

SB CC

**SANTA BARBARA
CITY COLLEGE**

EEO PLAN 2023-2026



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PLAN COMPONENT 1

INTRODUCTION

A Message from Erika Endrijonas, Ph.D., Superintendent/President, Santa Barbara City College

Welcome to Santa Barbara City College! As Superintendent/President of Santa Barbara City College (SBCC), I am proud to present our Equal Employment Opportunity (EEO) Plan, adopted on [insert adoption date here]. This comprehensive document not only reflects our commitment to inclusivity and diversity but also serves as a strategic framework to enhance and enrich our educational environment through workforce diversification.

At SBCC, we are privileged to serve a student body as vibrant and diverse as the community around us. Our students come from a multitude of backgrounds and experiences, bringing with them unique perspectives that enrich our learning community. Recognizing this diversity is at the heart of our mission and strategic goals, our EEO Plan is designed to ensure that our faculty and staff reflect the rich demographics of our student population.

The nexus between a diverse workforce and our educational objectives cannot be overstated. By fostering an inclusive environment where educators from various backgrounds contribute their voices, we enhance the educational experiences for all students, preparing them to thrive in a global society. This diversity not only supports academic success but also promotes empathy, cultural awareness, and social equity among our students.

This EEO Plan lays out the policies, goals, and initiatives that SBCC will pursue to attract, hire, and retain a diverse workforce. It outlines our commitment to proactive recruitment strategies, continuous professional development, and an institutional culture that values equity and respects diversity. As we implement this plan, we invite all members of our community to join us in this important endeavor. Together, we can ensure that SBCC not only meets the educational needs of our students today but also sets the foundation for a more inclusive and equitable future.

Thank you for your commitment to making SBCC a welcoming place for all.

Warm regards,

Erika Endrijonas, Ph.D.
Superintendent/President
Santa Barbara City College

Adopted by the Governing Board of the Santa Barbara City College District on _____.

_____,
Superintendent/President



PLAN COMPONENT 2

DEFINITIONS

The following definitions have been defined under the California Code of Regulations, Title 5, §53001, best practices and District policies and procedures.

- (a) **Adverse Impact.** “Adverse impact” means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission’s “Uniform Guidelines on Employee Selection Procedures”) is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code section 12940. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- (b) **Diversity.** “Diversity” means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds.
- (c) **Equal Employment Opportunity.** “Equal employment opportunity” means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional nonfaculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance. Equal employment opportunity also involves:
 - 1. identifying and eliminating barriers to employment that are not job related; and
 - 2. creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code section 12940.
- (d) **Equal Employment Opportunity Plan.** An “equal employment opportunity plan” is a written document in which a district’s work force is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- (e) **Equal Employment Opportunity Programs.** “Equal employment opportunity programs” means all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

- (f) **Ethnic Group Identification.** “Ethnic group identification” means an individual’s identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
- (g) **In-house or Promotional Only Hiring.** “In-house or promotional only” hiring means that only existing district employees are allowed to apply for a position.
- (h) **Monitored Group.** “Monitored group” means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- (i) **Person with a Disability.** “Person with a disability” means any person who:
 1. has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person’s major life activities;
 2. has a record of such an impairment; or
 3. is regarded as having such an impairment.
 A person with a disability is “limited” if the condition makes the achievement of the major life activity difficult.
- (j) **Reasonable Accommodation.** “Reasonable accommodation” means the efforts made on the part of the district in compliance with Government Code section 12926.
- (k) **Screening or Selection Procedure.** “Screening or selection procedure” means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
- (l) **Significantly Underrepresented Group.** “Significantly underrepresented group” means any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

PLAN COMPONENT 3

EEO POLICY STATEMENT

Board Policy 3420 Equal Employment Opportunity

References: Education Code, Sections 87100 et seq. title 5, Sections 53000 et seq.

June 14, 2018

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 employment opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. The Board supports diversity in the academic environment as a means of fostering cultural awareness, developing mutual understanding and respect, and providing suitable role models for all students. The Board therefore commits itself to promote equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop, for review and adoption by the Board, an Equal Employment Opportunity Plan that complies with the Education Code and Title 5 requirements which are modified or clarified from time to time by judicial interpretation. Due to the highly dynamic nature of the law, the Superintendent/President shall consult with legal counsel in implementing this policy and the Plan.



PLAN COMPONENT 4

DELEGATION OF RESPONSIBILITY, AUTHORITY, AND COMPLIANCE

Achieving the goal of a diverse educational culture requires the collective efforts of the college community. All employees and agents of the District are responsible for promoting and supporting equal employment opportunity in order to realize the full benefits of a diverse, collaborative, and inclusive District culture. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

BOARD OF TRUSTEES

The Governing Board is responsible for making measurable progress toward equal employment opportunity by the strategies described in the District's EEO plan. Further, the Superintendent/President will be responsible to ensure the EEO Plan shall:

- a. Be developed in collaboration with the District's Equal Employment Advisory Committee;
- b. Be reviewed and adopted at a regular meeting of the Board of Trustees where it is agendaized as a separate action item;
- c. Cover a period of 3 years, after which a new or revised plan shall be adopted; and
- d. Be submitted to the State Chancellor's Office at least 90 days prior to its adoption.

Comments received from the Chancellor's Office on the proposed plan must be presented to the governing board prior to adoption.

SUPERINTENDENT/PRESIDENT

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

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The District has designated the Chief Human Resources Officer as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If the designation of the equal employment opportunity officer changes before this Plan is next revised, the district will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing, monitoring, and achieving the goals of the Plan and for assuring compliance with the requirements of title 5, sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

AGENTS OF THE DISTRICT

The District has established the Equal Employment Opportunity Advisory Committee (“EEOAC”) to act as an advisory body to the equal employment opportunity officer and the district through the Human Resource Office to promote understanding and support of equal employment opportunity and diversity policies and procedures. The Equal Employment Opportunity Advisory Committee shall assist in the implementation of the Plan in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for Plan revisions as appropriate.

GOOD FAITH EFFORT

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



PLAN COMPONENT 5

EEO ADVISORY COMMITTEE

The District has established a District EEO Advisory Committee to assist the District in developing, revising, and implementing its Equal Employment Opportunity Plan. The EEOAC assists the District in achieving understanding of and support equal employment opportunity and non-discrimination policies and procedures consistent with the purposes of the Plan.

As further delineated in Chapter 8, Training for Selection Committees, the Equal Employment Opportunity Officer or qualified designees shall train the EEOAC and trustees on equal employment compliance and the Plan itself.

This advisory committee and Board of Trustees shall receive training in all of the following:

- (a) the requirements of this subchapter and of state and federal nondiscrimination laws;
- (b) identification and elimination of bias in hiring;
- (c) the educational benefits of workforce diversity; and
- (d) the role of the advisory committee in carrying out the District's EEO plan.

The responsibilities of the Committee shall include but not be limited to the following:

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire employees with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- to advise the Vice President of Human Resources regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the Superintendent/President, the District's governing board, and the California Community Colleges Chancellor's Office.
- Ensure practices within hiring are grounded in diversity, equity, and inclusion.

Meetings. The EEOAC meets at least one (1) time per month with additional meetings if needed to review EEO and diversity efforts, program, policies, and progress.

Composition. The EEOAC is comprised of a diverse membership of stakeholder groups including faculty, classified, administrators, and students.



PLAN COMPONENT 6

UNLAWFUL DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINTS

All EEO violations will be processed using the districts discrimination/harassment compliant procedures. Complaints alleging violations of this subchapter may be filed against a district by any person using the procedures for employment-related complaints authorized by subchapter 5, commencing with section 59300. Procedures for filing discrimination complaints can be found [here](#).

Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5, Section 53026).

Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

Any person who has suffered harassment, discrimination, or retaliation, or who has learned of harassment, discrimination, or retaliation, may file a formal or informal complaint of harassment, discrimination, or retaliation.

All responsible employees are required to report all actual or suspected sexual harassment to the Title IX Coordinator or the VPHR immediately. A responsible employee is any employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has been given the duty of reporting incidents of sexual harassment to an appropriate District official who has that authority.

Confidential Reporting

An employee who is a therapist, physician, psychotherapist, member of the clergy, sexual assault counselor, domestic violence counselor, or other individual acting in a professional capacity for which confidentiality is mandated by law is exempt from having to report sexual harassment concerns to the Title IX Coordinator or other designated employee, unless otherwise required by law.

An employee who is not considered a responsible employee must inform each student who provides him/her/them with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources, including the Report of Concern process.

CONFIDENTIALITY OF THE PROCESS:

Investigations are best conducted within a confidential climate. Therefore, the District will not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible to protect the rights of accused students and employees during the investigation process and any ensuing discipline, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation.

When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors:

- whether a particular fact must be disclosed to allow appropriate investigation;
- the seriousness of the alleged harassment;
- the complainant’s age;
- whether there have been other harassment complaints about the same individual; and
- the offending party’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15.
- The District will inform the complainant if it cannot maintain confidentiality.

Outreach (Students)

When a responsible employee reports actual or suspected sexual harassment involving students to the Title IX Coordinator or VPHR, the VPHR or designee will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach shall include all of the following information:

- The District received a report that the student may have been a victim of sexual harassment;
- A statement that retaliation for filing a complaint or participating in the complaint process, or both, under this procedure is prohibited;
- Counseling resources within the District or in the community;
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The District’s complaint and investigation procedures established pursuant to this procedure;
- Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX Coordinator or other designated employee to discuss options for responding to the report; and
- The manner in which the District responds to reports of sexual harassment and a description of potential disciplinary consequences.

The District shall consider and respond to requests for accommodations relating to prior incidents of student sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student’s access to education where both individuals are, at the time of the request, subject to the District’s policies.

Informal Complaints

An informal complaint is any of the following:

- (1) a written allegation of harassment, discrimination, or retaliation that falls outside the time lines for a formal complaint; or
- (2) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that they do not want to file a formal complaint.

Any person may submit an informal complaint to the Vice President of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice President of Human Resources in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice President of Human Resources, or designee, will notify the person bringing the informal complaint of their right to file a formal complaint if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The Complainant may later decide to file a formal complaint, if within the timelines to do so.

If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice President of Human Resources, or designee, shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice President of Human Resources, or designee, determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation.

The Vice President, Human Resources, or designee, will explain to any individual bringing an informal complaint that the Vice President, Human Resources, or designee, may decide to initiate an investigation, even if the individual does not wish the Vice President, Human Resources to do so.

The Vice President, Human Resources, or designee, shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

Regardless of whether a Complaint has been filed under this procedure, the District knows, or reasonable should know, about possible sexual harassment involving individuals subject to the District's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required. If the District determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

Complaints Alleging Unlawful Discrimination or Harassment (Title 5, Section 59300 et seq.).

Complaints alleging unlawful discrimination or harassment follow the procedures set forth in Title 5, Section 59300 et seq., regardless of whether such complaints also include allegations of equal employment opportunity violations. The District has adopted policies and procedures for complaints alleging unlawful discrimination or harassment, which are included in Appendix A, AP3435.

Student Complaint Procedure. A student who feels he/she has a been or is being subjected to discriminatory treatment, including harassment, or who has learned of such unlawful discrimination in his or her official capacity, should immediately contact the office of the vice president of student services, Title IX coordinator or deputy coordinator, or CHRO. The District’s Student complaint process can be found in the current College Catalog and AP3435.

Appeal(s) to the District’s Governing Board. After the district issues the complainant the administrative determination, if the complainant is not satisfied with the result, they may submit a written appeal to the district’s governing board within thirty (30) days from the date of the administrative determination. The district governing board must review the matter and issue a final district decision within forty-five (45) days of receiving the appeal.

Appeals(s) to the Chancellor. In cases not involving employment discrimination, if the complainant is not satisfied with the district governing board’s final decision in the matter, the complainant may file an appeal with the Chancellor’s Office. Appeals to the Chancellor’s Office must be filed within thirty (30) days from the date of the district governing board’s final decision, must be in writing, and submitted via email to legalaffairs@cccco.edu or in hard copy to:

California Community Colleges Chancellor’s Office
Attention: Office of General Counsel-Discrimination Appeals
1102 Q Street, Sixth Floor
Sacramento, CA 9581

Remand

The California Community College Chancellor’s Office may remand any matter to the District for any of the following reasons:

- to cure defects in the investigation or in procedural compliance;
- to consider new evidence not available during the investigation despite the Complainant’s due diligence that would substantially impact the outcome of the investigation; or
- to modify or reverse a decision of the District’s Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor’s Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within sixty (60) days. In any case not involving employment discrimination, the Complainant may appeal the District’s amended determination to the California Community College Chancellor’s Office within 30 days by following the appeal procedures above.

Appeals that are accepted for review shall be reviewed and a determination shall be issued by the Chancellor’s Office within ninety (90) days of receipt of the appellate file from the appropriate district.

PLAN COMPONENT 7

NOTIFICATION TO DISTRICT EMPLOYEES

The commitment of the Board of Trustees and the Superintendent/President to equal employment opportunity and diversity is emphasized through the broad dissemination of its Equal Employment Opportunity and Diversity Policy Statement and the Plan. The policy statement will be included in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the District's Board of Trustees, the Superintendent/President, administrators, the President of Academic Senate, Union Presidents, and members of the District Equal Employment Opportunity and Diversity Advisory Committee. The Plan will be available on the District's website, and when appropriate, may be distributed by e-mail.

Each year, the District will provide all employees with a copy of the Board's Equal Employment Opportunity Policy and Diversity Statement (located in Plan Component 3 of this Plan) and written notice summarizing the provisions of the District's Equal Employment Opportunity and Diversity Plan. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their employment with the District. The annual notice will contain the following provisions:

- (1) The importance of the employee's participation and responsibility in ensuring the Plan's implementation and;
- (2) The locations where complete copies of the Plan are available, including the campus library, on the District's public internet and intranet sites, the Office of the Superintendent/President, the Office of Human Resources, Academic Affairs, Student Services, and Administrative Service

PLAN COMPONENT 8

TRAINING FOR SCREENING/SELECTION COMMITTEES AND BEST PRACTICES

The District has established an EEOAC (see Plan Component 5) to assist in developing and implementing the Plan required under section 53003. The EEOAC shall include a diverse membership whenever possible.

This advisory committee and trustees shall receive training in all of the following:

- (a) the requirements of this subchapter and of state and federal nondiscrimination laws;
- (b) identification and elimination of bias in hiring;
- (c) the educational benefits of workforce diversity; and
- (d) the role of the advisory committee in carrying out the District's EEO plan.

Persons serving in the above capacities will be required to receive training within the twelve (12) months prior to service on a screening/selection committee. This training is mandatory. Individuals who have not received this training will not be allowed to serve on screening/selection committees. The EEO Officer, and/or Human Resources staff are responsible for providing the required training.

