



West Valley - Mission

Community College District

**West Valley - Mission Community College District
RESOLUTION No. 20050503**

RESOLUTION OF THE BOARD OF TRUSTEES OF WEST VALLEY - MISSION
COMMUNITY COLLEGE DISTRICT CONDEMNING XENOPHOBIA AND ANTI-
ASIAN SENTIMENT ARISING DUE TO FEARS OF THE COVID-19 PANDEMIC
AND AFFIRMING WVMCCD'S COMMITMENT TO THE WELL-BEING AND
SAFETY OF ASIAN AMERICAN COMMUNITIES

WHEREAS, Asian American communities are suffering acts of discrimination, hate crimes, and microaggressions due to fears of COVID-19; and

WHEREAS, since the December 2019 outbreak of the COVID-19 virus in Wuhan, China, the infection has grown to more than 2.68 million confirmed cases and more than 187,000 confirmed deaths worldwide; and

WHEREAS, according to the Center for Disease Control (CDC), more than 828,441 cases resulting in 48,900 deaths have been reported in the United States as of April 22, 2020; and

WHEREAS, some national leaders have used divisive and inflammatory rhetoric, referring at times to the COVID-19 virus as the "Chinese virus," and "Kung-Flu"; and

WHEREAS, such rhetoric is inaccurate and stigmatizing, tends to incite fear and xenophobia, and may put Asian Americans at risk of retaliation; and

WHEREAS, scientists have confirmed that the COVID-19 disease does not respect borders and is not caused by ethnicity, and the World Health Organization has cautioned against using geographic descriptors because they can fuel ethnic discrimination; and

WHEREAS, as the COVID-19 virus has spread, numerous Asian Americans and Pacific Islanders have reported experiencing microaggressions, racial profiling, hate incidents and, in some cases, hate violence; and

WHEREAS, in Santa Clara County, one of the first minority-majority counties in the

nation, Asians have been the largest racial group since 2014, and currently, Asians make up nearly 38 percent of the county's population; and

WHEREAS, the West Valley - Mission Community College District Board of Trustees wishes to affirm its commitment to the well-being and safety of Asian

American community members and ensure they know they are not alone and that they can speak out to help stop the spread of bigotry; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of West Valley - Mission Community College District that:

West Valley - Mission Community College District denounces xenophobia and anti-Asian sentiment and does not support the rhetoric and racist remarks of some national leaders regarding the COVID-19 virus. The District joins cities, counties, and states across the country in affirming its commitment to the safety and well-being of Asian Americans and in combating hate crimes targeting Asian Americans and Pacific Islanders.

PASSED AND ADOPTED this 5th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

Bradley J. Davis
Board Secretary

Susan Fish
Board President

Board of Trustees**BP 2410 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES****References:**

Education Code Section 70902;
ACCJC Accreditation Standards IV.C.7, IV.D.4, I.B.7, and I.C.5

The Board may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operation of the District. Board policies are intended to be statements of intent by the Board on a specific issue within its subject matter jurisdiction.

The policies have been written to be consistent with the provisions of law, but do not encompass all laws relating to District activities. All District employees are expected to know of, and observe all provisions of law pertinent to their job responsibilities.

Policies of the Board may be adopted, revised, added to, or amended at any regular Board meeting by a majority vote. Proposed changes or additions shall be introduced not less than one regular meeting prior to the meeting at which action is recommended. The Board shall regularly assess its policies for effectiveness in fulfilling the District's mission.

Administrative procedures are to be issued by the Chancellor as statements of method to be used in implementing Board Policy. Such administrative procedures shall be consistent with the intent of Board Policy. Administrative procedures may be revised as deemed necessary by the Chancellor.

The Chancellor shall biennially provide each member of the Board with any administrative procedure revisions since the last time they were provided. The Board reserves the right to direct revisions of the administrative procedures should they, in the Board's judgment, be inconsistent with the Board's own policies.

Copies of all Board policies and administrative procedures shall be readily available to District employees through the Chancellor.

Date Adopted: January 17, 2012

Date Revised: April 21, 2015

General Institution**BP 3050 INSTITUTIONAL CODE OF ETHICS****Reference:**

Accreditation Standard III.A.1.d

Definition of Ethics

Ethical behavior is often defined as “right” or “good” behavior as measured against commonly accepted rules of conduct for a society or for a profession. The ethical person is often described in absolute terms as one who is fair, honest, straightforward, trustworthy, dispassionate, and unprejudiced. If, however, one is inconsistently fair or honest, one loses credibility and is perceived to be unethical. The ethical person must be conspicuously consistent in the exercise of integrity to sustain the credibility that is an expectation of office.

Importance of Ethics

The credibility of District employees depends upon whether they are perceived as honest men and women. If integrity contributes to credibility, then ethical behavior is a singular prerequisite to successful performance. When people are convinced that public institutions employ honest individuals, questions of credibility and demands for public accountability rarely arise.

Statements of ethical standards do not necessarily ensure ethical behavior. Yet public statements of intent surely create an expectation that public employees, in their official capacity, will indeed act with integrity in the public interest.

Expectations for Ethical Behavior

Employees shall be committed to the principles of honesty and equity.

Employees shall exercise judgments that are dispassionate, fair, consistent, and equitable. They shall exhibit openness and reliability in what they say and do as educational leaders. They shall confront issues and people without prejudice. They shall do everything they can to demonstrate a commitment to excellence in education and without compromise to the principles of ethical behavior.

Similarly, students are expected to abide by ethical behavior and decision-making in their treatment of District employees, other students, and members of the public.

