEXT MEETING DATE: April 12, 2023				



College Coordinating Council Minutes

February 22, 2023
9:30 a.m. – 10:30 a.m.
L201

Type of Meeting: Regular
Note Taker: Patty McClure, Megan Aceves
Please Review/Bring: Agenda, Minutes

Committee Members:
Tamira Palmetto-Despain, Academic Senate
Diana Ferrassoli, ASO
Pamela Ford, Classified Union
Greg Bormann Confidential/Management/Supervisory/Administrators - **ABSENT**
LaDonna Trimble, Deans - **ABSENT**
Dr. Jason Bowen, Faculty Union
~~~~~  
Dr. Jennifer Zellet, **CHAIR - ABSENT**  
Shami Brar, Vice President of Administrative Services  
Bridget Cook, General Counsel  
Dr. Howard Davis, Interim Vice President of Academic Affairs - **ABSENT**  
Victoria Simmons, Interim Vice President of Human Resources  
Dr. Jose Rivera, Interim Vice President of Student Services

## MINUTES

| Items                                               | Person(s)<br>Responsible | Time       | Action                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------|--------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>STANDING ITEMS:</b>                              |                          |            |                                                                                                                                                                                                                                                                                                                   |
| I. Approval of Previous Minutes of February 8, 2023 | All                      | 1 minute   | The minutes were approved as presented.                                                                                                                                                                                                                                                                           |
| II. Constituent Reports                             | All                      | 4 minutes  | Pamela asked about representation on the committee and asked if the CMSA and Dean representation are different since both are a part of CMSA. Shami stated that representation is in AP 2510 and that the CMSA and Dean representative are separate. Pamela suggested that this be addressed at a future meeting. |
| <b>DISCUSSION/ACTION ITEMS:</b>                     |                          |            |                                                                                                                                                                                                                                                                                                                   |
| I. BP/AP 3433 – Prohibition of Sexual Harassment    | Victoria                 | 10 minutes | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                   |
| II. AP 3434 – Responding to Harassment              | Victoria                 | 10 minutes | Ran out of time, will continue to review at the next meeting.                                                                                                                                                                                                                                                     |
| III. AP 3435 – Discrimination & Harassment          | Vitoria                  | 2 minutes  | It was agreed to go out for constituent review.                                                                                                                                                                                                                                                                   |
| IV. BP/AP 5700 – Intercollegiate Athletics          | Jose                     | 2 minutes  | Ran out of time, will review at the next meeting.                                                                                                                                                                                                                                                                 |

|     |                                         |       |           |                                                   |
|-----|-----------------------------------------|-------|-----------|---------------------------------------------------|
| V.  | AP 5530 – Student Rights and Grievances | Jose  | 2 minutes | Ran out of time, will review at the next meeting. |
| VI. | Representation on the IT Committee      | Shami | 2 minutes |                                                   |

**POLICIES OUT FOR CONSTITUENT REVIEW**

BP/AP 2105 – Election of Student Member – Out for Review on January 25, 2023  
 BP 2200 – Board Duties & Responsibilities - Out for Review on January 25, 2023  
 BP/AP 2345 – Public Participation at Board Meetings - Out for Review on January 25, 2023  
 BP/AP 3410 – Nondiscrimination - Out for Review on January 25, 2023  
 BP/AP 3420 – Equal Employment Opportunity – Out for Review on February 8, 2023  
 BP/AP 3430 – Prohibition of Harassment – Out for Review on February 8, 2023  
 BP/AP 3433 – Prohibition of Sexual Harassment – Out for Review on February 22, 2023  
 AP 3435 – Discrimination & Harassment – Out for Review on February 22, 2023

**POLICIES IN PROCESS**

|                                                     |                        |                                                  |
|-----------------------------------------------------|------------------------|--------------------------------------------------|
| BP/AP 2510 – Participation in Local Decision Making | Howard                 | Working with the task force.                     |
| Decision Making Principle Document                  | Jennifer               | Meeting with various groups on campus for input. |
| BP/AP 3720 – Computer Network IT Committee          | Shami and IT Committee |                                                  |
| BP/AP 4010 – Academic Calendar                      | Howard                 | Waiting for Negotiations.                        |
| BP/AP 4100 – Graduation Requirements                | Jose                   | Working on revisions with counseling.            |
| BP/AP 4400 – Community Services                     | Howard                 | Working on revisions.                            |
| BP/AP 6340 – Bids and Contracts                     | Shami                  |                                                  |
| AP 6370 – Contracts for Personal Services           | Shami                  |                                                  |
| BP/AP 7130 - Compensation                           | Shami & Legal          |                                                  |
| BP/AP 7800 – Emeritus Status (NEW)                  | Jennifer               | Working on revisions.                            |

**NEXT MEETING DATE: March 22, 2023**



## AP 3434 Responding to Harassment Based on Sex under Title IX

### References:

Education Code Sections 67380 et seq.;  
34 Code of Federal Regulations Parts 106.1 et seq.;  
20 U.S. Code Sections 1681 et seq.

### Introduction

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets 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 Coordinators are the:

Assistant Superintendent/Vice President Human Resources, or designee - staff  
3041 West Avenue K  
Lancaster, CA 93536  
661/722-6300  
[contacthr@avc.edu](mailto:contacthr@avc.edu)

Assistant Superintendent/Vice President Student Services, or designee – students  
3041 West Avenue K  
Lancaster, CA 93536  
661/722-6300  
[StudentTitleIX@avc.edu](mailto:StudentTitleIX@avc.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.