Any individual acting on behalf of the District with regards to recruitment and screening of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan. This provision includes any individuals who are not employees of the District but are acting on behalf of the District.

The District has established a practice that equity training must be updated every two (2) years after the representative's initial training. A tracking databased has been established to track and monitor individuals who have been equity trained.

PLAN COMPONENT 9

ANNUAL WRITTEN NOTICE TO THE COMMUNITY

The EEO Officer shall pursue a genuine and deliberate effort to distribute a written notice to appropriate community-based and professional organizations concerning this Plan. The notice will inform these organizations that they may obtain a copy of the Plan and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan. The notice will also include the website address where the District advertises its job openings and the name(s), department(s), and phone number(s) of individuals to call to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which will receive this notice, is attached to this Plan. This may be revised from time to time as necessary.

ORGANIZATION	CONTACT INFORMATION
African American Women in Santa Barbara County	http://www.aawsbc.com
All Saints by the Sea	info@asbts.org
American Civil Liberties Union & ACLU Foundation of Southern California	1313 W. 8th Street Los Angeles, CA 90017
Braille Institute Santa Barbara Center	sb@brailleinstitute.org
California Alliance of African American Educators (CAAAE)	P.O. Box 3134 San Jose, CA 95156 (408) 977-4188
California Community College Registry	registry@yosemite.edu
CarpConnect	805-262-7795
Community Action Commission	941 Walnut Avenue Carpinteria, CA 93013 info@communifysb.org
Cottage Health	ccarson@sbch.org
Eastside Library	1102 East Montecito Street Santa Barbara, CA 93103
Employment Development Department	130 East Ortega Street Santa Barbara, CA 93101
Franklin Health Care Center	805-568-2099
Friendship Baptist Church	912 East Cota Street Santa Barbara, CA 93103

Future Leaders of America	info@futureleadersnow.org
Islamic Society of Santa Barbara	contact@islamsb.org
Santa Barbara County Behavioral Wellness	staff@sbbh.net 805-681-5220
Santa Barbara County Probation	sbprobation@co.santa-barbara.ca.us
Santa Barbara County Public Libraries	SBPLWorks@SantaBarbaraCA.gov
Santa Barbara Rescue Mission	rescuemissionnews@sbrm.org rweber@sbrm.org
Santa Barbara Women in STEM Santa Barbara Young Black Professionals	president@sbwomeninstem.org secretary.sbybp@gmail.com
Santa Barbara Young Professionals	info@sbypc.org
Santa Ynez Tribal Health Clinic	805-688-7070
Tri-Counties Regional Center	805-962-7881
Vedanta Temple	santabarbara@vedanta.org
Veteran’s Administration Regional Office (MDP #28)	11000 Wilshire Blvd. Los Angeles, CA 90024
Jewish Family Service of Greater Santa Barbara	info@sbfj.org
La Casa de la Raza	marisol@lacasadelaraza.org irmar@lacasadelaraza.org
Latina Professional Alliance	lpasantabarbara@gmail.com
Mental Wellness Center	info@mentalwellnesscenter.org
Mexican-American Legal Defense and Education Fund (MALDEF)	634 S. Spring Street, 11th floor Los Angeles, CA 90014 (213) 629-2512
Momentum 4 Work, Inc.	ksmith@momentum4work.org
National Alliance on Mental Illness (NAMI) Santa Barbara	Rwinner@mentalwellnesscenter.org
National Association for the Advancement of Colored People - Santa Barbara Branch	1232 De La Vina Street Santa Barbara, CA 93101
National Association of Chicano Studies	(NACS) 408-808-2097

National Council of La Raza	106 West 1st Street Los Angeles, CA 90014
National Council of Negro Women – Southern California	3720 West 54th Street Los Angeles, CA 90043
Pacific Pride Foundation	hello@pacificpridefoundation.org
Partners in Education	partners@sbceo.org
Pathpoint	jeannie.barbieri-low@pathpoint.org
PFlag	pflagsantabarbara@gmail.com

PLAN COMPONENT 10

ANALYSIS OF WORKFORCE AND APPLICANTS

The Human Resources Department will annually collect the District’s employee demographic data and shall monitor applicants for employment on an ongoing basis to evaluate the District’s progress in implementing the Plan to provide data needed for the reports required by this Plan. Monitored groups are men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders, Black/African Americans, Hispanics/Latinos, Caucasians, and person with disabilities.

For data collection and reporting purposes, each applicant or employee will be afforded the opportunity to voluntarily identify her/his/their gender, including non-binary options, ethnic group identification and, if applicable, 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 committee and hiring administrator(s).

The District will annually report to the 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 analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who applied for employment in each of the following identified job categories:

- 1) Executive/Administrative/Managerial
- 2) Faculty
- 3) Professional Non-faculty
- 4) Secretarial/Clerical
- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

Analysis of District Workforce. The District’s demographic data for permanent employees as of Fall 2019-22 is presented for the purpose of providing longitudinal data. To assist with the analysis and required reporting, the District collected data based on the following defined terms:

Gender Identification. The District requested employees to self-identify as female, male or non-binary.

Race and Ethnicity Identification. The District requested that employees self-identify into the following ethnicity categories.

- 1) **Hispanic or Latino** – A person of Cuban, Mexican, Puerto Rican, South or Central American or other Spanish culture or origin regardless of race.
- 2) **White/Caucasian (Not Hispanic or Latino)** – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

- 3) **Black/African American (Not Hispanic or Latino)** – A person having origins in any of the black racial groups of Africa.
- 4) **Asian or Other Pacific Islander (Not Hispanic or Latino)** – Persons having origins in any of the original peoples of the Far East, Southeast Asian, the Indian subcontinent, or the Pacific Islands. This category includes, for example, persons of Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian decent.
- 5) **American Indian or Alaskan Native (Not Hispanic or Latino)** – a person having origins in any of the original peoples of North and South American (including Central America), and who maintain tribal affiliation or community attachment.

The District will disaggregate the Asian category from one (1) Asian ethnic group identification to the following three (3) Asian ethnic group identifications:

- **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam.
- **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **Filipino.** A person having origins in the Philippine Islands.

Disability Identification: The District requests that all employees self-identify their disability status, if any, by using the following definition, consistent with the Fair Employment and Housing Act:

“Disabled person” means any person who (1) has a physical or mental impairment which limits one or more of such person’s major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment.

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, talking, breathing, learning, and working.

The data tables below provide the District’s longitudinal analyses related to the above categories except for disability identification. The reason the latter is not included is due to insufficient self-identification data. Therefore, the analyses will be inclusive of gender, race, and ethnicity.

GENDER ANALYSIS

The District has demonstrated a trend of higher female employees as opposed to males. This trend has increased slightly over the past two (2) years, which is edging towards a 60% /40% ratio. **While the disproportionality is not significant, the District is mindful of the trend, particularly with the slight increase.** Similarly, the executive, administrative, and managerial positions, has demonstrated more than twice as many females as males, with females ranging from 63% up to 76%. In comparison, males have comprised between 24% up to 37%.

Faculty full-time has also demonstrated similar trends as females ranged from 55% to 54% and males from 46% to 45% over a four-year period. Similarly, Part-Time faculty shows females ranging from 59% to 65% and males from 38% to 41% over the four-year period. Over the past two (2) years, females within this classification have demonstrated an increase, which correlates with the gender balance increase within the female category. It should be noted that this is the only group that identified three (3) employees as non-binary in 2021. **Because the 2022 data was not reported for this group, the District is encouraged to remind current and prospective employees they may report under this fairly new category.**

Table 1. 4-Year Trend Employee & Classification demographics by Gender and Race/Ethnicity

Employee Type	Term	Total	Female	Male	Non-Binary	America Indian/Alaska Native	Asian	Pacific Island	Filipino	Black/	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
All Employees	Fall 2019	1,049/100%	590/56%	459/44%	0.0%	10/1%	53/5%	2/<1%	0.0%	30/3%	252/24%	667/64%	15/1%	20/2%
	Fall 2020	919/100%	517/56%	402/44%	0.0%	9/1%	48/5%	1/<1%	0.0%	28/3%	238/26%	552/60%	11/1%	32/3%
	Fall 2021	886/100%	514/58%	372/42%	0.0%	8/1%	51/6%	2/<1%	0.0%	29/3%	233/26%	521/59%	5/1%	30/3%
	Fall 2022	805/100%	470/58%	335/42%	0.0%	6/1%	38/5%	0/0%	0.0%	27/3%	218/27%	477/59%	7/1%	26/3%
Executive, Admin., and Mgmt.	Fall 2019	19/2%	12/63%	7/37%	0.0%	0.0%	2/11%	0/0%	0.0%	2/11%	5/26%	10/53%	0.0%	0.0%
	Fall 2020	17/1%	11/65%	6/35%	0.0%	0.0%	2/12%	0.0%	0.0%	1/6%	6/35%	7/41%	0.0%	1/6%
	Fall 2021	17/1%	13/76%	4/24%	0.0%	0.0%	2/12%	0/0%	0.0%	2/12%	4/24%	9/53%	0.0%	0/0%
	Fall 2022	17/1%	12/71%	5/29%	0.0%	0.0%	1/6%	0/0%	0.0%	2/12%	5/29%	9/53%	0.0%	0/0%
Faculty Full-Time	Fall 2019	234/22%	128/55%	106/45%	0.0%	5/2%	8/3%	0.0%	0.0%	8/3%	48/21%	161/69%	0/0%	4/2%
	Fall 2020	218/24%	117/54%	101/46%	0.0%	5/2%	8/4%	0.0%	0.0%	8/4%	44/20%	149/68%	0/0%	4/2%
	Fall 2021	205/23%	111/54%	94/46%	0.0%	5/2%	8/4%	1/1%	0.0%	9/4%	44/21%	134/65%	0/0%	4/2%
	Fall 2022	203/25%	110/54%	93/46%	0.0%	5/2%	9/4%	0/0%	0.0%	8/4%	42/21%	133/66%	0/0%	6/3%

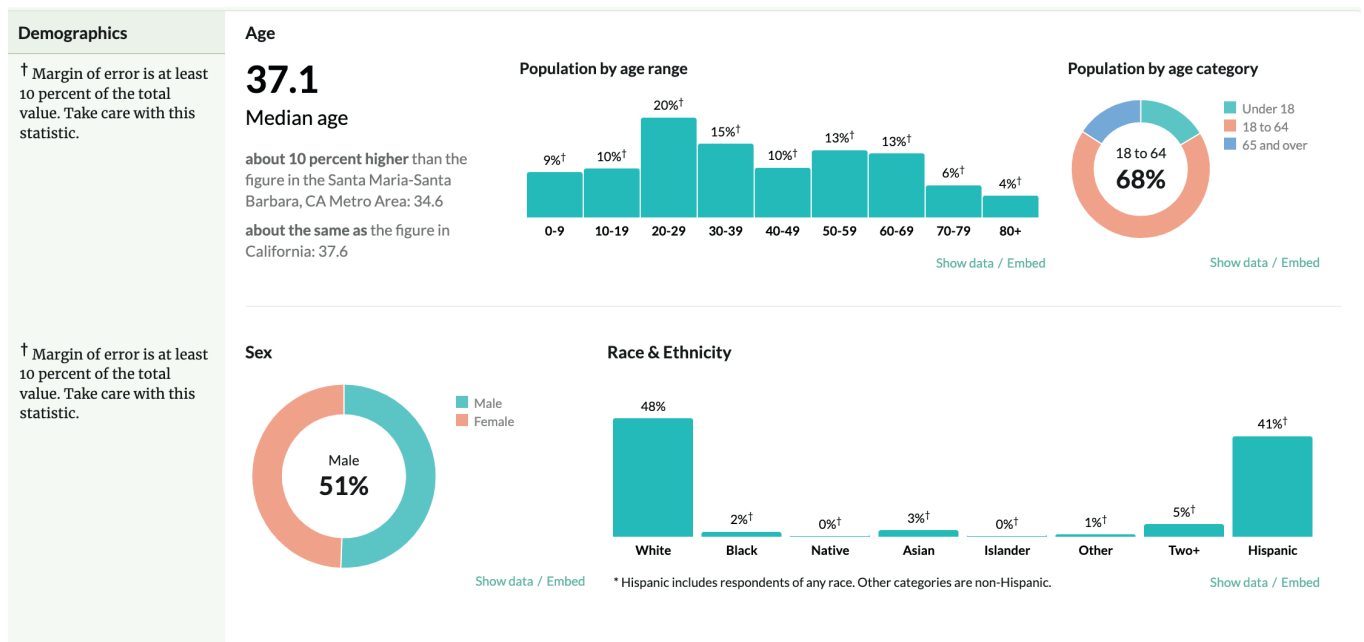
Employee Type	Term	Total	Female	Male	Non-Binary	America Indian/Alaska Native	Asian	Pacific Island	Filipino	Black/	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
Faculty Part-Time	Fall 2019	453/43%	268/59%	185/41%	0.0%	4/1%	26/6%	2/<1%	0.0%	8/2%	58/13%	337/74%	9/2%	9/2%
	Fall 2020	381/41%	231/61%	147/38%	3/1%	4/1%	23/6%	1/<1%	0.0%	7/2%	55/14%	270/71%	6/2%	15/4%
	Fall 2021	368/42%	234/64%	134/36%	0.0%	3/1%	24/7%	1/<1%	0.0%	6/2%	53/14%	258/70%	7/2%	16/4%
	Fall 2022	296/37%	193/65%	103/35%	0.0%	1/<1%	13/4%	0/0%	0.0%	6/2%	42/14%	216/73%	2/1%	16/5%
Classified	Fall 2019	343/33%	182/53%	161/47%	0.0%	1/<1%	17/5%	0/0%	0/0%	12/4%	141/41%	159/46%	6/2%	7/2%
	Fall 2020	303/33%	158/52%	145/48%	0.0%	0/0%	15/5%	0/0%	0.0%	12/4%	133/44%	126/41%	5/2%	12/4%
	Fall 2021	296/33%	156/53%	140/47%	0.0%	0/0%	17/6%	0/0%	0.0%	12/4%	132/45%	120/40%	5/2%	10/3%
	Fall 2022	289/36%	155/54%	134/46%	0.0%	0/0%	15/5%	0/0%	0.0%	11/4%	129/45%	119/41%	5/2%	10/3%

For Classified employees, the four-year trends demonstrate an almost even balance of males and females with trends the Fall 2022 demonstrating a range from 54% to 46%. Despite the decrease of 54 employees over the past four (4) years within this group, the gender balance has remained relatively stable. Thus, the data indicates that when an employee within this classification separates, he/she has been replaced with almost the exact same gendered employee.