Employee Responsibilities

The following statements of responsibilities are intended as guidelines:

- To provide and protect student access to the educational resources of the District;
- To protect human dignity and individual freedom, and assure that students are respected as individuals, as learners, and as independent decision-makers;
- To protect students from disparagement, embarrassment, or capricious judgment;
- To keep foremost in mind at all times that the District exists to serve students on behalf of the public;
- To develop a climate of trust and mutual support;
- To foster openness by encouraging and maintaining two-way communication;
- To encourage, support, and abide by the written Board Policies and Administrative Procedures of the District and the laws and statutes of the State of California; and
- To challenge unethical behavior in a timely manner.

Date Adopted: January 17, 2012
(Replaces current WVMCCD Policy 4.8.3)

General Institution**BP 3410 NONDISCRIMINATION****References:**

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

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, sex, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

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

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, sex, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Date Adopted: January 17, 2012

Date Revised: April 21, 2015

General Institution**BP 3420 EQUAL EMPLOYMENT OPPORTUNITY****References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

The District is committed to providing equal employment opportunities to all employees and job applicants, including those individuals with physical and mental disabilities. (Also BP/AP 3410 titled Nondiscrimination and BP/AP 7120 titled Recruitment and Hiring) A disabled employee or job applicant who is otherwise qualified for District employment may request reasonable accommodation(s) to allow him/her to perform the essential functions of the existing or desired job. Upon receipt of such a request, the District shall provide reasonable accommodation to known physical or mental limitations of a qualified disabled individual unless such accommodation(s) would impose an undue hardship on the District.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 7120 titled Recruitment and Hiring.

Date Adopted: January 17, 2012

(Replaces current WVMCCD Policy 3.10)

General Institution**BP 3430 PROHIBITION OF HARASSMENT****References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5;

Government Code Section 12950.1;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students 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. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment 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 academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

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.

See Administrative Procedure 3430.

Date Adopted: January 17, 2012
Date Revised: April 21, 2015



West Valley - Mission
Community College District

DISTRICT COUNCIL - UNAPPROVED SUMMARY OF THE NOVEMBER 6, 2017, MEETING

Present	District Council Member:	Representing:
X	Abdeljabbar, Wael	Faculty, Mission College
X	Rogers, Brenda for Massa, Cheryl	Classified, Classified Senate President, WVC
	Chim, Ngoc	(non-voting) Director of Fiscal Services
X	Davis, Brad	Administrator, WVC President
X	Farnsworth-Ryan, Cheryl	Administrator, District Administrative Services Representative
	For Goo, Brian	Classified, Classified Senate President, MC
X	Johnson, Tracy	(non-voting) Recorder
X	Maduli, Ed	(non-voting) Vice Chancellor, Administrative Services
	McGowan, Sean	Classified, District Administrative Services Representative
X	McMahon, Barbara	Classified, WVMCEA President
X	Moore, Albert	(non-voting) Facilitator, and AVC of Human Resources
X	Ehlers, Gretchen	Faculty, Academic Senate President, WVC
X	Peck, Daniel	Administrator, MC President
X	Schmitt, Patrick	(non-voting) Chancellor
X	Wasserbauer, Ann Marie	Faculty, ACE/AFT 6554 President
X	Williams, Debra	Administrator, Managers Association Representative
X	Winsome, Thais	Faculty, Academic Senate President, MC
	Lazari, Mikela	Student, Associated Student Government President, WVCC
	Vacant	Student Representative, WVC
	Sharma, Navsan	Student, Associated Student Organization President, MC
	Vacant	Student Representative, MC
Others	Beard, Jessica	

Facilitator Albert Moore called the meeting to order at 1:35 p.m.

1. **Order of Agenda**

Order of the Agenda.

2. **Oral Communications**

There were none.

3. **Approval of Minutes of October 6, 2017, DC Meeting**

Approval of these minutes will take place at the December 4 meeting.

4. **Review of the November 14, 2017, Draft Board Agenda Items**

Chancellor Patrick Schmitt reviewed the draft Board agenda items and discussed the meeting.

5. **1st Quarter Budget Adjustments and Financials**

Vice Chancellor Ed Maduli discussed the reports with District Council. He noted that expenditures and revenues are standard for this point in the fiscal year.

Action taken: It was M/S/P (Ehlers/Rogers) to approve the First Quarter Budget Adjustments and Financials.

6. **1st Quarter 311 Report**

Mr. Maduli reviewed the First Quarter 311 report, noting that the District is doing well financially and has no significant problems to address this year.

Action taken: It was M/S/P (Farnsworth-Ryan/Wasserbauer) to approve the First Quarter 311 Report.

7. **Approval of Chapter 6 Administrative Procedure Changes**

- AP 6350 Contracts-Construction
- AP 7337 LiveScan

Vice Chancellor Maduli discussed the proposed changes to these procedures.

Action taken: It was M/S/P (Ehlers/Rogers) to approve the changes to AP 6350 and AP 7337.

8. **Review of Finalized Bullying Procedure**

Chancellor Schmitt recapped that the proposed procedure had been sent to legal counsel for review and returned at the September 25 DC meeting for discussion of counsel's comments. Final changes were made to the procedure based on those comments: Counsels' suggestions were accepted. Chancellor Schmitt's changes were accepted. Chris Rolen's suggestion was accepted. The 'mitigating circumstances' language was removed and the procedure titled 'Bullying and Bullying Investigations.' Following that meeting, DC members took the procedure back to their constituencies for final review and were to return with any last comments for discussion at the November 6 meeting.

DC members indicated that their constituents had made no additional changes during the final review.

The procedure will be sent to counsel for a final review.

9. **Classified-Administrative Recruitment Procedures for District Council Review**

Associate Vice Chancellor Moore indicated that the revision of the Classified & Administrative Recruitment Procedures was started at the beginning of 2016-17 to update out-of-date practices and to bring them into compliance with current EEO regulations. The procedures were submitted to the EEO Diversity Advisory Council to review, discuss and contribute. Once input from the EEO Diversity Advisory Council was incorporated, the procedures were reviewed by the Executive Management Team and sent to the District's legal counsel for review. The procedures were sent to District Council members in September. No comments had been received from the constituent groups.