The investigation and adjudication of alleged sexual harassment under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

### **Jurisdictional Requirements – Application of Procedures**

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

- The conduct took place in the United States.
- 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.
- The conduct meets the definition of Title IX “sexual harassment.”

### **Definitions**

**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.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the Complaint process if he/she/they wishes to do so. An attorney may serve as an advisor.

**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:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- 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:
  - asleep or unconscious;
  - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
  - unable to communicate due to a mental or physical condition.

**Decision-Maker:** Designees from [student services](#), [academic affairs](#) and/or [human resources](#) 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:

- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);

- 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 education program or activity;
- Sexual assault, including the following:
  - **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.
  - **Rape** (except Statutory Rape): The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sexual Assault with an Object:** To use an object or instrument 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.
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, 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.
  - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse:**
    - **Incest:** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - **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.
  - **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 type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - **Domestic Violence:** Violence committed:
    - By a current or former spouse or intimate partner of the victim;
    - By a person with whom the victim shares a child in common;
    - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or



- 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.
- o **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.

## 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 safety and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. An individual who participates as a Complainant or witness 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.

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 coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

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 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.

The District has designated the following employees as Officials with Authority:

- President
- General Counsel
- Vice Presidents
- Deans
- Associate Deans
- Executive Directors
- Directors
- Managers
- Supervisors
- Coaches

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**

### **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 written notice of options for, available assistance in, and how to request available supportive measures. The District will provide such measures to Complainant and Respondent 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 not disclose that the District is providing supportive measures except to those with a need to know to enable the District to provide the service. Supportive measures may include changes to academic, living, transportation, and

working situation or protective measures such as 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.

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue a no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue a mutual no-contact directive automatically, but instead shall consider the specific circumstances of each report of sexual harassment to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the District issues any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the District issues a mutual no-contact directive, the District shall also provide the Parties with a written justification for the directive.

### **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 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.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. 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 [Title IX Coordinator](#) or designee will conduct the individualized safety and risk analysis.

If the [Title IX Coordinator](#) 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 [Title IX Coordinator](#) 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**

#### **Notice to Parties**

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

- Notice of the District's Title IX grievance process;
- 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;
- 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;
- Notice that the Parties may have Advisor of their choice, who may be, but is not required to be, an attorney;
- 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;
- 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; and
- For student Parties, notice regarding appropriate counseling resources the District has developed and maintains.

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**

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:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District's education program or activity;
- 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:

- 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;
- If the Respondent is no longer enrolled or employed by the District; or
- 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**

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.

### **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 or 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, 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: prejudice of the facts at issue, conflicts of interest, and bias.

### **Timeline for Completion**

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 240 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 240 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. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

### **Role of Advisor**

The role of the Advisor is to provide support and assistance in understanding and navigating 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.

### **Confidentiality Agreements**

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

### **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.

### **Student Complainant Requests for Confidentiality**

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the student-Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall



notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

If the District determines that it must disclose the student-Complainant's identity to the Respondent or proceed with a Formal Complaint, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

### **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, how the District's grievance procedures operate, and trauma-informed investigation techniques. 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.

Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure. Written evidence submitted by a Party is limited to **20** pages or **5,000** words.

### **Evidence of Past Sexual History**

An investigator or Decision-Maker shall not consider the past sexual history of the Complainant except in the limited circumstances described below:

- The investigator or Decision-Maker shall not consider the Complainant's prior sexual history unless such questions or evidence is offered to prove that someone other than the Respondent committed the alleged conduct; or



- The investigator or Decision-Maker shall not consider the Complainant's prior sexual behavior unless the questions or evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

### **Notice of Investigative Interview**

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 preparing an investigative report, the District will make available 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 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 table of contents if the report exceeds ten pages; and

- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they does 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 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 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. Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

### **Notice**

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, 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 or a witness 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 and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

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.

The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this

procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

### **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. Witnesses, like Parties, are not required to participate in the live hearing process.

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.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

### **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. The other Party shall have an opportunity to object to a question posed. The District may limit such objections to written form, and neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record. The Decision-Maker shall have the authority and obligation to discard or rephrase any question that the Decision-Maker deems to be irrelevant. In making these determinations, the Decision-Maker is not bound by, but may take guidance from, the formal rules of evidence.