RACE & ETHNICITY

The total population demonstrates the majority group as White/Caucasian, which demonstrated a range from 64% in 2019 to a downward trend of 59% by the Fall of 2022. Part of this decrease may be attributed to the overall number of employees that separated from the District, which was 1,049 in 2019 to 805 in 2022. Statistically, as losses occur within a certain group, the percentage may lower in the majority group but also create an increase in the minority groups. As such, the White/Caucasian group decreased by 5% over the 4-year period, while the Hispanic/Latino group, which is the second highest group increased by 3% and the Unknown group increased by 2%.

In accordance with the 2021 Census Reporter , Santa Barbara County’s community demographics demonstrates a racial/ethnic composition of



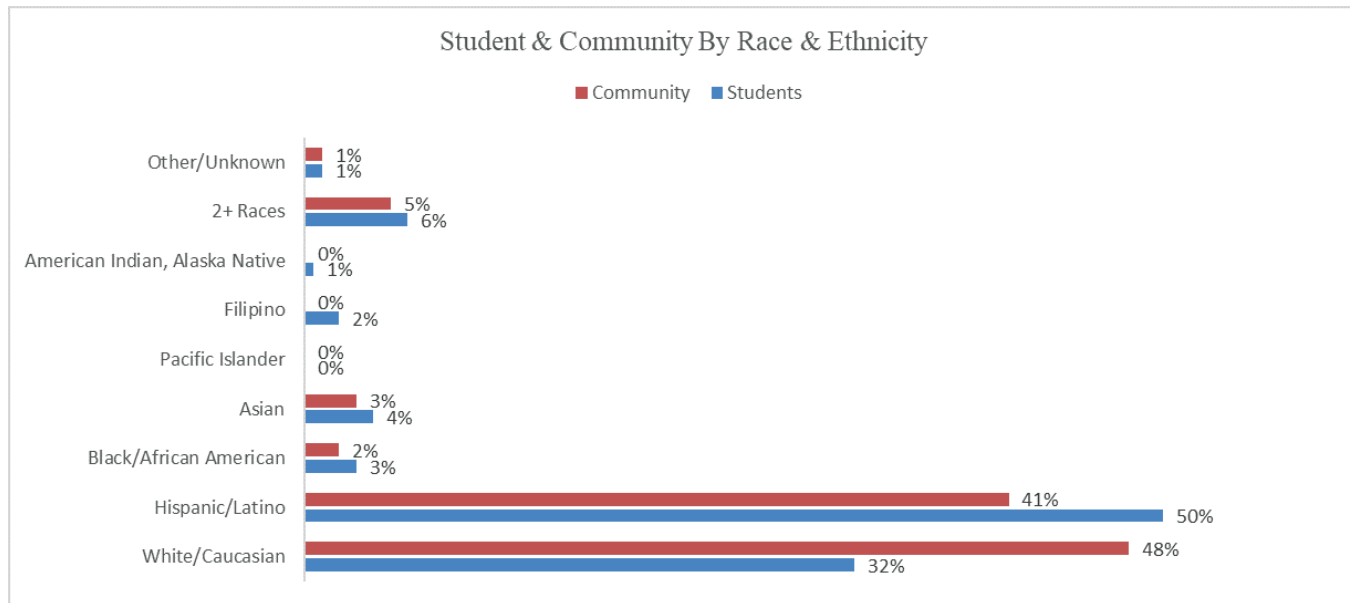
48% White/Caucasian, 41% Hispanic/Latino, 5% of two (2) or more races, 3% Asian, and 2% Black/African American, 1% Other, and 0% Islander . When comparing this data against the District’s Fall 2022 employee demographics, the overall White/Caucasian population is 59%, which is 11% higher than the Community. The Hispanic/Latino Community Demographics is 41% with the Districts being 27%, which is 14% below the community. For the other groups, the community and District demographics fall within 1%-2% of each other, which demonstrates relatively comparable data with the surrounding population. However, this does not mean the District should not strive toward building a more diversified workforce for this comparable groups, but it shows they are within range of existent dynamics within the community population. **Given the more significant difference being amongst the White/Caucasian and Hispanic/Latino groups, the District should identify recruitment strategies to build more equity within these populations.**

¹ Census Bureau 2021, Census Reporter

² If a population is less than 1%, it may indicate 0%.

When addressing Student Demographic data with the Community data, there are several similarities as identified in the graph below.

Chart 1. Student & Community Demographics by Race and Ethnicity



The student and community demographics demonstrate that the student Hispanic/Latino data show a 9% difference, with student demographics being higher. With the White/Caucasian data, there is a 16% difference with the Community data being the larger population. All the other groups are within 1% - 2% of each other.

In comparison to the various classifications, the Educational Administrator group, shows the majority group is the female (71%), White/Caucasian (53%). The second highest group is the Hispanic/Latino group at 29%, and the other groups fall within range of the community demographics. **To assist in strengthening the equity balance, this classification should continue to strive for diversification through a modeled approach of recruitment and demonstrated efforts that shows such balance.**

The **Full-Time faculty** had a total population of 203 employees for Fall of 2022. The majority group is White/Caucasian 66%, which consists of 133 employees. Coupled with the gender data, this indicates that the majority of Full-Time Faculty consists of females (54%) who identify as White/Caucasian. The second largest group is Hispanic/Latino at 21%, and then Asian and Black/African American at 4% each. **The other groups fall below from 0% - 5%, which demonstrates another area for targeted recruitment.**

The **Part Time faculty** demonstrated a population of 296 for the Fall of 2022. The majority group were females (65%) who identified as White/Caucasian at 73%. Overall, this is the largest majority group at the District. Generally, Part Time Faculty positions assists with creating a pathway for full-time faculty positions, particularly for groups that have been disadvantaged. Although the female gender has largely been a group that has been disadvantaged, that is not the case in this circumstance. **Rather, the diversification of Part-Time Faculty can assist with developing career opportunities for the groups that fall below both student and community demographics. Therefore, this should be an area of targeted recruitment for the District.**

Finally, Classified employees consist of 289 staff for the Fall of 2022. The majority group is female (54%), Hispanic/Latino at 45%. The White/Caucasian group is at 41%, Asian is at 5%, Black/African American is 4%, two (2) or more races is 3% and Other/Unknown is 2%. This classification has the most diversity within the workforce. Although the Hispanic/Latino population is slightly higher than the community demographics, and the White/Caucasian is lower, both are less than 10%, which also falls within the margin of error in accordance to the Census Reporter data (2021). **Based on the analysis, the strategies that have led to such diversity within this classification should be examined to determine if similar strategies can be employed within other classification recruitments**

STUDENT DEMOGRAPHIC ANALYSIS

The District has identified student demographics as its comparative data as a measure of growth and progress. The Student Demographics data identifies the total number of credit and non-credits students, annually, over a four (4) year period. The total number of students include credit and non-credit, based on positive attendance at eight (8) or more hours or .50 or more units earned. It also shows students who were enrolled in weekly/daily census and addresses independent study sections at eight (8) or more hours or .50 or more units earned.

The student demographics show a gender balance, similar to employee data, with females comprising the majority within a range of 53% to 57%, with the latter remaining relatively stable over the past three (3) years. The male population has ranged from 41% to 45% over the same four-year period.

Table 2. 4-Year Trend Student Demographics by Gender and Race/Ethnicity (Credit & Non-Credit)

Student Demographics	Annual	Total	Female	Male	Non-Binary	Unknown	America Indian/Alaska Native	Asian	Pacific Island	Filipino	Black/African American	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
Full-Time Equivalent: Credit & Non-Credit (Datamart)	2019-20	13,570	7228/53%	6134/45%	0/0%	208/2%	46/<1%	505/4%	26/<1%	126/1%	329/2%	4994/37%	4730/35%	656/5%	2158/16%
	2020-21	12,038	6,853/57%	4997/42%	0/0%	188/1%	36/<1%	470/4%	27/<1%	133/1%	304/2%	4,488/37%	4,570/38%	637/5%	1,373/11%
	2021-22	11,834	6,758/57%	4,875/41%	0/0%	201/2%	22/<1%	416/4%	30/<1%	118/1%	277/2%	4,183/35%	4668/39%	674/6%	1,435/12%
	2022-23	12,596	7,099/57%	5,223/41%	0/0%	274/2%	22/<1%	446/4%	36/<1%	116/1%	254/2%	4,191/33%	4907/39%	705/6%	1,919/15%

The group with the highest number of students has fluctuated from the Hispanic/Latino group and White/Non-Hispanic group. Both groups have stayed within the 30th percentile. However, over the past two (2) years, the White/Non-Hispanic group has ticked slightly ahead by 2%.

Dissimilar to the employee data, student demographics demonstrate a relatively small population of Pacific Islander and Filipino data. This does not mean the latter data does not exist within the employee ranks, but they could be self-identifying as part of the Asian population, particularly if they attested to their race/ethnicity prior to the Filipino and Pacific Islander groups being disaggregated. While the Filipino group appears to have decreased, the Pacific Islander group has shown a slight increase. **Based on these two student populations, the District should continue to track and monitor increases in this area as well as identify recruitment strategies for prospective applicants.**

Another trend that appears to be occurring is with the unknown population. This population has demonstrated steady group for not reporting gender and race/ethnicity. Because of the unawareness of where students fall, it may be challenging to address the diversity of students in relation to employees for

comparative purposes. In addition, it is impossible to recruit for a group based on unknown factors. **Nonetheless, the District should continue to share reporting information to employees to ensure the data is accurate for recruitment purposes.**

Chart. 2 4-Year Longitudinal Student Demographics

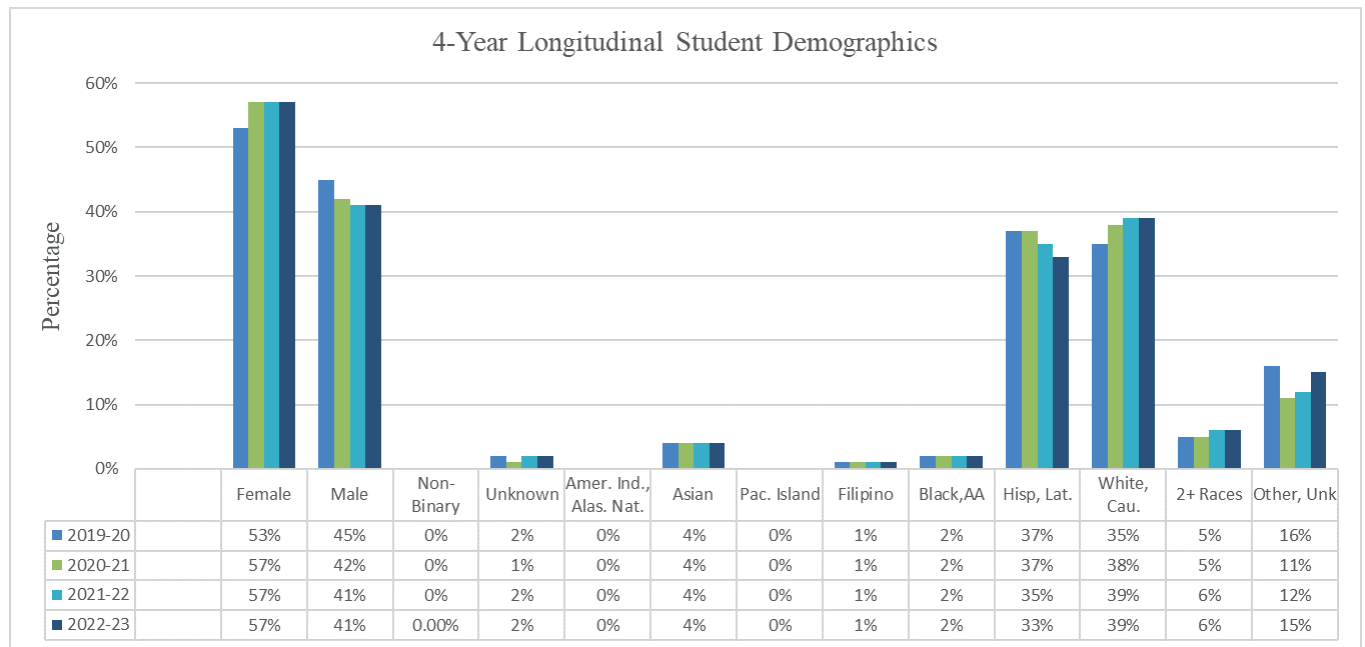


Table 3. 3-Year Trend Job Category by Gender and Race/Ethnicity

Job Category	Term	Total	Male	Female	Non-Binary	America Indian/Alaska Native	Asian	Pacific Island	Filipino	Black/	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
Executive, Administrative, Managerial	2020-21	51	25/49%	26/51%	0.0%	0.0%	3/6%	0.0%	0/0%	3/6%	13/25%	26/51%	3/6%	3/6%
	2021-22	56	25/45%	31/55%	0.0%	0/0%	5/9%	0/0%	0/0%	4/7%	16/29%	27/48%	0	4/7%
	2022-23	51	20/39%	31/62%	0.0%	0/0%	3/5%	0/0%	0/0%	4/8%	12/23%	28/55%	2/4%	3/5%
Full-Time Faculty	2020-21	218	101/46%	117/54%	0.0%	5/2%	8/4%	0.0%	0.0%	8/4%	44/20%	149/68%	0/0%	4/2%
	2021-22	205	94/46%	111/54%	0.0%	5/2%	8/4%	1/1%	0.0%	9/4%	44/21%	134/65%	0/0%	4/2%
	2022-23	203	93/46%	110/54%	0.0%	5/2%	9/4%	0/0%	0.0%	8/4%	42/21%	133/66%	0/0%	6/3%
Professional (Non-Faculty)	2020-21	27	5/19%	22/81%	0/0%	0/0%	1/4%	0/0%	0/0%	1/4%	6/22%	14/52%	4/14%	1/4%
	2021-22	27	5/19%	22/81%	0/0%	0/0%	1/4%	0/0%	0/0%	1/4%	6/22%	14/52%	4/14%	1/4%
	2022-23	26	6/23%	14/77%	0.0%	0/0%	1/4%	0/0%	0/0%	1/4%	5/19%	15/58%	3/11%	1/4%
Clerical or Secretarial	2020-21	43	5/12%	38/88%	0.0%	1/2%	1/2%	0/0%	0/0%	2/5%	12/28%	24/56%	3/7%	0/0%
	2021-22	42	5/12%	38/88%	0.0%	1/2%	1/2%	0/0%	0/0%	2/5%	11/24%	24/57%	4/10%	0/0%
	2022-23	45	5/12%	40/88%	0.0%	1/2%	2/4%	0.0%	0.0%	2/4%	12/26%	23/51%	6/13%	0/0%