10. **Banner Implementation Update**

Chancellor Schmitt said that overall, the process seems to be continuing on course and moving forward. Issues are being addressed as they arise. If anyone is aware of unaddressed issues, they should be brought to the team's attention.

Mr. Maduli indicated that the HR/Payroll implementation is on target to go live by January. The last module will be the Foundation module; following that, there will be an upgrade of the Finance Module.

11. **Other**

Mission College Academic Senate President Thais Winsome indicated that although deans have been implemented, the Senate does not want to see others diminished. President Peck said that concerns have been expressed that there are a diversity of programs under one dean and faculty from those programs want to serve to represent their areas. Mr. Moore will review the concerns.

12. **Announcements**

Mr. Maduli indicated that the State Budget workshop will take place on January 18. He invited the Senate Presidents to attend.

13. **Future Agenda Items**

There were none.

The meeting adjourned at 2:17 p.m.

Student Services

BP 5505 BULLYING POLICY

References:

Education Code Sections 66300 and 66301;
Accreditation Standard II.A.7.b

The Chancellor shall establish District administrative procedures that define bullying and address the consequences of bullying in the learning environment and workplace, which shall comply with Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1964 or the Americans with Disabilities Act of 1990.

Date Adopted: April 21, 2015



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13. **Future Agenda Items**

There were none.

The meeting adjourned at 2:17 p.m.

Human Resources**BP 7100 COMMITMENT TO DIVERSITY****References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

The standards and practices of Human Resources shall be guided by the need to develop a diverse pool of applicants of outstanding competence; encourage and support the on-going professional development of District employees; retain staff; and enhance the quality of life for employees of the District.

Date Adopted: January 17, 2012

*(Replaces current WVMCCD Policies 3.1.1
and 3.1.2)*

Human Resources**BP 7120 RECRUITMENT AND HIRING****References:**

Education Code Section 70901.2, 70902(b)(7) & (d), and 87100 et seq.;
Title 5 Sections 53000 et seq., and 51023.5;
ACCJC Accreditation Standard III.1.A

The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity plan shall be implemented according to Title 5 and BP 3420 titled Equal Employment Opportunity.

Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.

The criteria and procedures for hiring academic employees shall be established and implemented in accordance with Board policies and procedures regarding the Academic Senate's role in local decision-making.

The criteria and procedures for hiring classified employees shall be established after first affording the Classified Senate an opportunity to participate in the decisions under the Board's policies regarding local decision making.

The assignment of duties and responsibilities for specific positions within job classifications shall be the direct responsibility of the designated supervisor, subject to review by the appropriate administrator.

Employment of all full-time personnel shall be contingent upon nomination and recommendation of the Chancellor, and the approval and appointment by the Board.

To be effective, all full-time personnel appointments are normally to be approved by the Board before work begins. In unusual circumstances, however, full-time appointments may be ratified at the next regular meeting of the Board, but in no case more than sixty days after work begins.

Date Adopted: January 17, 2012

Date Revised: April 21, 2015

Human Resources

BP 7160 PROFESSIONAL DEVELOPMENT

Reference:

WASC/ACCJC Accreditation Standard III.A.5

The District strives to welcome new employees into the District through an active orientation program. Further, the District supports continued training and development for employees within its organizational and resource limits.

Date Adopted: January 17, 2012

(Replaces current WVMCCD Policy 3.5)

Human Resources**BP 7510 DOMESTIC PARTNERS****References:**

Family Code Sections 297, 297.5, 298, 298.5, 299, 299.2, and 299.3

Domestic partners registered with the California Secretary of State shall have, insofar as permitted by California law, all of the same rights, protections, and benefits, as well as the same obligations, responsibilities, and duties of married persons (spouses) under state law. Former domestic partners shall have all of the rights and obligations of former spouses. Surviving domestic partners shall have the same rights, protections, and benefits as are granted to a surviving spouse of a decedent.

Therefore, all references to “spouses” in the District’s policies or procedures shall be read to include registered domestic partners as permitted by California law.

The District recognizes domestic partners for any benefits for which a spouse would qualify, as permitted by law and existing insurance carriers.

The Chancellor shall establish procedures to implement this policy.

Date Adopted: January 17, 2012

*(Replaces current WVMCCD Policies 3.12.1
and 3.12.2)*

Board of Trustees

AP 2410 BOARD POLICIES AND ADMINISTRATIVE PROCEDURES

References:

Education Code Section 70902;
Accreditation Standard IV.B.1.b & e

The development of policy shall utilize an appropriate consultative process to ensure the full and adequate deliberation by all interested parties or their representatives. Such consultative process may involve administrators, faculty, staff, and students of the District. The Chancellor shall be solely responsible for determination of the type and extent of such consultation. Final authority for decision-making and recommendation to the Board shall be vested in the Chancellor.

Administrators have an on-going obligation to review and, when appropriate, recommend the revision of policy and procedures in their areas of responsibility. Specifically, the areas are as follows:

- Basic District Foundations/Board of Trustees Chancellor
- District Governance and Administration Chancellor
- Human Resources Associate Vice Chancellor
- Educational Programs/Instructional Affairs College Presidents
- Student Services College Presidents
- Business Operations/Administrative Services Vice Chancellor

Date Approved: January 18, 2012
*(Replaces current WVMCCD Policies 2.4.4,
2.4.5, and 2.4.8)*

AP 3050 INSTITUTIONAL CODE OF ETHICS

Reference:

ACCJC Accreditation Standard III.A.13

Expectations for Ethical Behavior

Employees shall be committed to the principles of honesty and equity.

Employees shall exercise judgments that are dispassionate, fair, consistent, and equitable. They shall exhibit openness and reliability in what they say and do as educational leaders. They shall confront issues and people without prejudice. They shall do everything they can to demonstrate a commitment to excellence in education and without compromise to the principles of ethical behavior.