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.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision-Maker's determination and answering the question or (2) refusing to answer the question.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker may admit any statement of that Party or witness in reaching a determination regarding responsibility. The Decision-Maker will give the statements whatever weight the Decision-Maker determines appropriate, bearing in mind that the statements have not been tested by cross-examination. In doing so, the Decision-Maker should consider, and if possible determine, whether the witness or Party made the statement and what the statement proves.

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. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

### **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 **45 business days** 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. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. 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:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- 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;

- 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;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- 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;
- 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;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

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:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent 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 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
- 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 written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, 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 **ten business** days from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

#### **Grounds for Appeal**

The **Superintendent/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:

- A procedural irregularity affected the outcome;
- 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
- 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:

- Notify the other Party in writing within **10 business days** of receiving a Party's appeal;
- Allow the non-appealing Parties at least **15 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 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. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

### **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.

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 or any allegations of sexual assault.

### **Retaliation Prohibited**

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above.

### **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. The District will also provide its policy and procedures related to Title IX to all volunteers who will regularly interact with students and each individual or entity under contract with the District to perform any service involving regular interaction with students.



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 a comprehensive trauma-informed training program 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, best practices for assessment of a sexual harassment complaint, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, bias, and implicit bias and racial inequities, both broadly and in school disciplinary processes. 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. Materials for this training must include statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

The District will provide Officials with Authority with training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator.

### **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;
- 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 publicly available on its website.





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

For non-Title IX matters, also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations.

\* CCLC Recommended Language

\*\* AVC Recommended Language



## BP 5700 Intercollegiate Athletics

### Reference:

Education Code Sections 66271.6, 66271.8, 67360 et seq., and 78223;  
20 U.S. Code Sections 1681 et seq.; ACCJC Accreditation Standard  
II.C.4; California Community College Athletic Association (CCCAA)  
Constitution and CCCAA Bylaws

The District shall maintain an organized program for students in intercollegiate athletics. The District will offer opportunities for participation in athletics equally to male, female, and transgender students consistent with state and federal law, and California Community College Athletic Association standards.

The Superintendent/President shall assure that the athletics program complies with state law, the California Community Colleges Athletic Association Constitution Bylaws, and Sports Championship Handbooks, and appropriate Conference Constitution regarding student athlete participation.

See Administrative Procedure 5700 Intercollegiate Athletics.

Adopted: 2/6/06  
Revised: 9/10/07  
Revised: 3/8/21  
Revised: 2/13/23

\*CCLC Recommended Language

\*\*AVC Recommended Language



## AP 5700 Intercollegiate Athletics

### Reference:

Education Code 66271.6, 66271.8, 67360 et seq. and 78223;  
Title IX, Education Amendments of 1972,  
ACCJC Accreditation Standard II.C.4  
Community College Athletic Association (CCCAA) Constitution and CCCAA  
Bylaws

The District shall comply with rules and regulations adopted by voluntary associations, one of whose purposes is to govern intercollegiate athletics, to include the California Community College Athletic Association (CCCAA), Bylaws and Sports Handbooks, and appropriate Conference Constitutions regarding student athlete participation.

### Athletic Drug Testing

The District requires all student athletes to have a sport physical and complete a drug screening. The sports physical must be completed prior to participation in any athletic event. Drug screening may take place randomly, at any time, competition in intercollegiate sports is contemplated by the student athlete throughout the competitive season of sport. This screening is conducted through a medical facility determined by the District.

### Name, Image, Likeness, and Athletic Reputation

**Prospective Student Athlete:** The District will not provide a prospective student athlete with compensation in relation to the athlete's name, image, likeness, or athletic reputation.

**Student Athletes:** The District will not prevent a student participating in intercollegiate athletics from either earning compensation because of the use of the student athlete's name, image, likeness, or athletic reputation, or from obtaining professional representation by duly licensed athletic agents or attorneys. However, a student athlete may not enter into a contract that provides compensation to the student athlete for their name, image, likeness, or athletic reputation if the contract conflicts with a provision of the student athlete's team contract.

A student who enters into a contract providing compensation for use of the student's name, image, likeness, or athletic reputation must disclose the contract to ~~Official to be designated by District, e.g. the Athletic Director/Dean~~. If the District determines that a conflict between the student athlete's contract and the student athlete's team contract, the ~~Athletic Director/Dean~~ ~~Official to be designated by District, e.g. athletic director/dean~~ will disclose the conflict to the student or student's legal representative, if any, and identify the contractual provisions that conflict.

Any team contract entered into, modified, or renewed on or after September 1, 2021, will not prevent a student athlete from using their name, image, likeness, or athletic reputation for a commercial purpose when the athlete is not engaged in official team activities.

A student athlete's scholarship eligibility will not be impacted because of the student earning compensation for their name, image, likeness, or athletic reputation.

The District will not revoke a student-athlete's scholarship that provides the student-athlete with the cost of attendance as a result of the student athlete earning compensation or obtaining legal representation in accordance with state law.