Table 3. 3-Year Trend Job Category by Gender and Race/Ethnicity

Job Category	Term	Total	Female	Male	Non-Binary	America Indian/Alaska Native	Asian	Pacific Island	Filipino	Black/African American	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
Technical or Paraprofessional	2020-21	159	72/45%	87/55%	0/0%	0/0%	8/5%	0.0%	0.0%	5/3%	45/28%	83/52%	16/10%	2/1%
	2021-22	154	69/43%	92/57%	0/0%	0/0%	9/6%	0.0%	0/0%	5/3%	46/30%	79/51%	15/10%	1/1%
	2022-23	155	65/42%	90/58%	0/0%	0/0%	10/6%	0.0%	0/0%	4/3%	55/35%	71/47%	13/8%	2/1%
Skilled Crafts	2020-21	6	6/100%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	2/33%	4/67%	2/4%	0/0%
	2021-22	6	6/100%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	2/33%	4/67%	0/0%	0/0%
	2022-23	6	5/100%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	0/0%	2/33%	3/77%	0/0%	0/0%
Service and Maintenance	2020-21	53	49/93%	4/7%	0/0%	0/0%	3/6%	0.0%	0.0%	3/6%	37/70%	5/9%	3/6%	0/0%
	2021-22	49	47/96%	2/4%	0/0%	0/0%	3/6%	0/0%	0/0%	3/6%	34/72%	5/10%	2/6%	0/0%
	2022-23	46	44/96%	2/4%	0/0%	0/0%	2/4%	0/0%	0/0%	2/4%	34/74%	5/11%	2/4%	1/2%

JOB CATEGORY ANALYSIS

- Executive, Administrative, Managerial*

The data relative to this job category includes all management positions, which includes all classifications who fall under these titles. The number of positions within this category has remained relatively stable over the past three (3) years. For gender, females have remained the majority with a range from 51% to 62%. The White/Caucasian group has been the majority for race/ethnicity with a range from 48% to 55%. Aside from the Hispanic/Latino group that is at 28%, below student demographics, the other groups demonstrate comparable data in terms of the population.
- Full-Time Faculty*

The number of positions in this category has decreased by 15 positions from 2022-21 to the 2022-23 year. However, the gender balance has remained relatively stable. Meaning, when an employee separates from the District, an employee of the same gender is hired. The data demonstrates trends of a higher female population that is 8% above males. When compared with student data, the data is similar with female students comprising 57% of the population and males at 43%.

Table 4. Full-Time Faculty 3-year trend by Race/Ethnicity and Gender

Table 5. Student 3-Year Trends by Race/Ethnicity and Gender

Job Category	Term	Total	Male	Female	Non-Binary	American Indian/	Asian	Pacific Island	Filipino	Black/African American	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
Full-Time Faculty	2020-21	218	101/46%	117/54%	0.0%	5/2%	8/4%	0.0%	0.0%	8/4%	44/20%	149/68%	0/0%	4/2%
	2021-22	205	94/46%	111/54%	0.0%	5/2%	8/4%	1/1%	0.0%	9/4%	44/21%	134/65%	0/0%	4/2%
	2022-23	203	93/46%	110/54%	0.0%	5/2%	9/4%	0/0%	0.0%	8/4%	42/21%	133/66%	0/0%	6/3%
Annual Data	Total	Male	Female	Non-Binary	Unknown	American Indian/	Asian	Pacific Islander	Filipino	Black/African American	Hispanic/Latino	White/Caucasian	2+ Races	Other/Unknown
2020-21	12,038	4997/42%	6,853/57%	0/0%	188/1%	36/<1%	470/4%	27/<1%	133/1%	304/2%	4,488/37%	4,570/38%	637/5%	1,373/11%
2021-22	11,834	4,875/41%	6,758/57%	0/0%	201/2%	22/<1%	416/4%	30/<1%	118/1%	277/2%	4,183/35%	4,668/39%	674/6%	1,435/12%
2022-23	12,596	5,223/41%	7,099/57%	0/0%	274/2%	22/<1%	446/4%	36/<1%	116/1%	254/2%	4,191/33%	4,907/39%	705/6%	1,919/15%

In terms of race/ethnicity, this category is demonstrative of the most significant disproportionality in comparison to student demographics.

The majority group consists of 65-66% White/Caucasian and the student population ranges from 38% to 39% within race/ethnicity.

The second highest population of full-time faculty is the Hispanic/Latino group, which as ranged from 20%-21% over the past three (3) years and the student population has ranged from 37% to the current 33%. **Therefore, a 12% gap exists between the Hispanic/Latino full-time faculty population when compared to the percentage of students at the District. This is area for potential, targeted recruitment.**

Despite this disproportionality, the District has demonstrated, overall, proportionality based on race/ethnicity. For instance, both the full-time faculty and student population are at 4% and the Black/African American population shows a slightly higher percentage of full-time faculty in comparison to the student population of 2%. In addition, similarities may exist with American Indian/Alaska Native populations, albeit the larger number of students in comparison to students may be depressing the percentage for students. Finally, two or more races is showing an upward trend amongst students, but due to variances that may exist based on self-identity, it may be difficult to recruit this population.

- Professional (Non-Faculty)*

Positions in this category may include analysts, coordinators, and specialists. This Professional (non-faculty) category has shown a consistent disproportionate trend of the female population being approximately 81% to 77% higher than the male population at approximately 19% to 23%. The current trend demonstrates hiring more males, which has accounted for the shift in gender.

In comparison to the student population, there is significant disproportionality within race/ethnicity as opposed to other job categories. The 3-year trend has demonstrated that the White/Caucasian population is the majority between 52% to 58%. The second highest population is the Hispanic/

Latino population, which demonstrates a downward trend from 22% to 19%. The other race/ethnicity groups have remained relatively stable in comparison to the student population.

It should be noted that due to the size of this category having fewer employees, any shifts that occur may appear to have a significant impact to the percentages. **Nonetheless, it will be important for the District to remain cognizant to the current trends that present. In addition, addressing aspects of targeted recruitment for all populations would provide a prudent approach to expanding the diversity of this job category.**

- *Clerical/Secretarial*

The category of Clerical/Secretarial demonstrates the second largest group of disproportionalities within gender. Historically, males have been significantly underrepresented within this population across most employers. For the District, females comprise 88% of the total population and males are at 12%. **Expanding recruitment efforts to encourage male applicants to apply for this job category may assist in the diversification within this job category.**

Similar to the prior two (2) job categories, the White/Caucasian population is the majority group for race/ethnicity, with the Hispanic/Latino population being the second highest. However, unlike the other job categories, this classification has demonstrated growing diversification. Specifically, employees who have self-identified themselves as two (2) or more races have almost doubled from 7% to 13% based on current data. In addition, the Asian population has doubled from 2% to 4%, while the Black/African American has remained relatively stable at 4%.

Based on the current trends, the District should intends to continue its efforts to target recruitment in this job category to further expand both gender and race/ethnicity.

- *Technical/Paraprofessional*

The gender balance for the job category of Technical/Paraprofessional is similar to the overall District data, with females comprising 58% and males comprising 42% of the population. Although current trends demonstrate a slight, and insignificant increase in the female population, it is important for the District to remain cognizant of this to prevent further disproportionality of genders.

In terms of race/ethnicity, the White/Caucasian population is the majority at 47%, with the Hispanic/Latino at 35%. The latter population has demonstrated growth in the past three (3) years, which has increased by 7%, from 28% in 2020-21 to the current 35%. In addition, there growth has been demonstrated within the Asian population by 1%, but the Black/African American population has decreased from 3% to 2%.

This job category appears to demonstrate fluidity with staffing and opportunities to diversification of staff. As such, the District will want to continue to target this classification to expand the diversification of the workforce.

- *Skilled Crafts*

This group has the smallest number of employees, which means any increase or decrease will create significant shifts in either direction. Nonetheless, this category has historically demonstrated an all-male workforce with no females over the past three (3) years. **As such, the District has worked to target**

the female population and may want to expand its efforts by exploring vocational education and career technical institutions.

In terms of race/ethnicity, only two (2) groups are represented, which is White/Caucasian as the majority group at 77% and the Hispanic/Latino at 33%. **As previously stated, this is a small group of employees so any change will significantly shift the data. Nonetheless, the diversification of both gender and race/ethnicity will be a targeted goal.**

- *Service and Maintenance*

The Service and Maintenance job category is another group that has shown historic gender disproportionality with males comprising 96% of the population. **Although the data indicates the female population rose to 7% in 2020-21, through attrition in the subsequent two (2) years, the gender balance shifted to the current higher percentage of males. Therefore, this job category will be another area for targeted recruitment.**

In terms of race/ethnicity, this population demonstrates the Hispanic/Latino as the majority at 74% and White/Caucasian at 11%. This demonstrates a significant disproportionality in comparison to student populations. Aside from these two groups, the Asian, Black/African American and two (2) or more races demonstrate proportionality in comparison to student ratios. **Therefore, it is recommended the District address targeted recruitment for gender as well as race/ethnicity for the White/Caucasian population within this job category.**

Table 6. 3-Year Adverse Impact Longitudinal Analysis of Applicant Pool

Demographic Group	2019-2020 Applicants	Hired		2020-21 Applicants	Hired		2021-22 Applicants	Hired		Selection Rate	Selection Impact
		F	M		F	M		F	M		
Gender	Total			Total			Total				
White/Caucasian	569	11	7	380	3	3	1,309	13	6	43/5554 = .8%	Highest Selection Group
		18			6			19			
Hispanic/Latino	40	6	4	266	3	5	540	6	2	26/5554 = .5%	62.5%
		10			8			8			
Black/African American	68	3	1	63	2	1	187	2	0	9/5554 = .2%	25%
		4			3			2			
Asian	6	2	1	44	1	1	193	2	1	8/5554 = .1%	12.5%
		3			2			3			
American Indian or Alaskan Native	7	0	0	3	0	0	12	0	0	0%	0%
		0			0			0			
2+ or More Races	191	4	1	77	1	1	475	1	1	9/5554 = .2%	25%
		5			2			2			
Other/Unknown	496	2	2	424	0	1	252	1	0	6/5554 = .1%	12.5%
		4			1			1			
Total	1377	28	16	1,257	10	12	2,968	25	10		

Longitudinal Data Applicant Pool – Adverse Impact

The longitudinal data demonstrates the group with the highest number of applicants and selection rates was the White/Caucasian group. Comparatively, the Hispanic/Latino group was the second highest group at 57%. This data coincides with the employee demographics, which demonstrates the highest groups as the female and White/Caucasian. Based on the comparative data with student demographics, the Hispanic/Latino population is 50% and the White/Caucasian population is 32%. However, when assessing community demographics, the White/Caucasian population is the majority at 48% in comparison to the Hispanic/Latino population who are the second highest group at 41%. Therefore, the higher trends for the majority group may be indicative of the community demographics, and not the student demographics. Nonetheless, this presents an opportunity for the District to increase its efforts to recruit for the population(s) that are representative of the comparison group, which are students. Finally, the other groups appear to have applicant and selection rates that are similar to the existent population. However, Table 6., provides adverse impact data, which is an essential assessment tool that provides additional information on the District's recruitment efforts for these populations.

Plan Renewal and Updates

The District will conduct an annual review to assess progress on its goals as well as determine if additional diversification measures are required based on the evaluation of the effectiveness of defined measures. As part of the longitudinal analyses, the District will utilize the trends and data to identify and mitigate the causes of any adverse impact. This component will become part of the longitudinal data analyses assessment.

The District recognizes there was a high level of unknowns, but since identifying this issue, it has provided new language that defines the use of the data within the application process. As a result, the number of unknowns has shown a significant decrease in this category, which the District will continue to monitor on an annual basis.

PLAN COMPONENT 11

UNDERREPRESENTATION ANALYSIS

The District is required to collect longitudinal data, to identify any underrepresented group, and to conduct a Title 5 adverse impact analysis using numerical data. The District recognizes that Section 53004 (a) requires that the selection process of applicants will not create a disparate impact for monitored groups. The selection of applicants is measured upon hire. However, it is understood that current job assignments demonstrate some groups to be disproportionately represented due to hiring patterns from the past. The District's intent going forward is to directly address any disparate impact using the 80% rule as a measure to identify significant underrepresentation and underrepresentation.

Significant underrepresentation is defined as any monitored group for which the percentage of persons from that group employed by the District in any job category listed in Section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question. The District determines the projected representation by identifying a representative group, which is the group that holds the majority of positions in a job category. The District then measures the total jobs held by other groups in comparison to the representative group to determine whether those groups hold at least 80% of the number of jobs held by the representative group.

In addition, the District defines “underrepresented groups” as any monitored group in a job category that falls below the projected representation, but to a lesser degree. Although the quantity for “underrepresented groups” still falls within the scope of “significantly underrepresented,” it is identified as a subcategory within this definition. The data assessed to determine represented groups can include the following:

- Workforce demographics for each job categories or classifications.
- Student demographics at the college or district.
- Previous demographics of applicants.

Any projections made from the data assessment will not serve as hiring goals/quotas, but instead the projection is merely the criteria to be used to assess whether the District has “underrepresented” or “significantly underrepresented” groups. The existence of an “underrepresented” or a “significantly underrepresented” group is not proof of discrimination or adverse impact. Rather, by determining that a group is “underrepresented” or “significantly underrepresented,” the District becomes obligated to review and amend its current policies and practices to determine if the underrepresentation of a group may be the result of non-job-related factors. This information can also assist the District in determining what additional measures must be created and implemented to address the significant underrepresentation of monitored groups.

Table 7. 2022 Significant Underrepresentation Analysis – Job Category

Demographic Group	Student Demographics	Executive, Administrative, Managerial	Faculty, Full-Time	Faculty, Part-Time	Professional (Non-Faculty)	Clerical or Secretarial	Technical or Para-professional	Skilled Crafts	Service and Maintenance
White/Caucasian	39%	52%	66%	73%	58%	51%	47%	77%	11%
Hispanic/Latino	33%	26%	21%	14%	19%	26%	35%	33%	74%
Black/African American	2%	6%	4%	2%	4%	4%	3%	0%	4%
Asian	4%	4%	4%	4%	4%	4%	6%	0%	4%
Pacific Islander	<1%	0%	0%	0%	0%	0%	0%	0%	0%
Filipino	1%	0%	0%	0%	0%	0%	0%	0%	0%
American Indian, Alaska Native	<1%	0%	2%	<1%	0%	2%	0%	0%	0%
2+ Races	6%	6%	0%	1%	11%	13%	8%	0%	2%
Other/Unknown	15%	6%	3%	5%	4%	0%	1%	0%	0%

SIGNIFICANTLY UNDERREPRESENTATION GROUP ANALYSIS

In review of the various job categories, the District is charged with comparing the percentage of individuals form a monitored group in a job category with the District’s projected representation for the same group. The projected representation can be based on one (1) or more factors including the following:

- Student demographics at the College or District
- Community demographics in the District’s service area
- Labor market availability for the job category
- Previous demographics of job applicants

The projected representation identifies how a certain group is representative of the community it serves. When a disparity exists, it may demonstrate that an employer’s hiring practices may not represent the community demographics based on the existent population. To define underrepresentation, “...it occurs when members of discernible groups are not consistently present in representative bodies and among measures of well-being in numbers roughly proportionate to their numbers within the population. These underrepresented groups are discernable based on a shared history and an ongoing legacy of disenfranchisement, usually marked by gender, race, ethnicity, class, sexuality, and religion” (Cengage, 2019).