Similarly, students are expected to abide by ethical behavior and decision-making in their treatment of District employees, other students, and members of the public.

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The following statements of responsibilities are intended as guidelines:

- To provide and protect student access to the educational resources of the District;
- To protect human dignity and individual freedom, and assure that students are respected as individuals, as learners, and as independent decision-makers;
- To protect students from disparagement, embarrassment, or capricious judgment;
- To keep foremost in mind at all times that the District exists to serve students on behalf of the public;
- To develop a climate of trust and mutual support;
- To foster openness by encouraging and maintaining two-way communication;
- To encourage, support, and abide by the written Board Policies and Administrative Procedures of the District and the laws and statutes of the State of California; and
- To challenge unethical behavior in a timely manner.

Violations of the Code of Ethics

The District will promptly address any violation by an employee of the Code of Ethics in the following manner:

- The Chancellor is authorized to consult with legal counsel when s/he becomes aware of or is informed about actual or perceived violations of pertinent laws and regulations, including but not limited to conflict of interest, open and public meetings, confidentiality, and use of public resources. Violations of law may be referred to the District Attorney or Attorney General as provided for in law.
- Violations of the Code of Ethics (Policy 3050) will be addressed by the Chancellor or designee, who will first discuss the violation with the employee to reach a resolution. If resolution is not achieved and further action is deemed necessary, the Chancellor or designee may consult with others and recommend further courses of action to the Board.

Date Approved: January 18, 2012

Date Revised: April 11, 2016

*(This is new procedural language
recommended by the Policy and Procedure
Service)*

General Institution**AP 3200 ACCREDITATION****References:**

ACCJC Accreditation Eligibility Requirement 21 and ACCJC Accreditation Standards I.C.12 and 13
Title 5 Section 51016

In accordance with the standards of the Accrediting Commission for Community and Junior Colleges, the colleges shall conduct a comprehensive self-evaluation (study) every six years and host a visit by an accreditation team. Mandatory midterm reports are prepared and submitted to the Accrediting Commission in the third year of each six-year cycle.

Accreditation is an institutional responsibility and requires the full engagement of all constituencies. Active participation of faculty, classified staff, administrators, and students is necessary in the cyclical self-evaluation process to ensure a comprehensive and inclusive assessment process.

The process for producing the written document that is the comprehensive Self Evaluation of Educational Quality and Institutional Effectiveness Report must include:

- Accreditation Liaison Officer, appointed by the President;
- Active, campus-wide involvement of administrators, faculty, classified staff, and students;
- Participation by District representatives, especially through the District Joint Accreditation Steering Committee; and
- A college Steering Committee.

When the Self Evaluation is completed, it must be reviewed by the Board of Trustees prior to submission to the Accrediting Commission (which must be completed a minimum of 45 days prior to the team visit).

Date Approved: January 18, 2012

Date Revised: April 11, 2016

*(This is **new** procedural language recommended by the Policy and Procedure Service)*

General Institution**AP 3250 INSTITUTIONAL PLANNING****References:**

ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5
Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55510, and 56270
et seq.

Integrated Planning

Each College and the District shall have documented processes for developing, reviewing, updating and implementing plans as part of a broad-based, comprehensive, and integrated system of planning and institutional effectiveness evaluation. The system shall include all plans required by law as well as academic master plans, long range master plans for facilities, and shorter-term strategic planning. Each College and the District shall have a documented summary of how elements of the planning system are integrated.

These processes shall include identified committees charged with the responsibility of overseeing the development, implementation and assessment of plans within the planning system. These processes shall further identify the timeframe or cycle on which each of the plans within the system is developed, assessed, and revised.

All elements of the planning system shall be developed as part of a participatory decision-making process, including appropriate consultation with all proper constituent representatives. The Chancellor shall submit those plans for which Board approval is required by Title 5 to the Board. Further, any plan for which approval or submission to an outside entity is required, including, but not limited to, the State Chancellor's Office, will be submitted as required.

Assessment and Continuous Improvement Activities

Each College and the District shall conduct assessments of institutional effectiveness on a regular basis. These assessments shall be guided by the principles reflected in the District Mission Statement, Values Statements, and Vision Statement as well as expectations of accreditation established by WASC/ACCJC. Assessments of planning systems and progress toward goals shall be conducted as part of a documented cycle of assessment and improvement.

Further, student learning outcomes assessments, academic program reviews, and administrative/student service unit reviews shall be conducted and separate sets of documentation shall be maintained for each. The data and assessment gathered through these reviews shall provide evidence of institutional effectiveness relating to how well the Colleges and the District fulfill their respective missions, achieve their goals, and use the results to improve student learning, improve services and programs, and inform planning and resource

allocation processes. The results of such reports shall be shared broadly and used as a basis for improvement.

Date Approved: January 18, 2012

Date Revised: April 11, 2016

*(This is **new** procedural language
recommended by the Policy and Procedure
Service)*

General Institution**AP 3410 NONDISCRIMINATION****Nondiscrimination References for Education Programs:**

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

Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements

Education Programs

The District shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, sex, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

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

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

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

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq.;

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

Employment

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

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

The Chancellor is charged with the responsibility of implementing this general policy statement through the development and administration of specific component plans including, but not limited to, administrative regulations, data collection methods, analysis, reporting procedures, compliance procedures, grievance mechanisms, and delegation of responsibilities. Further, that there shall be one such component plan for each of the following areas: employment, curriculum, student enrollment, District resources, facilities, and services.

A copy of the policy on non-discrimination and unlawful discrimination will be displayed in a prominent location in the main administrative building or other area where notices regarding the District's rules, regulations, procedures, and standards of conduct are posted.