2/6/06

Revised: 9/10/07

Revised: 2/8/21

Revised: 2/13/23

\*CCLC Recommended Language

\*\*AVC Recommended Language



## BP 2105 Election of Student Trustee

### References:

Education Code Sections 72023.5, and 72103

The Student Trustee shall be chosen by the students enrolled in the District as follows:

The Student Trustee shall be elected by popular vote of the student body in a general election. Normally, an election will be held in the spring semester so that the office is filled [by May 15 no later than the last day of the spring semester](#). The student member may be recalled by all the students of the student body in an election held for that purpose in accordance with AP 2105 Election of Student Trustee.

A special election shall be held if the office becomes vacant for any reason such as resignation, recall, or disqualification of an elected Student Trustee, after notice of the vacancy comes to the attention of the Superintendent/President. Special elections shall be held within 30 days after notice of the vacancy comes to the attention of the Superintendent/President. The special election will be held to fulfill the remainder of the term, unless the regular election is within thirty (30) days.

Candidates for the position may nominate themselves or be nominated by others by the filing of an application certifying that the candidate is eligible for service under the criteria set forth in California law and these policies. The election will be conducted in accordance with AP 2105 Election of Student Trustee.

Also see BP/AP 2015 Student Trustee and BP/AP 2105 Election of Student Trustee.

Adopted: 7/5/05  
Revised: 1/8/07  
Reviewed: 8/8/16  
Revised: 12/9/19  
[Revised: 3/13/23](#)

[\\*CCLC Recommended Language](#)

[\\*\\*AVC Recommended Language](#)

## AP 2105 Election of Student Trustee

### Reference:

Education Code Section 72023.5

The student member shall be elected by a plurality vote of those voting in a regular election of the student body. All members of the student body may vote. Normally, the election will be conducted during the spring semester and will be completed in time for the student member to take office at the May meeting of the Board of Trustees.

The following procedures govern the conduct of the election of the Student Trustee to the Board of Trustees.

### 1. Supervision

The election will be conducted under the supervision of the Associate Dean of Student Life & Services who will prepare the Election Code.

### 2. Election Rules and Procedures

All candidates must conform to the requirements set forth in BP 2015 Student Trustee and BP 2105 Election of Student Trustee and all city, county, state, and federal laws. The Associate Dean of Student Life & Services whose decision on such matters shall be final will arbitrate all election procedures not covered by the policy and this procedure.

- a. Each potential candidate must meet with the Associate Dean of Student Services prior to filing a declaration of intent to run for office. At this meeting, the Associate Dean of Student Life & Services will review the Election Code with the candidate and the candidate will sign a statement of acknowledgment.
- b. The Associate Dean of Student Life & Services will determine the voting site(s).
- c. AVC student identification will be requested of all students desiring to vote.
- ~~d. There shall be a public count of the ballots within forty-eight (48) hours following closing of the polls by the Office of Student Development and College Activities.~~

### Special Election

Upon notice to the Superintendent/President that a vacancy has occurred for any reason, including recall, the Associate Dean of Student Life & Services shall, within thirty (30) days, call for a special election.

The special election shall provide for:

- Notice communicated to the student body of the result of the recall election, if the vacancy has occurred as the result of a recall election, and arrangements for a special election;
- An application period for students to submit an application to become a candidate for the open position that will be open for at least 5 days on which classes are regularly held;
- Following such application period, a period of time no less than 5 days upon which classes are regularly held for campaigning, and;
- Voting for the special election to be concluded within 30 days following the date upon which the position became vacant.

No special election will be called if the vacancy occurs within thirty (30) days of a regularly scheduled election for the Student Trustee. The office shall become vacant if the student member becomes ineligible for the office, fails to fulfill responsibilities as listed in AP 2015 Student Trustee, resigns, is recalled or dies.

Any AVC student can recall the Student Trustee with a petition signed by 20% of the total number of enrolled students at the time of filing the petition and submitted to the [Associate Dean of Student Life & Services](#). The election will be conducted in the same manner as a special election.

If the Student Trustee fails to fulfill his/her/[their](#) responsibilities, he/she/[they](#) may appeal the decision within ten (10) days to the Superintendent/President. The appeal must be in writing explaining why the Student Trustee believes he/she/[they](#) should remain in office. The decision of the Superintendent/President is final.

Also see BP/AP 2015 Student Member, BP/AP 2100 Board Elections, and BP 2105 Election of Student Member.

Approved: 7/5/05  
Revised: 11/12/19  
[Revised: 3/13/23](#)

[\\*CCLC Recommended Language](#)

[\\*\\*AVC Recommended Language](#)



## BP 2200 Board Duties and Responsibilities

### Reference:

Accreditation Standard IV

The Board of Trustees governs on behalf of the citizens of the Antelope Valley Community College District in accordance with the authority granted and duties defined in Education Code Section 70902.