It should be noted that existence of a “significantly underrepresented group” is not proof that discrimination has occurred . Rather, it is indicated to help inform the employer with understanding trends and patterns related to hiring practices and any group(s) who may be underrepresented in relation to the projected representation. In the District’s case, it has selected student demographics as the projected representation. As identified in table 5, each job category will be compared to the student population in terms of underrepresentation in relation to the race/ethnicity. The gender groups are not compared due to the fact there is an almost equitable balance in the overall population and no underrepresentation occurs within gender demographics. Underrepresentation will be defined as employee groups that fall 10% below the student group percentage by race/ethnicity. Significant Underrepresentation exists when an employee group falls more than 10% below the majority student population group.

For the Executive, Administrative, and Managerial the majority group is Hispanic/Latino, which is at 50%, the equivalent to the student group. All the groups are equitable to the student group except for the Black/ African American group, which is 1% below and the White/Caucasian, which is 5% below. This group should be reviewed with caution due to it being a relatively small group so the addition or departure of an employee can create a significant shift in the data.

The majority for **Full-Time Faculty and Part time Faculty** is 65% and 60%, respectively. **The Hispanic/Latino faculty for Full-Time Faculty is 14% and for Part Time Faculty, it is 17%. Therefore, significant underrepresentation exists for the Hispanic/Latino faculty.** There is no underrepresentation for the other groups among the faculty except for the possibility of two (2) or more races, which will require more data to determine.

For the **Professional Non-Faculty group**, the Hispanic/Latino employee group is at 37%, which is 13% below the student group. However, all the remaining groups are near equivalent or higher. **Therefore, significant underrepresentation exists and this employee group should be targeted for recruitment within this population, due to underrepresentation.**

The **Clerical/Secretarial** group demonstrates the Hispanic/Latino employee group at 42%, which is 8% below the student group of 50%. Because this is less than 10% below the student majority group, it is not considered underrepresented. All the remaining groups are close to equivalence or better. Therefore, no groups are considered underrepresented in this category.

The **Technical or Paraprofessional** group shows the Hispanic/Latino employee group at 33%. This is 17% below the student majority group. All the remaining employee groups are close to equivalent or above in this job category. **Therefore, only the Hispanic/Latino employee group demonstrates significant underrepresentation in this category and will need to be targeted for recruitment.**

³ California Community College State Chancellor's Office, EEO Longitudinal Data Guide, 2018.

For **Skilled Crafts**, except for the White/Caucasian, Hispanic/Latino, and American Indian/Alaskan Native employee groups, none of the other groups have employees. **Because this is a relatively small population, hiring one (1) employee within each group may lead to comparative data. Therefore, these groups should be targeted for recruitment.**

Finally, for Service and Maintenance, there the White/Caucasian employee group is slightly below the student group by 5%. The Asian employee group is also slightly behind the student population by 2%, and the Hispanic/Latino employee group is approximately 4% lower than the student group. Although there is slight representation in these groups, the percentage below 10%, therefore no underrepresentation exists in this job category.

LONGITUDINAL APPLICANT ANALYSIS

This data table provides an annual examination of the applicant selection rate and hiring practices based on gender and race/ethnicity. When assessed on a yearly basis, the White/Caucasian group is identified as the highest selected group during the 2019-20 and 2021-22 year and the Hispanic/Latino group in the 2020-21 year. Aside from the identified majority group(s), the data also demonstrates that adverse impact does exist for all other groups who are not within the 80th percentile of those hired.

In relation to gender, the District has continued to demonstrate a relatively even balance of male and female hires. Despite the 2020-21 year demonstrating a slight impact, the most significant year was 2021-22, which did indicate a much higher percentage of hires in the female population. Therefore, the adverse impact to males during this year was at 32%.

As stated, this does not necessarily indicate that discrimination has occurred. It is also noted the White/Caucasian group was not the majority group in the 2020-21 year, but they did not experience adverse impact. However, there have been identified increases within certain groups including the Hispanic/Latino that was within range of the 80th percentile during the 2020-21 year, at 71%. **While the applicants have increased in this area. Targeted recruitment in all underrepresented groups should be the focus, with an emphasis to diversify the applicant pool and potential hiring practices.**

Table 8. 3-Year Analysis of Applicant Pool by Race/Ethnicity

APPLICANT DATA	2019-20 Applicants	Selection Rate	Selection Impact	Adverse Impact	2020-21 Applicants	Selection Rate	Selection Impact	Adverse Impact	2021-22 Applicants	Selection Rate	Selection Impact	Adverse Impact
TOTAL APPLICANTS	1,377				1,258							
MALE	363/26%	16/1.2%	60%	Y	339/27%	12/9%	Highest Selected Group	N/A	1262/42%	10/3%	37.5%	Y
FEMALE	612/44%	28/2%	Highest Selected Group	N/A	465/37%	10/.8%	88%	N	1391/47%	25/.8%	Highest Selected Group	N/A
NON-BINARY	14/1%	0/0%	0%	Y	13/1%	0/0%	0%	Y	47/1%	0/0%	0/0%	Y
GENDER NOT PROVIDED	388/29%	N/A	N/A	Y	440/35%	N/A	N/A	Y	268/9%	0/0%	0/0%	Y
WHITE/CAUCASIAN	569/41%	18/1.3%	Highest Selected Group	N/A	380/30%	6/.4%	67%	N/A	1309/44%	19/.6%	Highest Selected Group	N/A
BLACK/AFRICAN AMERICAN	68/5%	4/.2%	15%	Y	63/5%	3/.2%	33%	Y	187/6%	2/0%	0%	Y
HISPANIC	40/3%	10/.7%	54%	Y	266/21%	8/.6%	Highest Selected Group	N/A	540/18%	8/2%	33%	Y
ASIAN/PACIFIC ISLANDER	6<1%	3/.2%	15%	Y	44/3%	2/.1%	17%	Y	193/7%	3/1%	17%	Y
AMERICAN INDIAN/ALASKAN NATIVE	7/1%	0%	0%	Y	3/<1%	0%	0%	Y	12<1%	0%	0%	Y
2+ MORE RACES	191/14%	5/.3%	23%	Y	77/6%	2/.1%	17%	Y	475/16%	2/0%	0%	Y
OTHER/UNKNOWN	496/36%	4/.2%	15%	Y	424/34%	0%	0%	Y	252/9%	1/0%	0%	Y

Longitudinal Data Applicant Pool – Adverse Impact

The yearly data indicates trends where the highest selection rates for gender has been females for 2019-20, which had an adverse impact on both males and the non-binary groups. During the 2020-21 year, males had the highest selection rate, but females were closely behind them, which did not create an adverse impact on this group. However, non-binary demonstrated an adverse impact even though they had a small number of applicants. Finally, for the 2021-22 year, trends demonstrate that females were the highest selected group, by more than half with males representing 37.5% at selection impact. Conversely, males demonstrated the highest selected group in the 2020-21 year, despite females being the highest selected group based on trends. **Therefore, the District will explore the factors that may have contributed to higher male hires in 2020-21, while preventing adverse impact for females. This data may help define what types of methods were successful during that year for replication purposes.**

For race/ethnicity trends, during the 2019-20 and 2021-22 years, the White/Caucasian group showed the higher selection rate. However, for the 2020-21 year, the Hispanic/Latino group was the highest selected group. Although there the White/Caucasian group fell below the 80th percentile, this is the overall majority group, therefore the adverse impact rule does not apply in this instance. This is not to imply that this group should not be recruited, but rather the group is not considered disadvantaged from the selection process because they are the majority group.

Finally, while the other groups showed comparative hiring data in relation to the population’s that exist at the District, there has been demonstrated adverse impact in terms of the selection rates. This should not imply discrimination is occurring, but rather the group(s) may not be selected in relation to the percentage they are applying and then selected for hire.

PLAN COMPONENT 12

METHODS TO ADDRESS UNDERREPRESENTATION

ADDRESSING UNDERREPRESENTATION

Section 53003(c)(8) of Title 5 requires EEO Plans to identify steps to be taken if the analysis pursuant to Section 53003(c)(7) and Component 11 reveals underrepresentation of a monitored group. Should the State Chancellor provide the available data necessary to conduct the analysis, the District EEO Officer will be responsible for developing appropriate measures for addressing findings of underrepresentation and significant representation.

Nonetheless, the District has conducted an analysis on the underrepresentation within the District's workforce and/or applicant pool as demonstrated within Plan Component 10 and 11. The analysis will help the District 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 Plan Component 13, 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 is not limited to the following:

- Longitudinal analysis of data regarding job applicants gathered pursuant to Plan Component 10 and 11, to identify if over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool.
- Analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group.
- Analysis pursuant to Section 53003(c)(7) to determine whether the group is significantly underrepresented.

Based on the analyses conducted, the District shall implement additional measures designed to address the specific area of concern. These additional measures shall include the following:

RECRUITMENT

1. Employment applicants are required to address their sensitivity to various facets of diversity found within a community college in their application materials, which in turn, selection committees use to assess each qualified applicant's understanding of diversity and cultural competence based on the provided information.
2. The District annually evaluates its advertising and recruitment methods to ensure its efforts are broad and inclusive, including reaching out to sources likely to reach underrepresented population
3. The District will support, and if needed, increase its advertising and recruiting budget as needed to ensure that recruitment is broad and inclusive.
4. The VPHR engages with department/division heads and administrators to develop and improve recruiting and hiring practices to address underrepresentation in their department/divisions. Examples of practices include, but are not limited to the following:
 - a) mandatory training regarding the value of workforce diversity and EEO for administrators and staff who serve on hiring committees;

- b) provide equity and diversity training for all administrators and staff;
- c) through training, assist committee to develop interview questions that do not have a disparate impact on particular groups.
- d) assist committees by creating questions that that address skills and knowledge actually required to perform the job.
- e) Educate faculty, staff, administrators, and the Board on the need for and value of a diverse work force using workshops and learning opportunities.
- f) Conduct surveys of hiring committees to determine whether additional training is needed and whether the training received is having the desired effect.
- g) Recommendations for changes to the job announcement and screening criteria that may reasonably be expected to attract candidates from significantly underrepresented groups.
- h) Hold and attend job fairs that are likely to attract qualified persons of underrepresented groups.
- i) Promotion of curricular offerings that may attract underrepresented and significantly underrepresented groups.
- j) Electronic media and social network sites that have an audience composed of the general market and groups found to be significantly underrepresented in the District's workforce.
- k) Educational Administrator - To assist in strengthening the equity balance, this classification should continue to strive for racial diversification through a modeled approach of recruitment and demonstrated efforts that shows such balance.
- l) Recruit to increase Hispanic/Latino full-time and part time faculty population
- m) Professional non-faculty - Targeted recruitment for all groups outside of White/Caucasian populations to expand diversity in this job category.
- n) Clerical /Secretarial - Expanding recruitment efforts to encourage male applicants to apply for this job category.
- o) Skilled Crafts – Recruit for female population due to no representation in this classification.
- p) Service and Maintenance – Recruit for female population due to no representation in this classification as well as race/ethnicity for the White/Caucasian population within this job category.

PROCESS MONITORING

The VPHR actively monitors the representation rate of the various groups throughout the application process. If underrepresentation for any group(s) is identified, the VPHR will:

1. The EEOAC, in conjunction with the VPHR, annually reviews the District's recruitment and hiring process and procedures, and recommends modifications to address underrepresentation.
2. Review the "required," "desired," or "preferred," qualification beings used to screen applicants for positions in the job category to determine whether it is job-related and consistent with business necessity through a process meeting the requirement so State and Federal law(s).
3. Discontinue the use of any qualification that is found to not satisfy the requirements of the job.

DISTRICTWIDE EFFORTS

Efforts will be made to work directly with the Faculty Senate, Instructional Committee(s), and Policies and Procedures Committee to develop improved policies and practices for recruiting and selecting new and replacement faculty positions that may result in a larger, more diverse pool of candidates. These efforts may include but not be limited to the following:

1. Allow different classifications that may be more diverse to serve on committees that are less diverse.

2. Identify Committees that lack diversity in terms of race/ethnic and gender balance and require the addition of members to the Committee before proceeding.
3. Develop processes and procedures within department(s)/division(s) that lack diversity to identify strategies it will employ to enhance and recruit for diverse applicants.
4. Determine various methods for position postings and assess how they are perceived by potential job seekers to determine if there are any unintended barriers to candidates securing interviews.
5. Work with faculty and other experts to develop in-house and outside relationships with external institutions to inform potential applicants such as graduate students, of the benefits of a teaching career in the California Community College system.
6. Provide training on basic diversity awareness that emphasizes importance of diversity and cultural competence in hiring.
7. Campus venues and platforms n diversity to be presented to faculty, staff, administration, and the Governing Board.
8. Provide educational materials that enhance diversity awareness and sensitivity such as articles, books, pamphlets, booklets, already developed or created by the District to better inform all employees and external applicants of the importance of diversity and its commitment to this effort.

