

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
POLICY MANUAL**

Title: UNLAWFUL DISCRIMINATION	Number: BP 2.30
Legal Authority: Title 5, California Code of Regulations, Sections 59300, et seq.; California Education Code Section 66250, et seq.; California Government Code Section 12900, et seq.; California Labor Code Sections 96(k) – 6403.5; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e-2; Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq., 34 C.F.R. Part 106, et seq.	

The San Francisco Community College District shall provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination on the basis of the following;

1. ethnic group identification
2. national origin
3. religion
4. age
5. race
6. color
7. ancestry
8. *marital status*,*
9. *non-binary***
10. sex
11. *gender*
12. *gender identity*
13. *gender expression*
14. sexual orientation
15. *physical disability*
16. mental disability
17. *medical condition, or genetic information*
18. *military and veteran status* of any person*, or on the basis of those perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

Nor shall any such persons be denied full and equal access to, the benefits of, or be subjected to discrimination on the basis of domestic partner status*, AIDS/HIV status*, or status as a lesbian, gay, bisexual, transgender* or questioning* person in any District program or activity.

The San Francisco Community College District shall provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct without consent or communications constituting sexual harassment, and other nonconsensual acts on the basis of gender, (e.g., gender-based harassment, hostility based on sex or gender, *gender identity*, *gender presentation* or sex-stereotyping, sexual assault, sexual violence and/or sexual misconduct), all of which constitute discrimination on the basis of sex, gender and/or gender identity.

Revisions: 11/22/2013, 6/28/18, 6/27/19
Reviewed by Participatory Governance on 4/18/19

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Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination.

In so providing, the San Francisco Community College District hereby implements the provisions of Title 5, California Code of Regulations, section 59300, et seq., California Government Code sections 11135 through 11139.5 *and* 12900 *et seq.*, the Sex Equity in Education Act (Ed. Code, Sections 66250 et seq.), Education Code sections 66010.2, 66030, Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681, hereafter referred to as Title IX), *the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (20 U.S.C. Section 1092(f))*, *the Violence Against Women Act Reauthorization of 2013 (42 U.S.C. Section 13925(a))*, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794), the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12100 et seq., as amended by the ADA Amendments Act of 2008, (P.L. 110-325)), and the Age Discrimination Act (42 U.S.C. Section 6101).¹

*These categories are not subject to the State Chancellor’s jurisdiction.

Complaint Procedures

A person who believes that *they have* been subject to unlawful discrimination and/or harassment may have multiple options for the filing of a complaint. A complaint for unlawful discrimination in general (including sexual harassment) may be filed using the procedures, provided in Administrative Procedure 2.30. A person may also file a complaint for sexual harassment/ sexual assault pursuant to Title IX as provided in Administrative Procedure 2.32. If multiple complaints are filed for the same alleged violation, the District shall have the option of conducting one joint investigation. Throughout the complaint procedures, Title 5/EEO/ADA Compliance Office and/or Title IX investigators will ensure that due process will be followed with respect to both parties. The District will attempt to ensure a reporting party’s request for confidentiality, but the identity of the reporting party may need to be disclosed in the course of an investigation.

¹ If the federal statutes cited herein would result in a broader protection of the civil rights of individuals than that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of Title 5, section 59300, as cited in this Policy.

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Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District’s policies against unlawful discrimination.

Employees, students, or other persons acting on behalf of the District who engage in retaliation as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination.

Notice of Procedures

A copy of written procedures regarding resolving complaints of unlawful discrimination and harassment, as provided in Administrative Procedure 2.31, shall be displayed in Class Schedules the College Catalog and posted on the District’s websites in these policies and procedures and other appropriate locations.

Responsible District Officer

The Chancellor will identify a specific administrator to the State Chancellor’s Office and to the public as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to Title 5, section 59328 and/or Title IX, 20 U.S.C. §§ 1681, et seq., and for coordinating their investigation. *The administrator responsible for receiving complaints is the Title 5/EEO/ADA/Title IX Compliance Officer.* The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District who would not otherwise create a conflict of interest, in the event that the officer designated to receive complaints is named in the complaint, or is implicated by the allegations in the complaint.

Employees and students who may receive notice of a complaint of discrimination shall direct all complaints of unlawful discrimination to the responsible District officer.

Notice, Training and Education

The San Francisco Community College District’s responsible officer shall coordinate or provide training to employees and students regarding the District’s policy and procedures regarding

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unlawful discrimination and/or harassment. *Employees* shall be provided a copy of the District's policy on unlawful discrimination upon adoption of this revised policy, and thereafter on a periodic basis.

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