The Board of Trustees is committed to fulfilling its responsibilities to:

- Represent the public interest
- **Assure the Board operates in an open, accessible, welcoming spirit, and maintains an anti-racist culture**
- Establish policies that **ensure the District operates in an anti-racist manner**, define the institutional mission and set prudent, ethical, ~~and~~ legal standards for college operations
- Hire and evaluate the Superintendent/President
- Delegate power and authority to the chief executive to effectively lead the District
- Assure fiscal health and stability
- Monitor institutional performance and educational quality
- Advocate and protect the District

Also see BP 2715 Board Code of Ethics/Standards of Practice.

Adopted: 12/11/06

Reviewed: 8/8/16

Revised: 9/9/19

Revised: 3/13/23

\*CCLC Recommended Language

\*\*AVC Recommended Language





## BP 2345 Public Participation at Board Meetings

### References:

Education Code Section 72121.5

Government Code Sections 54954.3, and 54957.5

The Board of Trustees shall provide opportunities for members of the general public, including District employees, to participate in the business of the Board of Trustees.

Members of the public may bring matters directly related to the business of the District to the attention of the Board of Trustees in one of two ways:

The District places a limit on the amount of time allocated for each individual speaker; however, the District provides at least twice the allotted time to a member of the public who utilizes a translator to ensure the speakers receive the same opportunity to directly address the legislative body, unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.

1. There will be a time at each regularly scheduled board meeting for the general public to discuss items not on the agenda.

Members wishing to present such items shall submit a written request at the beginning of the meeting to the President of the Board of Trustees that summarizes the item and provides his/her/their name and organizational affiliation, if any. No action may be taken by the Board of Trustees on such items.

2. Members of the public may place items on the prepared agenda in accordance with BP 2340 Agendas.

A written summary of the item must be submitted to the Superintendent/President at least 10 days prior to the board meeting. The summary must be signed by the initiator, contain his/~~er~~ her/their residence or business address, and organizational affiliation, if any. Items will be placed on the agenda at the discretion of the Superintendent/President.

Members of the public also may submit written communications to the Board of Trustees on items on the agenda and/or speak to agenda items at the board meeting. All such written communications shall be dated and signed by the author and shall contain the residence or business address of the author and the author's organizational affiliation, if any.

If requested, writings that are public records shall be made available in appropriate alternative formats so as to be accessible to persons with a disability.

Claims for damages are not considered communications to the Board of Trustees under this rule but shall be submitted to the District.

Also see BP/AP 2340 Agendas, AP 2345 Public Participation at Board Meetings, BP/AP 2350 Speakers, and BP 2355 Decorum.

Adopted: 7/5/05

Reviewed: 8/8/16

Revised: 12/9/19

Revised: 11/8/21

Revised: 3/13/23

\* CCLC Recommended Language

\*\* AVC Recommended Language



## AP 2345 Public Participation at Board Meetings

### References:

Education Code Section 72121.5;  
Government Code Section 54954.2

Members of the public have the right to place matters directly related to community college district business on the agenda of board meetings.

The District encourages citizens to attend board meetings and welcomes their view on pertinent subjects. In order to afford this opportunity to the public, the following procedures to address the Board of Trustees have been adopted to insure the proper functioning of Board meetings:

- Any person or group desiring to address the Board of Trustees is requested to make a written request to the Superintendent/President's Office at least ~~three weeks~~ **10 days** prior to the **board** meeting, summarizing the remarks to be made, so that the Board of Trustees may have knowledge of the subject in advance of the meeting. The written request will include the name and address of the responsible person.
- Any person who has submitted a request to be heard will be called on at the appropriate time.
- No member of the public may speak without being recognized by the President of the Board of Trustees.
- Each speaker will be allowed a maximum of ~~five (5)~~ **three (3)** minutes and in the case of multiple speakers, a total of thirty (30) minutes per topic. At the discretion of a majority of the Board of Trustees, these limits may be extended.
- Members of the Board of Trustees and the Superintendent/President may interrogate a speaker in order to clarify the discussion.
- Undue interruption or other interference with the orderly conduct of the Board business cannot be allowed. Defamatory or abusive remarks are always out of order. The President of the Board of Trustees may terminate the speakers' privilege of address if after being called to order he/she persists in improper conduct or remarks.

Also see BP/AP <sup>2340</sup> Agendas, BP 2345 Public Participation at Board Meetings, BP/AP 2350 Speakers, and BP 2355 Decorum.

Approved: 11/12/19

Revised: 3/13/23

\* CCLC Recommended Language

\*\* AVC Recommended Language



## BP 3410 Nondiscrimination

### References:

Education Code Sections 66250 et seq., 72010 et seq. and 87100 et seq.;  
Title 5 Sections 53000 et seq.; and 59300 et seq.;  
Penal Code Section 422.55;  
Government Code 12926.1 and 12940 et seq  
Title 2 Sections 10500 et seq.;  
Labor Code Section 1197.5;  
**ACCJC** Accreditation Eligibility Requirement 20 and Accreditation Standard Catalog Requirements

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

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, **ethnicity**, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she/**they** is perceived to have one or more of the foregoing characteristics, or because of his/her/**their** association with a person or group with one or more of these actual or perceived characteristics.

