

Prohibited Discrimination and Harassment

Los Angeles Community College District • 770 Wilshire Boulevard, Los Angeles, CA 90017 • (213) 891-2317

The Policy

It is the policy of the Los Angeles Community College District to provide an educational, employment and business environment free from Prohibited Discrimination. Employees, students or other persons acting on behalf of the District who engage in Prohibited Discrimination as defined in this policy or by state or federal law shall be subject to discipline, up to and including discharge, expulsion, or termination of contract.

Academic Freedom

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow Prohibited Discrimination. The discussion of ideas, taboos, behavior or language which is an intrinsic part of the course content shall in no event constitute Prohibited Discrimination, though such ideas may cause some students discomfort. It is recognized that academic freedom insures the faculty's right to teach and the student's right to learn.

Definition of Prohibited Discrimination

Prohibited Discrimination is defined as discrimination or harassment in violation of state or federal law on the basis of actual or perceived ethnic group identification, race, color, national origin, ancestry, religion, creed, sex (including gender-based sexual harassment), pregnancy, marital status, medical condition (cancer and genetic characteristics), sexual orientation, age, physical or mental disability, or veteran status.

Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting.

Retaliation

Retaliation means adverse personal, employment or academic decisions made against anyone who makes a complaint, refers a matter for investigation, participates in an investigation, represents or serves as an advocate for a complainant or alleged offender.

False Allegations

Anyone who files a complaint in which he/she knowingly makes false allegations of fact shall also have violated this policy and shall be subject to disciplinary action.

Confidentiality

All persons involved in investigation of complaints shall have a duty to maintain the confidentiality of the matters discussed, except as may be required or permitted by law, which include the rules and regulations of the District.

A complete record of each complaint and investigation shall be kept by the Office of Diversity Programs.

The Written Decision or any Settlement Agreement regarding the results of the investigation shall be placed in the personnel file of each employee involved as an alleged offender or complainant.

Complaint Procedure

General Provisions

All supervisors shall be responsible for maintaining a work environment consistent with this policy. Any supervisor who becomes aware of a situation which could be reasonably perceived to be a violation of this policy must report it to the Office of Diversity Programs. All employees are responsible for maintaining an educational environment consistent with this policy. Any employee who becomes aware of a situation which could reasonably be perceived as a violation of this policy should refer it to the Office of Diversity Programs.

Investigation

A Compliance Officer shall promptly investigate all potential violations of this policy of which he or she becomes aware. A Compliance Officer shall receive the complaint, and notify the complainant, alleged offender, the College President or District administrator, and the Director of Diversity Programs, within 5 business days of a potential violation of this policy. During the process of the investigation, the alleged offender has the right to be represented.

Informal Procedure

A Compliance Officer shall undertake efforts to informally resolve and investigate the charges. This process is limited to 30 days. If a resolution is reached, a Compliance Officer shall draft a Settlement Agreement to be signed by the complainant and the alleged offender. A Compliance Officer shall monitor the situation to insure that the resolution is properly implemented and maintain records.

Complaint Procedure

A written or verbal complaint shall be submitted to the LACCD Office of Diversity Programs. Employment based complaints shall be filed within 180 days. Non employment based complaints shall be filed no later than one year from the date when the complainant knew or reasonably should have known of the facts underlying the complaint.

Compliance Officer's Report

Within 60 days after becoming aware of a potential violation of this policy, a Compliance Officer shall complete the investigation and make a written report to the College President or Deputy Chancellor. The College President, or Deputy Chancellor, shall independently assess whether the "preponderance

of the evidence" establishes a violation and shall determine what action is to be taken, if any. Prior to making the decision, the alleged offender and complainant shall have the opportunity to make an oral statement, within 15 days from the receipt of the Compliance Officer's report.

Within 90 days from the start of the investigation, a Written Decision shall be mailed to the complainant and the alleged offender.

Disciplinary Action

If appropriate, the College President, Deputy Chancellor, or the Chancellor shall initiate the applicable disciplinary process within 10 business days of receiving the Written Decision.

Disciplinary action shall include, without limitation, verbal warning, probation, suspension, expulsion, letters of reprimand, Notices of Unsatisfactory Service, suspension, demotion or dismissal.

Appeals

If the complainant is not satisfied with the Written Decision, he/she may appeal to the District's Board of Trustees by submitting a written appeal to the Chancellor's Office within 15 days.

The Chancellor shall present the written appeal, the Written Decision, and the investigative report to the Board of Trustees in closed session. If 45 days elapse without further action, the Written Decision shall be the final decision of the District. In non-employment cases, the complainant has the right to file and appeal with the State Chancellor's Office, within 30 days after the Board decision is issued, or 45 days have elapsed, whichever comes first.

Additional Remedies

The complainant may pursue independently civil law remedies, including but not limited to injunctions, restraining orders, or other orders. An individual who believes that he/she is the victim of Prohibited Discrimination may also file a complaint with the Department of Fair Employment & Housing at (800) 884-1684, the Equal Employment Opportunity Commission at (213) 894-1000, for employment based complaints; and the Department of Education, Office for Civil Rights at (415) 556-4275, for non-employment complaints whether or not the complainant chooses to utilize the District's internal procedure. Complaints may also be filed with the State Chancellor's Office.

This is an excerpt. The specific rules and procedures for reporting charges of Prohibited Discrimination and for pursuing available remedies are incorporated in the Board Rules in Chapter 15, Board Rules 1501-1522.

Copies of the policy and procedures may be obtained from the LACCD Office of Diversity Programs and District website at www.laccd.edu/diversity or by calling the Office of Diversity Programs at (213) 891-2315 or (213) 891-2317.

What You Can Do About

Prohibited Discrimination and Harassment

Any member of the college community which includes students, faculty, staff, other LACCD employees and general public who believes, perceives, or has actually experienced conduct related to LACCD that may constitute prohibited discrimination or harassment has the right to seek help. Everyone has the responsibility and obligation to report such conduct.

■ Talk to the Offender

Often problems will stop once the offender realizes the conduct is unacceptable.

■ Put it in Writing

Let the offender know that you don't like being treated this way and will report him/her unless it stops.

■ Keep a Record

Record the date, time, place, and names of witnesses, and describe the exact nature of the incident.

■ Don't Ignore It

Ignoring prohibited discrimination and hoping it will not be repeated is the most common reaction, yet is the most ineffective way to deal with such incidents.

■ Contact the Office of Diversity Programs

Prohibited discrimination should be reported immediately to the Office of Diversity Programs.

Compliance Officers are always available to discuss any possible discrimination or sexual harassment complaint in confidence.

You Have the Right:

- To work and study in an atmosphere free of harassment and discrimination
- To be judged by the same criteria as all others, not by standards that are less demanding, or more rigorous, or different in any way
- To report or complain, free of retaliation

Discrimination may include, but is not limited to, the following type of behavior:

- Exclusion from employment opportunities such as training, transfer, or promotion
- Allocation of poor grades based on one's protected class
- Denial of reasonable accommodation because of disability
- Decisions based on stereotypes or assumptions about one's abilities, traits or performance

Sexual harassment may include, but is not limited to, the following types of conduct:

- Unwelcome, unsolicited contact with sexual overtones (written, verbal, physical, and/or visual contact)
- Unwelcome pressure for dates
- Display of sexually suggestive objects, cartoons, posters
- Request for sex in exchange for grades, recommendations, job opportunities

Office of Diversity Programs

(213) 891-2317

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laccd.edu/diversity

Los Angeles Community College District

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