PLAN COMPONENT 13

IMPLEMENTATION OF EEO STRATEGIES

As described in Plan Component 12, the District has set forth various strategies for furthering its efforts to diversify the workforce. These efforts are also demonstrated within its **Nine (9) Multiple Methods**, as presented within the matrix below:

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
PRE-HIRING			
<p>Provide training to employees, students & trustees. *</p> <p>*This applies if you are planning training that goes beyond mandatory training for hiring committees. (53024.1(d))</p> <p>Review and Revise board policy/administrative procedure 7120 dealing with recruitment and selection</p>	<p>EEOAC & HR Management and Staff</p>	<p>Year 1:</p> <ol style="list-style-type: none"> 1) Provide yearly DEIAA training for all employees. 2) Begin discussions with departments/areas to assess DEIAA needs including curricular offerings for underrepresented groups. 3) Discuss strategies for expanding recruitment efforts for male applicants in clerical/secretarial category and female applicants for skilled crafts and service and maintenance. 4) Discuss revision(s) and implementation of cultural competence surveys. 5) Research and implement training focusing on anti-racist hiring practices and implicit bias. 6) Complete revision of AP 7120 Recruitment and Selection for all classifications. <p>Year 2:</p> <ol style="list-style-type: none"> 1) Continue to provide yearly DEIAA training for all employees; implement training for trustees. 2) Clearly define departments/areas to assess DEIAA needs including curricular offerings for underrepresented groups. 3) Implement strategies for expanding recruitment efforts for male applicants in clerical/secretarial category and female applicants for skilled crafts and service and maintenance. 4) Implement cultural competence survey. <p>Year 3:</p> <ol style="list-style-type: none"> 1) Continue to attend job fairs that are likely to attract qualified persons of underrepresented groups based on the identified areas of deficit in the current data analysis. 2) Electronic media and social network sites that have an audience composed of the general market and groups found to be significantly underrepresented in the District's workforce. 	<ul style="list-style-type: none"> • Spreadsheet to track who completed training • Identify new advertising strategies and use targeted methods to increase gender diversity • Use NEOED reporting tools to evaluate candidate sources and measure impact • Conduct surveys after training and after screening committee participation to determine effectiveness • Train campus community on new or updated features of AP 7120 • Review survey results to strategize on next steps • Increase # of community activities that HR participates in • Increase # of postings to social media sites regarding employment opportunities

<p>IMPLEMENTATION →</p>	<p>Who</p>	<p>What/When</p>	<p>Effectiveness Metrics & Review</p>
<p>Convey in publications and website the district’s commitment to diversity & EEO. (53024.1(j))</p>	<p>VPHR & EEOAC</p>	<p>Year 1: The EEOAC will annually evaluate its advertising and recruitment methods to ensure its efforts are broad and inclusive, including reaching out to sources likely to reach underrepresented populations.</p> <p>Year 2: The District will support, and if needed, increase its advertising and recruiting budget as needed to ensure that recruitment is broad and inclusive.</p> <p>Year 3: Work directly with administrators, faculty, and staff on key areas for recruitment such as magazines, newspapers, recruitment, and the like for targeted recruitment.</p>	<p>Recruitment efforts will support the targeted areas of deficit in all areas from analyses including the following:</p> <ul style="list-style-type: none"> a) Professional non-faculty - Targeted recruitment for all underrepresented populations to expand diversity in this job category. b) Clerical /Secretarial - Expanding recruitment efforts to encourage male applicants to apply for this job category. c) Skilled Crafts – Recruit for female population due to no representation in this classification. d) Service and Maintenance – Recruitment for female population due to no representation in this classification as well as race/ethnicity for the White/Caucasian population within this job category.
<p>Review and update District EEO/DEI policy statement. *(53024.1(k)) *Cross-reference Plan Component 3</p>	<p>Trustees, Marketing department, EEOAC members</p>	<p>Year 1: 2023-24 update policy statement with Board of Trustees approval. The language will align with new regulations.</p> <p>Year 2: Establish constituent group, goals, and expectations in preparation for development of Staffing Plan, which will address DEI efforts with current and future staffing.</p> <p>Year 3: Full development of Master Staffing Plan to completion.</p>	<ul style="list-style-type: none"> ● Implementation of policy statement and commitment to diversity, equity, and inclusion. ● Institute process to encourage constituent involvement within DEI efforts related to current and future staffing. ● Measurement will be based on completion of Master Staffing Plan and identified DEI efforts.
<p>Providing EEO/diversity enhancement resources and assistance to other districts. (53024.1(m))</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Continuously partner and support colleagues and other districts; to review and share best practices.</p> <p>Year 2: Participate in professional development activities hosted by ACHRO and Chancellor’s office to build networking opportunities.</p> <p>Year 3: Institute new strategies and practices based on best practices learned from colleagues at other districts.</p>	<ul style="list-style-type: none"> ● Cross-collaboration to assess current practices and the development of new practices and strategies to support DEI efforts. ● Measurement will be based on identifying new practices and strategies obtain
<p>Addressing diversity issues in a transparent and collaborative fashion. (53024.1(o))</p>	<p>VPHR & EEOAC</p>	<p>Year 1:</p> <p>1) The District recognizes there was a high level of unknowns, but since identifying this issue, it has provided new language that defines the use of the data within the application process. As a result, the number of unknowns has shown a significant decrease in this category, which the District will continue to monitor on an annual basis.</p> <p>2) Recruit to increase Hispanic/Latino full-time and part time faculty population.</p> <p>Year 2:</p> <p>1) Cross-collaboration will occur across departments to identify and plan activities that engage the committee and creates opportunities for the committee to interact with the campus community.</p> <p>Year 3:</p> <p>1) EEOAC to provide interactive training and activities to engage the campus community. This will be an ongoing activity.</p>	<ul style="list-style-type: none"> ● Identification of unknowns will be measured over time to determine if the percentage decreases based on efforts. ● Professional development will be structured using a holistic approach for all constituent participation. ● Newly established activities and implementation from professional development will be measured to determine success or continued progress needed.

<p>IMPLEMENTATION →</p>	<p>Who</p>	<p>What/When</p>	<p>Effectiveness Metrics & Review</p>
<p>Recurring activities related to improving student access and student success—with a nexus to EEO hiring.</p>	<p>VPHR & EEOAC</p>	<p>Year 1 - Cluster hiring with a focus on demonstrated experience supporting black and brown students. Year 2 - Focused activities for cluster cohorts - improving new hire orientation Year 3 - Cluster cohort equity project -culminating experience during 3rd year of tenure track</p>	<ul style="list-style-type: none"> • Analysis will be conducted to demonstrate the success rates of cluster hiring. • Newly established practices within new hire orientation will be identified for cluster cohorts. • The outcome of Equity projects will provide useful data that will help assess success.
<p>Inclusion of (lawful) EEO deliverables in CEO and other administrator performance goals.</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Executive, Administrative, Managerial - To assist in strengthening the equity balance, this classification should continue to strive for racial diversification through a modeled approach of recruitment and demonstrated efforts that shows such balance. Year 2: A review will occur for job descriptions to address the “required,” “desired,” or “preferred,” qualification beings used to screen applicants for positions in the job category to determine whether it is job-related and consistent with business necessity through a process meeting the requirement of State and Federal law(s). Year 3: Updates will be made to include DEI related essential job functions and will be identified in performance measures.</p>	<ul style="list-style-type: none"> • Addresses deficit area from data. The efforts will lead to greater equity balance. • Job description updates will be used for measurement. • Performance related measures that link to DEI efforts will be identified.
<p>HIRING</p>			
<p>Consistent and ongoing training for hiring committees. (53024.1(c)) *Cross reference Plan Component 8.</p>	<p>EEOAC & VPHR</p>	<p>Year 1: Revise and develop new multi-level EEO training for all screening committee members; research consultants to assist with the development. Year 2: Through training, assist committees to develop interview questions that do not have a disparate impact on particular groups. Year 3: Conduct surveys of hiring committees to determine whether additional training is needed and whether the training received is having the desired effect.</p>	<ul style="list-style-type: none"> • Assist committees by creating questions that address skills and knowledge required to perform the job. • Educate faculty, staff, administrators, and the Board on the need for and value of a diverse workforce using workshops and learning opportunities. • Survey data will be utilized to enhance and revise trainings based on targeted approach.
<p>Maintain updated job descriptions and job announcements. (53024.1(f))</p>	<p>HR Management & Staff</p>	<p>Year 1: Current job descriptions will be examined for diversity, equity, and inclusion statements and competencies.. Year 2: Update job descriptions with consistent DEI statement under essential job functions. Year 3: Identification of DEI efforts within evaluation process</p>	<ul style="list-style-type: none"> • Address accountability of DEI efforts for all employees • Assess evaluative measures • Discuss and negotiate, as needed, inclusion of DEI in evaluative measures.
<p>Board of trustees receives training on elimination of bias in hiring and employment at least once every election cycle. (53024.1(g))</p>	<p>VPHR & Board of Trustees</p>	<p>Year 1: Assess Board members who require training based on prior election. Develop and maintain a list in accordance with election cycles. Provide DEI training as needed. Year 2: Assess Board members who require training based on prior election. Develop and maintain a list in accordance with election cycles. Provide DEI training as needed. Year 3: Review prior year trainings and make any relevant changes per regulation requirements. Enhance training as needed and conduct training for Board members.</p>	<ul style="list-style-type: none"> • Spreadsheet to identify Board Member training on DEI. • Tracking and accountability will be measured on an annual basis.

<p>IMPLEMENTATION →</p>	<p>Who</p>	<p>What/When</p>	<p>Effectiveness Metrics & Review</p>
<p>Assess “sensitivity to diversity” of all applicants. (53024.1(l))</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Revise rating documentation to support committee members in their evaluation of candidates DEIA experience and knowledge.</p> <p>Year 2: Establish writing prompts related to DEI during application process</p> <p>Year 3: Develop rubric to support DEI rating scale based on job categories</p>	<ul style="list-style-type: none"> • Measurement will be defined by revised rating documents and development rubric. • Implementation of rubric and documents will be assessed against successful hiring practices.
<p>Maintaining updated curricula, texts, and/or course descriptions.</p>	<p>EEOAC & VPHR</p>	<p>Year 1: Work directly with Academic Affairs to assess curricular offerings and other activities related to DEI.</p> <p>Year 2: Promotion of curricular offerings that may attract underrepresented and significantly underrepresented groups.</p> <p>Year 3: Identify webpage opportunities to expand DEI offerings, events, and activities. Provide educational materials that enhance diversity awareness and sensitivity such as articles, books, pamphlets, booklets, already developed or created by the District to better inform all employees and external applicants of the importance of diversity and its commitment to this effort.</p>	<ul style="list-style-type: none"> • Expand DEI efforts across the campus-wide community. • Increased student engagement in DEI efforts will be identified. • Additional curricular, texts, and course descriptions will be used as a measurement.
<p>Dedication of specified staff to EEO.</p>	<p>VPHR & EEOAC</p>	<p>Year 1: EEOAC members will be identified to address key areas to work on within each goal.</p> <p>Year 2: EEOAC members will recruit other staff across the District, from various departments to assist with goals in specific areas.</p> <p>Year 3: Expansion of participation with division and departments will occur to assist with larger participation in meeting identified goals.</p>	<ul style="list-style-type: none"> • Identification of sub-groups assigned to DEI tasks will be tracked. • Increased participation of various constituents across the campus will be added to the DEI tasks to be completed.
<p>Incentives for hard-to-hire areas/disciplines.</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Virtual settings will provide expanded opportunities for hard to hire areas by capturing larger geographic areas.</p> <p>Year 2: Opportunities for conducting on-the-spot interviews and offers will be explored to determine feasibility in conducting such interviews at specific locations.</p> <p>Year 3: Collaborate with internal departments on strategies to recruit and retain hard-to-hire areas/discipline</p>	<ul style="list-style-type: none"> • Measure number of virtual interviews based on candidates who are in wider geographic location(s). • Assess policy and procedure related to recruitment and determine if on-the-spot interviews are feasible at CCC registry. • Identify and track strategies based on department feedback for hard-to-hire areas/discipline.
<p>Focused outreach and publications.</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Assess and identify different strategies and publications used for outreach to support DEI efforts, with specific emphasis on areas for improvement. Cost-out identified methods.</p> <p>Year 2: Implement and evaluative focused outreach efforts. Identify needed changes and success. Cost-out new or continued approaches.</p> <p>Year 3: Implement and evaluative focused outreach efforts. Identify needed changes and success. Cost-out new or continued approaches.</p>	<ul style="list-style-type: none"> • Develop a matrix of strategies and publications. • Track and account for costs and return on investment. • Identify and implement successful strategies and make modifications as needed.
<p>Procedures for addressing diversity throughout hiring steps and levels</p>	<p>HR Management & Staff</p>	<p>Year 1: Maximize utilization of new software, review candidate pools at all stages of recruitment process for adverse impact.</p> <p>Year 2: Allow different classifications that may be more diverse to serve on committees that are less diverse.</p> <p>Year 3: Identify Committees that lack diversity in terms of race/ethnic and gender balance and require the addition of members to the Committee before proceeding.</p>	<ul style="list-style-type: none"> • Provide all necessary training for new software with HR staff. • Measure diversity or lack thereof for various hiring committees. • Broaden potential list of diverse employees who can serve on hiring committees.

<p>IMPLEMENTATION →</p>	<p>Who</p>	<p>What/When</p>	<p>Effectiveness Metrics & Review</p>
<p>Recruitment efforts and strategies such as:</p> <ul style="list-style-type: none"> • Use of demographic data • Job Fairs • CCC Registry • Relationships with external organizations & colleges 	<p>EEOAC & HR Management & Staff</p>	<p>Year 1: Determine various methods for position postings and assess how they are perceived by potential job seekers to determine if there are any unintended barriers to candidates securing interviews.</p> <p>Year 2: Work with faculty and other experts to develop in-house and outside relationships with external institutions to inform potential applicants such as graduate students, of the benefits of a teaching career in the California Community College system.</p> <p>Year 3: Develop agreements with institutions for recruitment efforts or collaborative partnerships for targeted recruitment efforts.</p>	<ul style="list-style-type: none"> • Assess strengths and weaknesses relative to recruitment efforts and remove barriers. • Identify recruitment efforts and related partnerships as measurement.
<p>ADD ADDITIONAL/ ALTERNATIVE STRATEGIES IN ADDITIONAL ROWS HERE.</p>	<p>EEOAC & HR Management & Staff with constituency groups</p>	<p>Year 1: Develop New Hire Onboarding programs for all classifications.</p> <p>Year 2: Develop inclusive orientation program for all new employees; Faculty Onboarding program (completed); develop CSEA onboarding program.</p> <p>Year 3: Finalize onboarding process for new employees and CSEA.</p>	<ul style="list-style-type: none"> • Onboarding will assist in emphasizing the importance of DEI. • Collaborative efforts will strengthen awareness and cultural competency.
<p>POST-HIRING</p>			
<p>Conduct campus climate surveys & use this information. (53024.1(a))</p>	<p>VPHR & EEOAC</p>	<p>Year 1: Develop post-interview surveys for hiring committees to determine effectiveness of DEI questions & responses.</p> <p>Year 2: Improve Campus Culture of Belonging Through Employee Affinity Resource Groups (EARGs).</p> <p>Year 3: With the help of a consultant, we will provide exposure to the campus community about successful affinity groups at other colleges to equip the campus community with the knowledge and tools needed to create, support, and sustain EARG's at SBCC.</p>	<ul style="list-style-type: none"> • Identify common themes from post-interview surveys and make necessary changes for ineffective strategies. • EEOAC will collaborate with EARGs to identify common strategies and practices and seek joint efforts to work together.
<p>Conduct exit interviews & use this information. (53024.1(b))</p>	<p>HR Management & Staff</p>	<p>Year 1: Develop post-interview surveys for hiring committees to determine effectiveness of DEI exit interview questions & responses.</p> <p>Year 2: Implement changes based on feedback from exit interview questions and responses. Determine areas of weakness relative to DEI.</p> <p>Year 3: Continue to review and assess exit interview feedback and implement necessary changes. If larger changes or strategies are needed, incorporate the Program Review Process ("PRP").</p>	<ul style="list-style-type: none"> • Redesign DEI interview questions based on survey responses. • Evaluate on annual basis improvements based on exit interview feedback • Identify larger, impactful strategies under PRP, if needed.
<p>Professional development, mentoring, support, and leadership opportunities for new employees. (53024.1(e))</p>	<p>EEOAC & VPHR</p>	<p>Year 1: Faculty mentorship program; leadership development programs for managers and classified staff.</p> <p>Year 2: Develop processes and procedures within department(s) and division(s) that lack diversity to identify strategies it will employ to enhance and recruit for diverse applicants.</p> <p>Year 3: Develop a mentoring support system for new employees.</p>	<ul style="list-style-type: none"> • Strategies will build and strengthen internal capacity. • Develop module training series to assess professional development for new employees. • Identification and tracking of mentoring support systems and employee retention.