~~Notice of this policy will be circulated to all units of the District on an annual basis and incorporated into teacher and student handbooks. It will also be distributed to all organizations in the community having cooperative agreements with the college district.~~



~~Failure to comply with this policy may result in termination of the cooperative agreement.~~



Also see AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, and BP/AP 5140 Disabled Student Programs and Services.

Adopted: 11/7/05  
Revised: 5/8/06  
Revised: 1/8/07  
Revised: 2/9/09  
Revised: 8/13/12  
Revised: 10/10/16  
Revised: 8/13/18  
Revised: 5/11/20

\* CCLC Recommended Language

\*\* AVC Recommended Language



## AP 3410 Nondiscrimination

### **Nondiscrimination References for Education Programs:**

Education Code Sections 200 et seq 66250 et seq. and 72010 et seq.;

Penal Code Section 422.55 et seq.;

Title 5 Section 59300 et seq.,

**ACCJC** Accreditation Eligibility Requirement 20 and **ACCJC** Accreditation Standard Catalog Requirements

~~It shall be a violation of this procedure for any District employee or student through conduct or communications to commit an act of discrimination as defined in BP 3410 Nondiscrimination.~~

### **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, ~~M~~military and ~~V~~veteran status, 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.

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 or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

### **Nondiscrimination References for Employment:**

Education Code Sections 87100 et seq.,

Title 5 Sections 53000 et seq.;

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

Title 2 Sections 10500 et seq.;

Labor Code Section 1197.5



## **Employment**

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, **immigration status**, 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, **immigration status**, or military and veteran status.

~~Any person who alleges discrimination by any employee or student in the college district may file a grievance under the discrimination complaint procedures contained in the Antelope Valley College Complaint Procedure for Allegations of Discrimination or Sexual Harassment document that can be obtained in the Human Resources Office.~~

Also see BP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, AP 3435 Discrimination and Harassment Complaints and Investigations, BP 4030 Academic Freedom, and BP/AP 5140 Disabled Student Programs and Services.

Approved: 11/7/05  
Revised: 5/8/06  
Revised: 1/8/07  
Revised: 1/12/09  
Revised: 7/9/12  
Revised: 3/10/14  
Reviewed: 9/12/16  
Revised: 8/13/18  
Revised 4/13/20





\* CCLC Recommended Language  
\*\* AVC Recommended Language



## BP 3420 Equal Employment Opportunity

### References:

Education Code Sections 87100 et seq.  
Title 5 Sections 53000 et seq.  
**ACCJC** Accreditation Standard III.A. 12

The Board of Trustees supports the intent set forth by the California Legislature to assure that effort is made to build a community in which 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 diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony, and suitable role models for all students. The Board of Trustees therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board of Trustees, 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.

Also see [AP 3420 Equal Employment Opportunity](#), [BP/AP 3410 Nondiscrimination, BP/AP Prohibition of Harassment](#), [AP 3435 Discrimination and Harassment Complaints and Investigations](#), and [BP/AP 7100 Commitment to Diversity](#).

Adopted: 11/7/05  
Revised: 6/13/16  
Revised: 5/11/20

\* **CCLC Recommended Language**

\*\* **AVC Recommended Language**



## AP 3420 Equal Employment Opportunity

### References:

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.  
**ACCJC Accreditation Standard III.A.12**  
**Government Code Sections 7400 et seq. and 12940 et seq.**  
~~20 U.S. Code Sections 1681 et seq.;~~

The Equal Employment Opportunity (EEO) Plan ~~shall~~ **should** be a District-wide, written plan that implements the District's EEO program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the California Community Colleges Chancellor's Office for review ~~and approval~~ as required
- 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;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the Plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- 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;
- **A process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (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;**
- **To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to**



- perform the work required for each such job category and whether or not the underrepresentation is significant;
- ~~An analysis of the number of persons from “monitored groups”, as defined by Title 5 Section 53001 subdivision (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~~
  - ~~An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the under-representation is significant;~~
  - The steps the District will take to promote diversity in its workforce;
  - Methods for addressing any discrimination that is detected in the District's hiring practices, and;
  - ~~Additional steps to address any significant under-representation of monitored groups identified in the Plan.~~
  - The Plan shall be a public record.

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

### **Annual Evaluation**

- ~~The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. 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 California Community Colleges Chancellor the results of its annual survey of employees. At least every three (3) years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories. The District will submit an annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:~~
  - o executive/administrative/managerial
  - o faculty and other instructional staff
  - o professional non-faculty
  - o secretarial/clerical
  - o technical and paraprofessional
  - o skilled crafts; and



- o service and maintenance.