Also see AP 3435 titled Discrimination and Harassment Investigations

Date Approved: January 18, 2012

Date Revised: April 11, 2016

*(Replaces current WVMCCD Policies 2.6.4
and 2.6.5)*

General Institution**AP 3420 EQUAL EMPLOYMENT OPPORTUNITY****References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and Sections 59300 et seq.

The EEO Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor's Office for review as required;
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups," as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below;
- To the extent data regarding potential job applicants is provided by the State Chancellor, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;

The Plan shall be a public record.

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

Annual Evaluation

The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.

An annual report of this demographic data will be provided to the State Chancellor's Office of the California Community Colleges. The report shall identify each employee as belonging to one of the following seven job categories:

- executive/administrative/managerial
- faculty and other instructional staff
- professional non-faculty
- secretarial/clerical
- technical and paraprofessional
- skilled crafts; and
- service and maintenance.

The opportunity for each employee to identify his/her gender, ethnicity and, if applicable, disability. This opportunity allows for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.

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

- longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and
- analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

The District shall establish an EEO Advisory Committee and the advisory committee shall include a diverse membership whenever possible. The advisory committee shall receive training in all of the following:

- applicable Title 5 regulations and of state and federal nondiscrimination laws;

- the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and,
- the role of the advisory committee in carrying out of the District's EEO Plan.

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 faculty and administrators 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;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- to advise the Chancellor regarding special training or staff development needs;
- review the Plan and monitor its progress; and
- recommend changes needed in the Plan, and review and approve the annual written report to the Chancellor, the Board of Trustees, and the California Community Colleges Chancellor's Office.

Employment Procedures

Job Analysis and Validation: The Associate Vice Chancellor for Human Resources shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the constitution of the "qualified applicant pool," the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

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

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

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

Recruitment: Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in other area venues as appropriate.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify himself/herself voluntarily as to gender, ethnicity and, if applicable, his/her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Associate Vice Chancellor of Human Resources or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the "qualified applicant pool."

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Associate Vice Chancellor of Human Resources or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

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

- Hiring procedures will be provided to the California Community Colleges Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.

- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Associate Vice Chancellor for Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

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

If significant underrepresentation persists, the District shall:

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

Delegation of Authority

The Associate Vice Chancellor of Human Resources shall act as the District “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs. If the EEO Officer is named in a complaint or implicated by the allegations in a complaint, appropriate responsibilities may be assigned to other staff or to outside persons or organizations under contract with the District.

Complaint Procedure

The District must identify to the public and to the California Community Colleges Chancellor’s Office an individual described in Title 5 as the “responsible District officer,” responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the

attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned by the Associate Vice Chancellor of Human Resources to other staff or to outside persons or organizations under contract. This shall occur whenever the Associate Vice Chancellor of Human Resources is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education;
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the California Community Colleges Chancellor's Office.

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

A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

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

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the California Community Colleges Chancellor's Office that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

In any case that does not involve employment discrimination, the District must provide the California Community Colleges Chancellor's Office with a copy of the investigative report within ninety days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The California Community Colleges Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Associate Vice Chancellor of Human Resources as to whether discrimination did or did not

occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Governing Board and the California Community Colleges Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Associate Vice Chancellor of Human Resources as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing.

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the governing board within fifteen days from the date of the notice of the administrative determination. The Board of Trustees must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the California Community Colleges Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.

Where the Board of Trustees does not act within forty-five days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the California Community Colleges Chancellor's Office, that the Board of Trustees took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the California Community Colleges Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the California Community Colleges Chancellor's Office may require.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of national origin, religion, age, gender, gender identity, gender expression, sex, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or political or organizational affiliation, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Dissemination and Revision of the Plan

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

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

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

Accountability and Corrective Action

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

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

Accommodation Procedures for Job Applicants:

1. A job applicant who is an individual with a disability may request a reasonable accommodation in order to participate in the application and selection process for available District positions.
2. The applicant requesting accommodation must first put the request in writing by completing the District's form entitled, "Request for Reasonable Accommodation — Job Applicant." These forms are available from the District Human Resources Department. The form must be returned to the Human Resources Department.
3. An applicant requesting reasonable accommodation must submit with his/her request the District's "Disability Certification Form" which has been completed by an appropriate licensed medical professional. The District reserves the right to require that the

applicant's need for accommodation in the application process be verified by a District-approved physician at the District's expense.

4. Upon receiving the required paperwork from the applicant, the Associate Vice Chancellor of Human Resources will make a determination as to whether the applicant is entitled to reasonable accommodation. If the applicant qualifies for reasonable accommodation, the Associate Vice Chancellor of Human Resources, in consultation with other appropriate management personnel, shall consider the applicant's request in the following manner:
 - a. Analyze the application and selection process;
 - b. Consider the accommodation requested by applicant and assess its cost and effectiveness; and
 - c. Identify potential alternate accommodations and assess the cost-effectiveness of each.
5. The Associate Vice Chancellor of Human Resources will consult with the applicant and may consult with state and local rehabilitation agencies, and disability constituent organizations in order to make a determination regarding a reasonable accommodation.
6. The applicant will be notified in writing by the Associate Vice Chancellor of Human Resources, or designee, of the District's final decision regarding his/ or her request for reasonable accommodation in the application or selection process.