<p>IMPLEMENTATION →</p>	<p>Who</p>	<p>What/When</p>	<p>Effectiveness Metrics & Review</p>
<p>Timely and thoroughly investigate all harassment & discrimination complaints & take appropriate corrective action in all instances where a violation is found. (53024.1(h))</p>	<p>VPHR & Compliance Officer</p>	<p>Year 1: Develop a more robust spreadsheet to maintain accountability and tracking for discrimination and harassment complaints. Year 2: Review and identify software systems to assist with tracking. Year 3: Select software and provide training to define consistency in practice.</p>	<ul style="list-style-type: none"> • Accountability and tracking of the assessment and completion of complaints • Establish and maintain consistency in practice based on policy and procedure.
<p>Survey applicants who decline offers & use the information. (53024.1(p))</p>	<p>HR Management & Staff</p>	<p>Year 1: Develop spreadsheet with defined reasons for declination of offers. Provide any updates within hiring practices to encourage and support underrepresented groups. Year 2: Begin tracking data to start establishing trends and make necessary changes within the hiring process. Year 3: Identify trends and continue to assess for changes within hiring processes and practices. Year 3: Assess and determine if strategies related to selection, recruitment, and gender balance have been effective, and make changes as needed to establish baseline data using new approaches.</p>	<ul style="list-style-type: none"> • Spreadsheet will be used as a tracking system to identify common themes related to declination of offers from underrepresented groups. • Identify strategies based on feedback to further DEI recruitment efforts and employee retention.
<p>Describe strategies developed to address any adverse impact identified in the process of carrying out the requirements of Component 10 of the EEO Plan.</p>	<p>EEOAC & VPHR</p>	<p>Year 1: Identify strategies to encourage non-binary applicants and employees the option to select this category. Also, identify target recruitment for Hispanic/Latino group specific to faculty Year 2: Identify areas where gender balance is needed and provide targeted recruitment efforts Year 3: Assess and determine if strategies related to selection, recruitment, and gender balance have been effective, and make changes as needed to establish baseline data using new approaches.</p>	<ul style="list-style-type: none"> • Identify efforts related to non-binary selection for applicants and employees. • Continue to track and assess trends relative to gender balance on an annual basis. • Collaborate with departments/areas that lack gender balance or diversity in finding efforts for improvement and growth.
<p>Describe strategies developed to address any underrepresentation identified in the process of carrying out the requirements of Components 11 & 12 of the EEO Plan.</p>	<p>EEOAC & VPHR</p>	<p>Year 1: Recruitment efforts will support the targeted areas of deficit in all areas from analyses including the following: e) Professional non-faculty - Targeted recruitment for all underrepresented populations to expand diversity in this job category. f) Clerical /Secretarial - Expanding recruitment efforts to encourage male applicants to apply for this job category. g) Skilled Crafts – Recruit for female population due to no representation in this classification. h) Service and Maintenance – Recruit for female population due to no representation in this classification as well as race/ethnicity for the White/Caucasian population within this job category. Year 2: Assess implementation of targeted recruitment and make necessary changes, as needed. Collaborate with other districts on successful strategies implemented. Year 3: Continue to work collaboratively with other departments and areas that may need to improve upon trends that have not improved. These efforts will include strategies for recruitment as well as retention.</p>	<ul style="list-style-type: none"> • Track improvements with trends on an annual and longitudinal basis. • Identify successful strategies and approaches used by other districts and departments. • Identify changes and evaluate if the strategies directly relate to any improvements identified.

APPENDICES

APPENDIX I. – BP/AP3430

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; Title 5 Sections 59300 et seq.

The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the protected classes defined in statute and delineated in BP 3400 Protected Classes. Employees who engage in harassment may be subject to disciplinary action up to and including termination. Students who engage in harassment may be subject to disciplinary measures up to and including expulsion.

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. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Employees who engage in retaliatory conduct may be subject to disciplinary action up to and including termination. Students who engage in retaliatory conduct may be subject to disciplinary measures up to and including expulsion.

Students, employees, unpaid interns, or volunteers who believe they have 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. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the District environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any District 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 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 procedures for students to resolve complaints of harassment. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and the related 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. They shall be available for students, employees, unpaid interns, and volunteers on the District's website, the college catalog, and in Human Resources.

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.

Date Adopted: October 22, 2015

Legal Reference Update #26: April 2015

Legal Reference Update #29: October 2016

Legal Reference Update #30: April 2017

Reviewed/Readopted: June 14, 2018

Legal Update #24: March 2019

AP 3430 PROHIBITION OF HARASSMENT

References:

Education Code Sections 212.5, 44100, and 66281.5;

Government Code Section 12940; and 12923; Civil Code Section 51.9;

Title 2 Sections 10500 et seq.;

20 U.S. Code Sections 1681-1688 (Title IX, Education Amendments of 1972); 42 U.S. Code Section 2000e (Title VII of the Civil Rights Act of 1964)

The District is committed to providing an academic and work environment free of 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 applies to students, employees, unpaid interns, and volunteers associated with the academic, educational, co-curricular, athletic, and other programs of the District, whether these programs take place in the District's facilities, a district-sponsored method of transportation, or in a course or training program sponsored by the District at another location.

Definitions

General Harassment: Harassment based on the protected classes listed in BP 3400 Protected Classes is illegal and violates Board policy. Harassment shall be found where, in aggregate, the incidents are

sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with the ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a 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 innuendos 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 are directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments are made 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/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when 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 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 is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

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

Consensual Relationships Among Employees

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty, or staff members who frequently interact with each other in the work environment are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the employee's work or make decisions affecting the employee. The relationship may create an appearance of impropriety and lead to charges of favoritism by other 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. 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. (Also see BP/AP 7310 Nepotism.)

Faculty and Student Relationships

There is an inherent imbalance of power in the relationship between a faculty member and a student currently enrolled in that faculty member's class. The faculty member has the authority and responsibility to assign grades, which can have long-lasting impact on the student's permanent academic record. Due to the potential for exploitation in such relationships, a sexual or romantic relationship between a faculty member and a student who is currently enrolled in the faculty member's class is inappropriate and is prohibited.

A faculty member who engages in a sexual or romantic relationship with a student currently enrolled in that faculty member's class will be referred for a Title IX investigation. Depending on the findings of the Title IX investigation, an appropriate remedy up to and including termination may be taken.

Academic Freedom

District faculty members are entitled to freedom in the classroom and/or other teaching environments in discussing their subject matter. Controversy is a normal aspect of free academic inquiry and teaching, and it is proper to incorporate both the knowledge and beliefs of the faculty member into that which is taught; however, the freedom to teach must be joined by a constant effort to distinguish between knowledge and belief. Faculty members should allow the expression of differing points of view, while being careful to avoid the repeated and excessive intrusion of material that has no relation to their subject matter. District faculty members have the individual right and responsibility to select textbooks and other course materials, consistent with the approved Course Outline of Record, and as appropriate, in consultation with their department, program, or disciplinary colleagues, for each of the classes they teach.

District faculty members are both citizens and officers/representatives of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline. However, they should indicate that they are not speaking for the institution. In the context of social media, a statement in the writer's profile is suggested. When faculty speak or write as representatives of an educational institution, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, and should show respect for the opinions of others.

The Board of Trustees reaffirms its commitment to academic freedom but recognizes that academic freedom does not allow any form of discrimination. This procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty member's right to teach and the student's right to learn. Finally, nothing in these procedures and related policies shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course, or activity.

When investigating unlawful discrimination complaints containing issues of academic freedom, the District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery. (Reference: *Cohen v. San Bernardino Valley College* (1995) 883F.Supp. 1407, 1412-1414, affidavit In part and revised. In part on other grounds, (1996) 92F.3d 968 and Title 5 Section 59302) (See BP 4030 Academic Freedom.)

Also see AP 3435 Discrimination and Harassment Complaints and Investigations, BP 3400 Protected Classes, and BP/AP 3540 Sexual and Other Assaults on Campus.

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Legal Update #34: March 2019

APPENDIX II. – AP3433

AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX: DEFINITIONS

References:

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 sex harassment under Title IX. This procedure defines sexual harassment on campus.

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

Definitions

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 age or 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.
 - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **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.
- **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.

Special Legal Update Summer 2020: Date Approved:

APPENDIX III. – AP3434

AP 3434 RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX

References:

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

Introduction

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

TitleIX Coordinator

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

The District's Title IX Coordinator is Linda Esparza Dozer and the Title IX Coordinator's contact information is:

Santa Barbara City College 721 Cliff Drive
Santa Barbara, CA 93109 Administration Building Room A121 Phone number: 805-730-4303
Email: lmeparza@pipeline.sbcc.edu

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

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

Title IX Harassment Complaints, Investigations, and Hearings

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

Jurisdictional Requirements – Application of Procedures

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

- 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.
- 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. Both parties’ Advisors will be provided with a copy of the Title IX Investigation Report at the same time copies are provided to the parties. When an Advisor is appointed, the party may confer with that appointed Advisor upon receipt of the investigation report and throughout the hearing. An Advisor will be present during the entire hearing. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

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

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

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

- 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: The person who will oversee the live hearing and make a determination of responsibility. The District may have one Decision-Maker determine whether the Respondent is responsible, and another Decision-Maker determine the appropriate level of penalty for the conduct. 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 age or 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.
 - Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - 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.
- 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 or the Deputy 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.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX 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:

ALL college employees are Officials with Authority when the complaint involves any student.

Supervisors and managers are Officials with Authority when the complaint involves employees.

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

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

Removal of Respondent Pending Final Determination

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order 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 Behavioral Intervention Team (BIT) or designee will conduct the individualized safety and risk analysis.

If the BIT or designee determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The BIT 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

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; and
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

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

Dismissal of formal complaint

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 choose to, 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 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: prejudgment 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 120 calendar days.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 120 calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

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

Role of Advisor

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

Investigations

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

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

Trained investigators

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

Gathering Evidence and Burden of Proof

The District, not the Parties, has the responsibility to gather information and interview witnesses. When the investigator evaluates the evidence, he/she/they will do so using the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that reported conduct occurred.

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

Investigative Report

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

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;

- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A specific finding as to whether the allegations occurred will be made using a preponderance of the evidence standard;
- 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 do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least ten days prior to a hearing or other time of determination regarding responsibility, 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 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.

Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. In cases where the Complainant or Respondent objects to the Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different

Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing.

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.

Cross-Examination

The District will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those 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.

Advisors may only ask relevant cross-examination and other questions of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other 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 will not rely on any statement of that Party or witness in reaching a determination regarding responsibility. A Party or witness may also decline to answer a question, and the Decision-Maker cannot rely on any statement on which that Party or witness has declined to answer cross-examination questions. A Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Determinations of Responsibility

When the Decision-Maker makes a determination of responsibility or non-responsibility, the Decision-Maker will issue a written determination regarding responsibility, no later than 20 business 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 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, job re-assignment, 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 Board of Trustees 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 five business days of receiving a Party's appeal;
- Allow the non-appealing Parties at least ten business days from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 30 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.

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.

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

Training

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

File retention

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

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

Special Legal Update Summer 2020:

Date Approved:

APPENDIX IV. – AP3435

AP 3435 DISCRIMINATION AND HARASSMENT COMPLAINTS AND INVESTIGATIONS

References:

Education Code Section 212.5, 231.5, 66270, 66281.5, 66281.8 and 67386; Government Code Section 12950.1;

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

Title 2 Section 11023 and 11024, Govt. Code Section 12950.1

Definitions

- **Complaint:** A verbal or written statement filed with the District that alleges harassment, discrimination, or retaliation in violation of District’s Board Policies, Administrative Procedures, or in violation of state law.
- **Complainant:** An individual who alleges he/she/they is the victim of conduct that could constitute harassment, discrimination, or retaliation.
 - **Respondent:** the individual(s) reported to be the perpetrator of conduct that could constitute a violation of District’s Board Policies, Administrative Procedures, or in violation of state law.
 - **Investigator:** The individual or entity that is responsible to conduct or oversee investigations to ensure timely resolution and compliance with the procedure.
 - **Witness:** Individual who sees an event take place, or has personal knowledge about the allegations, and provides information to the investigator
 - **Chancellor’s Office:** California Community Colleges
 - **District:** Santa Barbara City College
 - **Days:** calendar days
 - **Employee:** individuals employed by the District.
 - **Party or parties:** Complainant and Respondent
 - **Retaliation:** The act of intimidation, coercion, threats, or discrimination for the purpose of affecting an individual who made a report or complaint, testified, assisted or participated in the investigation.
 - **Sanctions:** Punishment, consequence.
 - **Unlawful discrimination:**
 - Environmental
 - Physical
 - Verbal
 - Visual or written

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.

Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

Any person who has suffered harassment, discrimination, or retaliation, or who has learned of harassment, discrimination, or retaliation, may file a formal or informal complaint of harassment, discrimination, or retaliation.

All responsible employees are required to report all actual or suspected sexual harassment to the Title IX Coordinator or the VPHR immediately. A responsible employee is any employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has been given the duty of reporting incidents of sexual harassment to an appropriate District official who has that authority. Define requirements more fully. See 3434.

Confidential Reporting

An employee who is a therapist, physician, psychotherapist, member of the clergy, sexual assault counselor, domestic violence counselor, or other individual acting in a professional capacity for which confidentiality is mandated by law is exempt from having to report sexual harassment concerns to the Title IX Coordinator or other designated employee, unless otherwise required by law.

An employee who is not considered a responsible employee must inform each student who provides him/her/ them with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources, including the Report of Concern process.