~~For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify her/ his gender, ethnic group identification and, if applicable, her/ 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 that are forwarded to the screening/selection committee and hiring administrator(s).~~

~~The District shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:~~

- ~~• longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.~~
- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:
  - o longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

### **EEO Advisory Committee**

The District has established an Equal Employment Opportunity Advisory Committee to assist the District in implementing its EEO Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The committee shall include a diverse membership whenever possible. The committee



will be composed of the EEO Officer, Human Resources Director, two (2) members from the Academic Senate, one administrative council member, two (2) ASO representatives, two (2) classified union representatives, one member of the confidential/management/supervisory unit, one (1) member from the Office of Students with Disabilities, and one (1) member from the faculty union. Ex-officio members shall include the Human Resources Vice President and the EEO Officer, if different from the Human Resources Vice President. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the Superintendent/President, and EEO Officer. The advisory committee shall receive training in all the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

## Employment Procedures

**Job Analysis and Validation:** The [Assistant Superintendent/Vice President](#), ~~of~~ Human Resources or designee 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.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

## Recruitment

- Recruitment must be conducted actively within and outside of the District work force.
- Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances.
- 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.
- ~~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.~~

- Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

### **Applicant Pools**

- The application for employment shall afford each applicant an opportunity to identify himself/ herself/~~themselves~~ voluntarily as to gender, ethnicity and, if applicable, his/ her/~~their~~ disability. 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.
- 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 shall be recorded and reviewed by the Chief Human Resources Officer or designee. 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. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the under-representation, 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.~~ All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”
- Once the qualified pool is formed, the pool must again be analyzed. ~~If this analysis reveals adverse impact against any monitored group~~ If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, 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**

Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.





- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include a diverse membership when possible; and exclude applicants, ~~or persons listed as references who have written letters of recommendation,~~ or who are family members, cohabitants, or relatives.
- Every screening and selection committee includes an EEO representative trained to monitor conformance with EEO requirements. The Assistant Superintendent/Vice President, ~~of Human Resources~~ 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 records relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

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:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
- consider various other means of reducing the under-representation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant under-representation persists:

~~e—~~ monitor on an on-going basis;

- o review each locally-established job qualification to determine if it is job related and consistent with business necessity;
- o discontinue the use of any non-job-related local qualification;
- o and continue using job-related local qualifications only if no alternative standard is reasonably available.
- o Consider the implementation of additional measures designed to promote diversity.

### **Delegation of Authority**

The Board of Trustees delegates to the Assistant Superintendent/Vice President, of Human Resources the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Assistant Superintendent/Vice President, of Human Resources shall also serve as the Equal Employment Opportunity Officer who is responsible for the





day-to-day implementation of the Plan. If a complaint involves the Equal Employment Opportunity Officer, the complaint may be filed with the Superintendent/President.

### **Complaint Procedure**

Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the [Assistant Superintendent/Vice President of Human Resources](#). The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

~~The process for filing a complaint alleging that the equal employment opportunity regulations have been violated is outlined in the EEO Plan. In addition, the District has adopted procedures for complaints alleging unlawful discrimination or harassment. The District's discrimination and sexual harassment complaint procedures are attached to the EEO Plan.~~

~~The District must identify to the public and to the California Community Colleges Chancellor's Office an individual described in Title 5 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:~~

- ~~• Undertake efforts to resolve the charge informally;~~
- ~~• Advise the complainant that he/she need not participate in an informal resolution of the complaint;~~
- ~~• Notify the complainant of the procedures for filing a formal complaint;~~
- ~~• Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.~~
- ~~• 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 California Community Colleges Chancellor's Office.~~

~~A formal complaint not involving employment, must be processed if it is filed within one (1) year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.~~

~~A formal complaint alleging discrimination in employment must be filed within one hundred eighty (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 one hundred eighty (180) days.~~



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

~~When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the California Community Colleges Chancellor's Office 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 California Community Colleges Chancellor's Office with a copy of the investigative report within ninety (90) 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 (90) days from the date the District received the complaint. The California Community Colleges Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Assistant Superintendent/Vice President of Human Resources 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 Board of Trustees and the California Community Colleges Chancellor's Office.~~

~~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 Assistant Superintendent/Vice President of Human Resources 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 Board of Trustees and to file a complaint with the Department of Fair Employment and Housing (DFEH).~~

~~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 Board of Trustees within fifteen (15) days from the date of the notice of the administrative determination. The Board of Trustees must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five (45) 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 California Community Colleges Chancellor's Office. The complainant must be notified of his/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/her right to file a complaint with the DFEH.~~

~~Where the Board does not act within forty-five (45) 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 California Community Colleges Chancellor's Office, that the Board of Trustees 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/her right to appeal the District's decision to the California Community Colleges Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.~~

~~In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the California Community Colleges Chancellor's Office within thirty (30) days after the Board of Trustees 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 Title 5 Section 59338 subdivisions (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 California Community Colleges Chancellor's Office may require.~~

### **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 ~~persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, persons with disabilities, and Vietnam-era active military and veterans.~~ No person shall be denied employment because of ethnicity or race, ~~religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, marital status, sexual orientation, veteran or military status, sex or gender, gender identity, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era active military and veterans, ancestry~~ or political or organizational affiliation.