Accommodation Procedures for Employees:

1. An employee who is a qualified individual with a disability may request a reasonable accommodation in order to perform the essential job duties of his/ or her position or in order to enjoy the benefits of employment equivalent to those available to nondisabled employees.
2. The employee must first put the request in writing by completing the District form entitled, "Request for Reasonable Accommodation — Employee." These forms are available from the District Human Resources Department. The form must be returned to the Human Resources Department.
3. An employee requesting reasonable accommodation must submit with his/ or her request, the District's "Disability Certification Form" which has been completed by an appropriate licensed medical professional. The District reserves the right to require that the employee's need for accommodation be verified by a District-approved occupational physician at the District's expense.
4. Upon receiving the required paperwork from the employee, the Associate Vice Chancellor of Human Resources will make a determination as to whether the employee is entitled to reasonable accommodation. If the employee qualifies for reasonable accommodation, the Associate Vice Chancellor of Human Resources in consultation with other appropriate management personnel, shall consider the employee's request in the following manner:

- a. Analyze the particular job involved and determine its essential functions and/or analyze the benefits of employment allegedly made unavailable because of employee's disability;
 - b. Arrange a meeting between the employee and the Associate Vice Chancellor of Human Resources to discuss the employee's functional limitations and how those limitations may be overcome with a reasonable accommodation;
 - c. Consider the employee's requested accommodation and identify other potential accommodations, assessing their cost and effectiveness. Rehabilitation agencies, disability constituent organizations and employee representatives may be consulted for assistance in this process;
 - d. Arrange a meeting between the employee and appropriate management personnel in an effort to reach consensus on an acceptable accommodation;
 - e. If consensus is reached, the accommodation will be memorialized in writing and sent to the employee and appropriate management personnel. A copy of the agreed-upon accommodation will be placed with the employee's medical records in a separate envelope within the employee's personnel file;
 - f. If consensus is not reached, the Associate Vice Chancellor of Human Resources will notify the employee in writing of the District's final decision regarding his/her request for reasonable accommodation.
5. Failure of the employee to cooperate with the reasonable accommodation process shall suspend the District's efforts to process the employee's Request for Accommodation.
 6. An employee who is dissatisfied with the District's decision may file a Complaint of Unlawful Discrimination with the Associate Vice Chancellor of Human Resources.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 7120 titled Recruitment and Hiring

Date Approved: January 18, 2012

Date Revised: April 11, 2016

(Replaces current WVMCCD Procedure 3.13)

AP 3430 PROHIBITION OF HARASSMENT**References:**

Education Code Sections 212.5; 44100; 66281.5;
Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated
Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and 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

General Harassment – Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy.

Harassment shall be found where, 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 his or her 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 innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation;

or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

Physical – Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written – The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental – A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/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 made by someone from or in, the work or education setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;
- 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

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are,

however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Date Approved: January 18, 2012

Date Revised: April 11, 2016

*(This is **new** procedural language
recommended by the Policy and Procedure
Service)*

Student Services**AP 5505 BULLYING AND BULLYING INVESTIGATIONS****References:**

- Education Code Sections 66300, 66301 and 66302;
- Accreditation Standard II.A.7.b
- AB2053 Gonzalez. Employment discrimination or harassment: education and training: abusive conduct.
- WVMCCD AP4030 Academic Freedom
- WVMCCD AP5500, AP5520 "Student Conduct"
- WVMCCD AP5510, Workplace Violence Plan
- WVMCCD AP5515, Reporting of Crime

OBJECTIVE:

The West Valley-Mission Community College District (WVMCCD) is committed to providing a respectful and professional educational environment and workplace for students, faculty, staff and third parties. Respect for one another is fundamental to working together in a collegial, effective, and innovative manner. Disrespectful or unprofessional communications and behavior can disrupt the proper functioning of the academic environment. Therefore, it is the intent of the WVMCCD to:

- Establish a respectful educational environment and workplace free of disrespectful or unprofessional communications or behavior; and
- Provide effective and non-retaliatory problem-solving processes that address concerns regarding respectful or professional communications or behavior.

This Administrative Procedure establishes criteria under which conduct may be considered unprofessional or bullying, and describes the process by which unprofessional or bullying behavior may be reported and acted upon by District authorities.

BULLYING

Bullying is defined as unwelcome acts of an individual or group of individuals that are directed towards an individual or group of individuals and are intended to humiliate,

harass, mentally or physically injure, or intimidate others that is unrelated to the District's legitimate business and educational interests. Bullying is abusive conduct, with malice, that a reasonable person would find hostile and offensive. Also, the behavior is sufficiently severe or pervasive to have a material and negative impact on the ability of a member of the West Valley-Mission Community College District (WVMCCD) to participate in the learning or working environment of the College or District. A single act shall not constitute abusive conduct, unless especially severe and egregious.

These behaviors include, but are not limited to:

Physical Bullying: striking, pushing, shoving, kicking, poking, or tripping another; assaulting or threatening physical assault; damaging a person's work area or personal property; or damaging or destroying a person's work product.

Verbal/Written Bullying: ridiculing or name-calling, either verbally or in writing; addressing abusive or threatening remarks to a person; or attempting to exploit an individual's known intellectual or physical vulnerabilities or subordinate rank within a group, in ways that satisfy the definition of bullying described above.

Nonverbal Bullying: directing objectively threatening, humiliating, or intimidating gestures toward a person or invading personal space. Nonverbal bullying may also involve stalking, unconsented photography or recording of private acts, or the disclosure of private facts or images of a person as to which the person has a reasonable expectation of privacy.

Cyber Bullying: bullying an individual using any electronic modality including, but not limited to, the Internet, interactive and digital technologies, social media, messaging, blogs, or mobile phones and other personal electronic devices. Cyber bullying may include verbal, written, or non-written bullying.

Bullying fosters a climate of fear, disrespect, and low morale, which seriously impairs student and employee success. WVMCCD believes that all students and employees have a right to a safe and healthy learning and work environment. WVMCCD is committed to high standards of behavior where every District member demonstrates through their conduct proper regard for the rights and welfare of others and seeks to promote civility among the members of the District community.

ACADEMIC FREEDOM, FREE SPEECH, AND NORMAL SOCIAL INTERACTION

Freedom of expression and thought are essential for a thriving academic community.

Differences of opinion are protected at WVMCCD, in and out of the classroom.