Outreach (Students)

When a responsible employee reports actual or suspected sexual harassment involving students to the Title IX Coordinator or VPHR, the VPHR or designee will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach shall include all of the following information:

- The District received a report that the student may have been a victim of sexual harassment;
- A statement that retaliation for filing a complaint or participating in the complaint process, or both, under this procedure is prohibited;
- Counseling resources within the District or in the community;
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The District's complaint and investigation procedures established pursuant to this procedure;
- Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX Coordinator or other designated employee to discuss options for responding to the report; and
- The manner in which the District responds to reports of sexual harassment and a description of potential disciplinary consequences.

The District shall consider and respond to requests for accommodations relating to prior incidents of student sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the District's policies.

Informal Complaints

An informal complaint is any of the following:

- (1) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint; or
- (2) a written complaint alleging harassment, discrimination, or retaliation filed by an individual who expressly indicates that they do not want to file a formal complaint.

Any person may submit an informal complaint to the Vice President of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice President of Human Resources in writing of all pertinent information and facts alleged in the informal complaint.

Upon receipt of an informal complaint, the Vice President of Human Resources, or designee, will notify the person bringing the informal complaint of their right to file a formal complaint if the incident falls within the timeline for a formal complaint, and explain the procedure for doing so. The Complainant may later decide to file a formal complaint, if within the timelines to do so.

If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice President of Human Resources, or designee, shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the Vice President of Human Resources, or designee, determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation.

The Vice President, Human Resources, or designee, will explain to any individual bringing an informal complaint that the Vice President, Human Resources, or designee, may decide to initiate an investigation, even if the individual does not wish the Vice President, Human Resources to do so.

The Vice President, Human Resources, or designee shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

Regardless of whether a Complaint has been filed under this procedure, the District knows, or reasonable should know, about possible sexual harassment involving individuals subject to the District's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required. If the District determines that the alleged conduct more likely than not occurred, it shall immediately take reasonable steps to end the harassment, address the hostile environment, if one has been created, prevent its recurrence, and address its effects.

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, 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 formal action against Respondent 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 steps the District will take to respond to the Complaint will be limited by the Complainant's request for confidentiality.

Formal Complaints

A formal complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law.

Formal Complaints must be filed with the Vice President of Human Resources and/or Superintendent/President unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the Vice President of Human Resources, in which case it should be submitted directly to the Superintendent/President.

The District may request, but shall not require the Complainant to submit a formal complaint on the *form prescribed by the Chancellor of the California Community Colleges* or through the District's *Discrimination Complaint Procedure*. The form is available on the Discrimination Complaint Procedure webpage under the title "Complaint Procedure."

A Complainant shall report verbal complaints to the Vice President of Human Resources, or designee. The Vice President of Human Resources, or designee, shall record the verbal complaint in writing. The Vice President of Human Resources, or designee, will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

If any Party submits a written allegation of harassment, discrimination, or retaliation not on the form described above or through the District's Report of Concern, the District may seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint not involving employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one (1) year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.
- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation involving employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the **Formal Complaint does not meet the requirements** set forth above, the Vice President of Human Resources or designee shall:

- Immediately notify the complainant and the State Chancellor (if appropriate) that the complaint does not meet the requirements
- Specify to the Complainant in particular in what requirement(s) the complaint is defective.
- Inform the Complainant of the deadline to submit any additional information to cure the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice President of Human Resources or designee will handle the matter as an informal complaint.

If the Complainant is unable to fix the defect in the Complaint, the Vice President of Human Resources or designee shall consider the allegations contained in the Complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter or a fact-finding investigation

Oversight of Complaint Procedure

The Vice President of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment and coordinating their investigation under this procedure.

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

Advisers in Sexual Complaints

Parties to complaints under this AP are permitted to have a support person or adviser accompany them during any stage of the complaint process described in this procedure. Parties to complaints under this AP have the right to consult with an attorney, at their own expense, at any stage of the Complaint process if they wish to do so. An attorney may serve as a support person or adviser. A union representative or other legally required person may serve as an additional support person or advisor.

Who May File a Complaint

Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes they have been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint

A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policies and procedures may make a complaint orally or in writing directed to the Vice President of Human Resources.

Complainants may but are not required to use the *form* prescribed by the Chancellor of the California Community Colleges or the District's Report of Concern. These forms are available from the Vice President of Human Resources or on the Human Resources *website*.

Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may *file employment discrimination complaints* with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

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

Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints as soon as possible but not more than 180 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

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

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome:

The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint

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

- Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling and/or training, etc. The District shall not mandate mediation to resolve allegations of sexual harassment, and shall not allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.
- Provide notice to Parties to a student sexual harassment complaint that the District is conducting an investigation. The notice shall include the allegations against the Respondent and the alleged District policy violations under review. If new allegations that arise during the course of the District's investigation that could subject either student Party to new or additional discipline or corrective action, the student parties shall be provided with supplemental notice of the new allegations and any new alleged policy violations under review.
- Provide notice to Parties to a student sexual harassment complaint that the investigation and adjudication of alleged sexual harassment of a student 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.
- Advise all parties that they need not participate in an informal resolution of the complaint, as described above and that they have the right to end the informal resolution process at any time.
- Advise a student Complainant that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education.
- Advise employee Complainants that they may file a complaint with the Department of Fair Employment and Housing (DFEH).
- All Complainants shall be advised that they have a right to file a complaint with local law enforcement if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement.
- In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.

- The Vice President of Human Resources shall also notify the California Community Colleges Chancellor's Office of the complaint.
- In matters involving student sexual harassment, provide student Parties notice regarding appropriate counseling resources developed and maintained by the District.
- Take interim steps to protect a Complainant from coming into contact with an Respondent, especially if the Complainant is a victim of sexual violence. The Vice President of Human Resources should notify the Complainant of their options to avoid contact with the Respondent and allow students to change academic situations as appropriate. For instance, the District may prohibit the Respondent from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and Respondent, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing Respondents to remain.

Interim and Supportive Measures

Interim measures are individualized services offered as appropriate to either or both the Complainant and Respondent in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending.

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a Complaint has been filed.

The District will provide interim or supportive measures to Parties as appropriate and as reasonably available.

Interim and 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.

No-Contact Directives

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. If the District issues a no-contact directive after making a decision of responsibility, the no-contact directive shall be unilateral and only apply against the Party found responsible.

Upon the issuance of a mutual no-contact directive, the District shall provide the Parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of 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.

Investigation

The Vice President, Human Resources or designee shall:

- Authorize the investigation of the complaint, and supervise or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where Parties opt for informal resolution, the Vice President, Human Resources or designee will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate.
- In the case of a formal complaint, the investigation will include interviews with the Complainant, the Respondent, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation.
- Make a determination as to whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.
- Reach a conclusion as to the appropriate disciplinary and remedial action; and
- Assure that all recommended action is carried out in a timely fashion.

Investigation of the Complaint

The District shall promptly investigate where the allegations if found true constitute a violation of law and policy every complaint and claim of harassment or discrimination where the allegations, if found true, constitute a violation of law or District policy. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus or at a class or training program sponsored by the District at another location. The District shall promptly investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

The District shall provide notice to Parties to a complaint that the District is conducting an investigation. The notice shall include the allegations against the Respondent and the alleged District policy violations under review. If new allegations arise during the course of the District's investigation that could subject either Party to new or additional discipline or corrective action, the VPHR or designee shall provide a supplemental notice to the Parties.

The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the complaint.

As set forth above, where the Parties opt for an informal resolution, the Vice President, Human Resources or designee may limit the scope of the investigation, as appropriate.

The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors:

- The seriousness of the alleged harassment;
- The Complainant’s age;
- Whether there have been other harassment complaints about the same individual;
- The Respondent’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15.

The District will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps

The District will fairly and objectively investigate harassment or discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially, using trauma-informed investigation techniques.

Student parties to a student sexual harassment complaint shall be given an opportunity to identify witnesses and other evidence to assist the District in determining whether a policy violation has occurred. Student parties shall be informed that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing.

Investigators will use the following steps:

- consider whether any involved person should be removed from the campus pending completion of the investigation;
- interview the Complainant(s);
- interview the Respondent(s);
- identify and interview witnesses, and review evidence, identified by each Party,
- identify and interview any other witnesses, if needed, reminding all individuals interviewed of the District’s no-retaliation policy;
- review personnel/academic files of all involved Parties; Reach a conclusion as to which allegations are factually substantiated;
- Assure

When the District evaluates the complaint, it shall do so using a “preponderance of the evidence” standard. 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. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred. 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.

Timeline for Completion.

The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint, and the District shall notify the Complainant and Respondent of the outcome.

The parties shall receive written notice of the outcome of the complaint, including whether a policy violation was found to have occurred, the basis for that determination, including factual findings, and any discipline imposed.

Cooperation Required

All employees are required to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment or discrimination is, or may be occurring, with or without the cooperation of the alleged victim and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Written Report

The results of the investigation of a complaint shall document the process and evidence submitted and reviewed, and shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, including the Complainant and any available witnesses identified by the Complainant in the complaint;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the complaint occurred based on the “preponderance of the evidence” standard;
- A table of contents if the report exceeds ten (10) pages and;
- Any other information deemed appropriate by the District.
- The report should not include recommendations for discipline.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District shall not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy or summary of the investigative report to the Complainant setting forth all of the following:

- The Vice President, Human Resources or their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings;
- In the event a discrimination allegation is substantiated, a description of actions 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 governing board and the California Community Colleges Chancellor's office; and
- In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report [NOTE: For cases involving employment discrimination, Title 5 only requires that a copy or summary of the report be provided to the Complainant.], and written notice to the Complainant setting forth all the following:

- The Vice President, Human Resources or their designee's determination as to whether discrimination occurred with respect to each allegation in the complaint based on a preponderance of the evidence standard, and the basis for that determination including factual findings;
- If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the complaint; and
- The Complainant's right to appeal to the District's Board of Trustees and to file a complaint with Department of Fair Employment and Housing (DFEH) or the U.S Equal Employment Opportunity Commission (EEOC).

The District shall provide the Respondent the following:

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

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference and conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the Parties elected to participate in the investigation and whether each Party

had the opportunity to suggest questions to be asked of the other Party and witnesses during the investigation.

Any hearing shall be subject to the following rules:

I) Any cross-examination of either party or any witness shall not be conducted directly by a party or a party's advisor. The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline.

II) Either party or any witness may request to answer the questions by video from a remote location.

III) Student parties shall have the opportunity to submit written questions to the hearing officer in advance of the hearing. At the hearing, the other party shall have an opportunity to note an objection to the questions posed. The institution may limit such objections to written form, and neither the hearing officer nor the institution are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

IV) 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 hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

V) The hearing officer shall not consider:

- The past sexual history of a complainant or respondent except in the limited circumstances permitted by this paragraph.
- Prior or subsequent sexual history between the complainant and anyone other than the respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the respondent were inflicted by another individual.
- The existence of a dating relationship or prior or subsequent consensual sexual relations between the complainant and the respondent unless the evidence is relevant to how the parties communicated consent in prior or subsequent consensual sexual relations. When this evidence is relevant, however, 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 considering any of the above evidence, the hearing officer shall provide a written explanation to the parties as to why consideration of the evidence is permitted under this paragraph.

Discipline, Corrective Action, and Restorative Process

If harassment, discrimination or retaliation occurred in violation of the District's policy or procedure, the District shall take disciplinary action against the Respondent and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

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, suspension, or discharge.

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 the Respondent do not attend the same classes or work in the same work area;
- Preventing offending third parties from entering campus;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a student Complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic records; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the District imposes discipline on the Respondent, the nature of the discipline will not be communicated to the Complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the District may inform the Complainant that the Respondent must stay away from the complainant.

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the Complainant from further harassment or discrimination, address the hostile environment, if one has been created, prevent its recurrence, address its affects, and protect the Complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all Parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

If the District cannot take disciplinary action against the Respondent because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary action.

If the Complainant or Respondent (when applicable) is not satisfied with the results of the administrative determination, they may, within thirty (30) days, submit a written appeal to the Board of Trustees.

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

The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and to the Respondent. The Complainant shall also be notified of their right to appeal this decision.

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

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

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing (DFEH).

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons:

- to cure defects in the investigation or in procedural compliance;
- to consider new evidence not available during the investigation despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or
- to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within sixty (60) days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Extension of Time

A student Complainant or Respondent may request, in writing, an extension of a deadline related to a Complaint during periods of examinations or school closures. 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.

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

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

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

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

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following:

- the original complaint,
- any investigative report unless subject to the attorney client privilege,
- the written notice to the Complainant setting forth the results of the investigation,
- the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final,
- a copy of the notification to the Complainant of their appeal rights, the Complainant's appeal of the District's administrative determination, and
- any other non-privileged documents or information the Chancellor requests

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information:

- the number of employment and non employment discrimination complaints and informal charges received in the previous academic year;
- the number of complaints and informal charges resolved in the previous academic year;
- the number of complaints of unlawful discrimination received in the previous academic year, and
- the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

File Retention

The District will retain on file for a period of at least five (5) years after closing the case copies of:

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

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

Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, all employees, 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 at the District. District policy and procedures related to harassment will also be posted on campus and on the District's website.

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

Annual Audits of Complaints

An annual audit of all complaints of discriminatory or harassment investigations and actions taken and the District's compliance with the rules shall be conducted pursuant to this procedure.

Training

By January 1, 2021, the District shall provide at least two (2) hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonconfidential responsible employees. All new employees must be provided with the training and education within six (6) months of their assumption of their position. After January 1, 2021, the District shall provide sexual harassment training and education to each employee once every two (2) years. An employee who received this training and education in 2019 is not required to have refresher training until after two years thereafter.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment, a review of "abusive conduct," and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior.

Training for responsible employees must also address the responsible employee's obligation to report sexual harassment and instruction on how to report sexual harassment to the responsible District officer.

The District will also provide comprehensive, trauma-informed training to each employee involved in the District's sexual harassment or discrimination grievance procedure including investigating and adjudicating complaints involving sexual violence, sexual assault, domestic violence, dating violence, and stalking. This training shall include information on trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process, best practices for assessment of a sexual harassment or sexual violence complaint, best practices for questioning of the complainant, respondent, and witnesses, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Materials for this training shall include statistics on the prevalence of sexual harassment and sexual violence in the educational setting

based on their race, sexual orientation, disability, gender, and gender identity.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two (2) years.

The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance procedures and any other procedures used for investigating reports of sexual violence. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update or receive a copy of the revised policies and procedures.

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

Education and Prevention for Students

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

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

Related Documents

See Board Policy 3435. *AP3435 (Last updated with legal April 2021)*

Cross-reference:

BP/AP 3430	Prohibition of Harassment
BP/AP 3433	Prohibition of Sexual Harassment under Title IX
AP 3434	Responding to Harassment Based on Sex under Title IX
BP/AP 3540	Sexual and Other Assaults on Campus
AP 5530	Student Rights and Grievances

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