### Dissemination and Revision of the Plan

~~The EEO Plan and subsequent revisions will be distributed to the Board of Trustees, the President, administrators, the Academic Senate President, faculty and classified union presidents, and members of the District Equal Employment Opportunity Advisory Committee. All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees~~ The Plan will be available on the District's website, and when appropriate, may be distributed by e-mail.

All managers and supervisors shall be given copies of the plan upon revision ~~as revised from time to time~~ and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three ~~(3)~~ years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within ~~ninety (90)~~ days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies ~~are do~~ not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

### Accountability and Corrective Action

The District shall certify annually to the California Community Colleges Chancellor that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division.

Also see BP 3420 Equal Employment Opportunity, BP/AP 3410 Nondiscrimination, [AP 3435 Discrimination and Harassment Complaints and Investigations](#), and BP/AP 7100 Commitment to Diversity.

Approved: 4/14/08  
Revised: 5/9/16  
Revised: 4/13/20



\* CCLC Recommended Language  
\*\* AVC Recommended Language



## BP 3430 Prohibition of Harassment

### References:

Education Code Sections 212.5 44100, 66252 and 66281.5;  
Government Code Sections 12923, 12940 and 12950.1;  
Civil Code Section 51.9;  
Title 2 Sections 10500 et seq.;  
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

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. State and federal law and this policy prohibit harassment, and the District will not tolerate harassment.~~ 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;~~ The District shall be free of unlawful harassment including that which is based on any of the following statuses: race, religious creed, color, national origin, **ethnicity**, ancestry, **immigration status**, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, ~~or sexual orientation of any person~~, or military and veteran status, or because he/she/**they** is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid 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. ~~The District will investigate all allegations of retaliation All allegations of retaliation will be swiftly and thoroughly investigated.~~ swiftly and thoroughly. If the District determines that ~~someone has retaliated, 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, unpaid intern, or volunteer who believes that 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 3435 Discrimination and Harassment Complaints and Investigations. ~~The District requires supervisors to report 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 Superintendent/President shall ensure that the institution undertakes education and training activities to counter **harassment 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 Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid 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. **State and federal law and this policy prohibit All participants are protected from** retaliatory acts 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) This policy and related written procedures including the procedure for making complaints, shall be widely published and publicized** to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. **The District will make this policy and related written procedures (including the procedure for making complaints) They shall be** available ~~for students, employees, unpaid interns and volunteers~~ in all administrative offices, and **will post them shall be posted** 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. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.

Also see BP 3430 Prohibition of Harassment, BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, [BP/AP 3433 Prohibition of Sexual Harassment Under Title IX](#), [AP 3434 Responding to Harassment Based on Sex Under Title IX](#), and AP 3435 Discrimination and Harassment Complaints and Investigations.

Adopted: 11/7/05  
Revised: 8/13/12  
Revised: 10/9/17  
Revised: 5/13/19  
Revised: 1/13/20

\* **CCLC Recommended Language**  
\*\* **AVC Recommended Language**





## AP 3430 Prohibition of Harassment

### References:

Education Code Sections 212.5, 44100 and 66281.5, and 66281.8;  
Government Code Sections 12940 and 12923  
Civil Code Section 51.9;  
Title 2 Sections 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

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of 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, employees, unpaid interns and volunteers 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, District bus, or at a class or training program sponsored by the District at another location.

### Definitions

**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, ~~or~~ 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 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/~~their~~ ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

~~For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, Complainants should use this procedure.~~

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 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:

- **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 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.
- **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.
- **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:** A hostile academic or work environment may exist where it is permeated by sexual innuendo; 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 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-~~or~~-her/~~their~~ 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 verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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
- 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 (2) 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.
- **"Hostile environment"** sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or creates 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 unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment.

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.

## **Consensual Relationships**



Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members 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 members, 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 charges of harassment and does not constitute discipline against any affected employee.

### **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 antidiscrimination laws.

Also see BP 3430 Prohibition of Harassment, BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, [BP/AP 3433 Prohibition of Sexual Harassment Under Title IX](#), [AP 3434 Responding to Harassment Based on Sex Under Title IX](#), and AP 3435 Discrimination and Harassment Complaints and Investigations.

Approved: 11/7/05  
Revised: 8/13/12  
Revised: 5/9/16  
Revised: 5/13/19  
Revised: 11/12/19

\* CCLC Recommended Language

\*\* AVC Recommended Language