Discussion of an academic subject, even when the ideas are controversial, is protected. Disagreements and criticism, even when strongly asserted, are not bullying if they are aimed at ideas and actions, rather than at hurting or humiliating individuals. And while kindness and civility are virtues and aims of the WVMCCD, not every unkind or uncivil remark or act is punishable. Social interactions sometimes result in hurt feelings. This is always unfortunate, but a social slight, criticism, or rebuff is not bullying unless it satisfies the criteria above.

Bullying of any person, or of members of their family, is strictly prohibited on any District property, at any District function, event or activity on or off District property, or through the use of any electronic or digital technology connected with any District activity, whether such use occurs on or off District property.

This procedure shall apply to all WVMCCD Trustees, administration, faculty, staff, students, contractors, consultants, and vendors. In the event that a member of the district community is found to be in violation of this policy, he or she will be held accountable by District, local, and state authorities.

ADMINISTRATIVE REPORTING PROCEDURES

WVMCCD expects both students and employees experiencing or witnessing bullying incidents to immediately report and initiate follow-up concerning such events. Students, when witnessing or facing incidents of bullying directed by or directed at students, should report through the college student disciplinary process. Employees should report through Human Resources.

If bullying is suspected to be of a criminal nature, the case shall be referred to the WVMCCD Police.

Reporting Bullying by Student

Complaints of students bullying other students, employees, contractors, consultants, or vendors should be reported immediately to the Office of Vice President of Student Services for follow-up investigation. In the event that the bullying case involves employees, contractors, consultants, or vendors, Human Resources will also be involved.

Any incident should be formally documented by completing an Incident Report Form which is then forwarded to the Vice President of Student Services and Director of Student Development for investigation and disciplinary follow-up in accordance with the procedures set forth in the District Student Code of Conduct.

Reporting Bullying by Employees

Complaints of District employees bullying other employees, students, contractors, consultants, or vendors should be reported immediately to the Associate Vice Chancellor of Human Resources. The Office of Human Resources will review the complaint, conduct an investigation, and recommend appropriate disciplinary action per faculty and non-faculty employment contracts and handbooks.

In the course of any investigation into an alleged act of bullying, WVMCCD will strive at all times to be sensitive to the fact that behavior that may be perceived as bullying may, in fact, be due to differences in perception on the part of those who may suffer from physical or mental disability.

Date Approved: November 6, 2017

(Procedure developed by District Council to implement BP5505, Bullying Policy.)

AP 3435 DISCRIMINATION AND HARASSMENT INVESTIGATIONS

References:

- Education Code Section 66281.5;
- Government Code Section 12950.1;
- Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;
- 34 Code of Federal Regulations Section 106.8(b)

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 within 30 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 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.

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, and/or inappropriate.

Oversight of Complaint Procedure: The Associate Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

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

Who May File a Complaint: Any student, employee, or third party who believes he/she has been discriminated against or harassed by a student, employee or third party in violation of these policies and procedures.

Where to File a Complaint: A student, employee, or third party who believes he/she has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available from the Associate Vice Chancellor of Human Resources and at the State Chancellor's Office website.

The completed form must be filed with any of the following:

- The Associate Vice Chancellor of Human Resources
- Vice President of Student Services, Chancellor, and/or
- The State Chancellor's Office.

Employee complainants 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).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

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

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.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Associate Vice Chancellor of Human Resources shall:

- 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.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. 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 Associate Vice Chancellor of Human Resources shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Associate Vice Chancellor of Human Resources should notify the complainant of his/her options to

avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and accused individual, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes or housing while allowing accused individuals to remain.

- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer 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 accused, 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 to determine 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.
- Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's governing board, and if the complaint involves employment discrimination, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain any other appropriate information.
- Provide the complainant and accused with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant and accused shall also be provided with a written notice setting forth the determination of the Chancellor as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's Board of Trustees and the State Chancellor's Office. If the complaint involves allegations of employment discrimination, the complainant will be notified of his/her right to file a complaint with the California Department of Fair Employment and Housing, or the U.S. Equal Employment Opportunity Commission. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred shall also be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

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 shall disclose any real or perceived conflicts of interest and may be required to delegate the responsibility to investigate to an impartial investigator.

Investigation of the Complaint: The District shall promptly investigate every complaint of harassment or discrimination. 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.

As set forth above, where the complainant opts for an informal resolution, the Associate Vice Chancellor for Human Resources 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; and the accused individual'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 of 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 and discrimination complaints. Investigators will use the following steps: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses, and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a 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 discrimination or harassment has occurred.

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 ninety (90) days of the District receiving the complaint.

Cooperation Encouraged: All employees are expected 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 is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Discipline and Corrective Action

If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. If discipline is imposed, 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 harasser must stay away from the complainant.

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 alleged perpetrator do not attend the same classes or work in the same work area;
- Preventing offending third parties from entering campus;
- Providing counseling services;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Arranging for a student complainant 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 being disciplined.

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, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. 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 accused individual 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 decision.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen days, submit a written appeal to the Board of Trustees. 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 State Chancellor's Office. The complainant shall also be notified of his/her right to appeal this decision.

If the Board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty 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. In such cases, the complainant may also file a petition for review with the State Chancellor's Office within thirty days after the Board issues the final decision or permits the administrative decision to become final.

Within one hundred fifty (150) days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

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, faculty members, members of the administrative staff, and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are 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.

Training

The District shall provide sexual harassment training and education to each supervisory employee once every two years.

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. 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.

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students.

The Associate Vice Chancellor of Human Resources or designee shall make arrangements for or provide training to employees on the District's non-discrimination and unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and all members of the support staff will be provided with a copy of the District's written policy on non-discrimination and unlawful discrimination at the beginning of the first semester of the school year after the policy is adopted. Training for academic staff should emphasize environmental harassment in the classroom.

