Note: This policy addresses discrimination, harassment, and retaliation involving District employees. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

Definitions

Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns.

Statement of Nondiscrimination

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

Discrimination

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

Harassment

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee’s work performance;

2. Creates an intimidating, threatening, hostile, or offensive work environment; or

3. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

Sexual Harassment

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:
1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or

2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment.

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal.

Alternatively, the employee may report the alleged acts to one of the District officials below.

For the purposes of this policy, District officials are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

Reports of discrimination based on sex, including sexual harassment, may be directed to the designated Title IX coordinator. [See DIA(EXHIBIT)]

Reports of discrimination based on disability may be directed to the designated ADA/Section 504 coordinator. [See DIA(EXHIBIT)]

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.
An employee shall not be required to report prohibited conduct to
the person alleged to have committed it. Reports concerning pro-
hibited conduct, including reports against the Title IX coordinator or
ADA/Section 504 coordinator, may be directed to the Superinten-
dent.

A report against the Superintendent may be made directly to the
Board. If a report is made directly to the Board, the Board shall ap-
point an appropriate person to conduct an investigation.

Reports of prohibited conduct shall be made as soon as possible
after the alleged act or knowledge of the alleged act. A failure to
promptly report may impair the District’s ability to investigate and
address the prohibited conduct.

Any District supervisor who receives a report
of prohibited conduct
shall immediately notify the appropriate District official listed above
and take any other steps required by this policy.

The District may request, but shall not insist upon, a written report.
If a report is made orally, the District official shall reduce the report
to written form.

Upon receipt or notice of a report, the District official shall deter-
mine whether the allegations, if proven, would constitute prohibited
conduct as defined by this policy. If so, the District official shall im-
mediately authorize or undertake an investigation, regardless of
whether a criminal or regulatory investigation regarding the same
or similar allegations is pending.

If appropriate, the District shall promptly take interim action calcu-
lated to prevent prohibited conduct during the course of an investi-
gation.

The investigation may be conducted by the District official or a de-
sigee, such as the campus principal, or by a third party design-
nated by the District, such as an attorney. When appropriate, the
campus principal or supervisor shall be involved in or informed of
the investigation.

The investigation may consist of personal interviews with the per-
son making the report, the person against whom the report is filed,
and others with knowledge of the circumstances surrounding the
allegations. The investigation may also include analysis of other in-
formation or documents related to the allegations.

Absent extenuating circumstances, the investigation should be
completed within ten District business days from the date of the re-
port; however, the investigator shall take additional time if neces-
sary to complete a thorough investigation.
The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.

**District Action**

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**Confidentiality**

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**Appeal**

A complainant who is dissatisfied with the outcome of the investigation may appeal through DGBA(LOCAL), beginning at the appropriate level.

The complainant may have a right to file a complaint with appropriate state or federal agencies.

**Records Retention**

Copies of reports alleging prohibited conduct, investigation reports, and related records shall be maintained by the District for a period of at least three years. [See CPC]

**Access to Policy**

This policy shall be distributed annually to District employees. Copies of the policy shall be readily available at each campus and the District administrative offices.