All District employees will be provided this training and a copy of the non-discrimination and unlawful discrimination policy and procedures during the first year of their employment. Thereafter, in years in which a substantive policy or procedural change has occurred; all District employees will attend a training update and/or receive a copy of the revised policies and procedures. 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 investigation reports of sexual violence.

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 its 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, how it works, how to file a complaint, and the consequences of violating these policies. In addition, a copy of the District's written policy on non-discrimination and unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each semester or summer session, as applicable.

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. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

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.

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 a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of unlawful discrimination.

Also see BP/AP 3410 titled Nondiscrimination and BP/AP 3430 titled Prohibition of Harassment.

Date Approved: January 18, 2012

Date Updated: April 11, 2016

*(Replaces current WVMCCD Policies 2.6.6
and 2.6.7)*

Human Resources**AP 7100 COMMITMENT TO DIVERSITY****References:**

Education Code Sections 87100 et seq.;
Title 5 Sections 53001 and 53000 et seq.

The District values a diverse workforce. We will take deliberate steps to ensure our workplace reflects the community in which we live and embraces differences in an inclusive, safe environment.

The EEO Plan should be a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor's Office for review and approval as required;
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;

- An analysis of the number of persons from “monitored groups,” as defined by Title 5 Section 53001(i), who are employed in the District's workforce and those who have applied for employment in each of the job categories listed below;
- An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the State Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices; and
- Additional steps to address any significant underrepresentation of monitored groups identified in the plan.

The Plan shall be a public record.

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

Date Approved: January 18, 2012

*(This is a new procedure recommended by the
Policy and Procedure Service)*

Human Resources**AP 7120 RECRUITMENT AND HIRING****References:**

Education Code Sections 87100 et seq., 87400, and 88003;
WASC/ACCJC Accreditation Standard III.A

The Associate Vice Chancellor of Human Resources, under the direction of the Chancellor, is responsible for developing recruitment, selection, and professional development guidelines which will result in consistent employment of persons who complement and bring to the District particular talents, expertise, and varied backgrounds. These guidelines will ensure compliance with Federal and State laws and meet District staffing needs effectively and in a timely manner.

The Human Resources Department is responsible to the Chancellor for maintaining current descriptions of job duties and responsibilities and a roster of authorized positions for all academic and classified positions.

Classified Employees

The selection process to be followed in the hiring of classified employees is specified in the Classified Selection Procedures and maintained by the Human Resources Department.

Appointments to full-time classified positions are made by the Board based upon the recommendation of the Chancellor. The Associate Vice Chancellor of Human Resources will make recommendations to the Chancellor for any College classified appointments.

Recruitment Process

Before a position can be recruited via advertisement through the recruitment and selection process and prior to hiring a designated individual for a particular assignment other than substitutes (persons hired to replace employees on leave and persons needed for vacant positions), approval must be obtained through the immediate supervisor, appropriate Vice President, President or Vice Chancellor, Associate Vice Chancellor of Human Resources and the Executive Management Team.

Approval is required for regular, interim, full-time temporary, and short-term project based assignments. Definitions are as follows:

- Regular assignments are positions in the management, confidential, faculty and classified employee groups with Board approved job descriptions.

- Interim assignments are management positions where in-house recruitment is conducted within the District to find an employee to fill the assignment for the minimum time necessary to allow for full and open recruitment. Interim assignments are for no more than one year. The State Chancellor may approve an extension for one additional year if the District demonstrates “business necessity” as defined in Title 5 Section 53001.
- Full-time temporary assignments are faculty positions needed to replace resigned/retired employees who submitted their terminations within 45 days of the end of the academic year or at the end of the semester for which there is not enough time as determined by Human Resources to conduct a full and open recruitment.

All regular, interim, and full-time assignments require the completion of the online Personnel Requisition.

Also see BP/AP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, and AP 7236 titled Substitute and Short Term Employees.

Date Approved: January 18, 2012
(Replaces current WVMCCD Policies 3.1.3, 3.2.2, 3.2.3, 3.2.4, and 3.4.2 as well as Procedures 3.1.3 and 3.7.4/3.7.5)

Human Resources

AP 7160 PROFESSIONAL DEVELOPMENT

Reference:

WASC/ACCJC Accreditation Standard III.A.5

Refer to specific collective bargaining agreements for detail on professional development benefits for employees. Whenever possible, District Human Resources will offer additional professional development opportunities to all employees on a regular basis.

Date Approved: January 18, 2012

*(This is a new procedure recommended by the
Policy and Procedure Service)*

Human Resources**AP 7510 DOMESTIC PARTNERS****References:**

Family Code Sections 297, 298, 298.5, 297.5, 299, 299.2, and 299.3

The District has established a Domestic Partner health insurance policy. This policy extends benefits to the domestic partner of a regular employee if they meet the eligibility requirements as outlined in the "Affidavit of Domestic Partnership."

Employees requesting this additional benefit must provide written documentation that they have been residing together for at least six (6) months prior to the time of application for benefits, complete the Affidavit of Domestic Partnership form, and provide two documents to verify financial interdependence. Examples of acceptable documentation may include: rental receipts, mortgage agreements, bank statements or utility bills, all of which must be in the name of the employee and the domestic partner. Please refer to the "Affidavit of Domestic Partnership" for the specific requirements.

If the domestic partnership ceases, the employee has thirty (30) calendar days to notify the Human Resources Specialist – Benefits or designee verbally or in writing of the termination of the relationship and to file an "Affidavit of Termination of Domestic Partnership" with the District.

There may be tax or legal consequences to the employee resulting from the domestic partnership benefits. The employee should contact a tax advisor or an attorney if s/he has any questions regarding the tax/legal implications of signing the Affidavit of Domestic Partnership.

The eligible period to add a domestic partner is six months from the effective date of the domestic partnership or open enrollment, whichever occurs later.

Date Adopted: January 18, 2012

(Replaces current WVMCCD Procedure 3.15)