



Governing Board Statement on Recent Concerns Regarding Racial Issues on Campus

We are committed to doing our part to build a just society of equal opportunity for all.

Indeed, this commitment is what motivates us to be involved at Southwestern College. It is therefore disheartening to know we have had employees experiencing unacceptable treatment.

It is our goal that Southwestern College be a place where people of all backgrounds are welcome and contribute to a positive learning and working environment. However, we recognize that here, as in all of our society, progress is made only by being aware of the unfortunate reality of discrimination when it occurs.

We express our appreciation and gratitude to the employees who raised these issues. As a Governing Board we are committed to supporting and engaging in open communication and transparency.

GOVERNING BOARD OF THE SOUTHWESTERN COMMUNITY COLLEGE DISTRICT

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Southwestern Community College District, September 8, 2015

Executive Summary

I. INTRODUCTION

Southwestern Community College District is a higher education institution that provides educational and employment opportunities to a richly diverse community of people for whom we are committed to ensuring equity and equality.

Workplace complaints at the College are taken seriously and for a period of time issues related to the custodial department have been reported to and addressed by the College's employee services division. However, earlier this year, a letter was sent to California State Assembly Member Shirley Weber that made serious allegations of discriminatory treatment directed toward several College employees. The letter, signed by several members of the College's custodial staff, stated that these employees believed that they had been treated unfairly, and possibly discriminated against, by other College employees.

A copy of this letter was provided to the Governing Board President who shared it with all Board members and forwarded it to Superintendent/President Dr. Melinda Nish for administrative action. Dr. Nish immediately directed action to evaluate and address the concerns raised in the letter. Because of the seriousness of the allegations and with the strong support of the Board, President Nish directed that an investigation be immediately launched to address all the complaints.

To conduct the investigation, the College hired the outside law firm of Renne Sloan Holtzman Sakai LLP (Renne Sloan). The firm's directive was to investigate the specific allegations raised by the custodians. The objective was to (1) determine whether the claims were true, (2) determine whether any laws or policies were violated, and (3) generally provide the College with additional information to help us evaluate our overall efforts to provide a fair, non-discriminatory workplace.

II. THE INVESTIGATION AND FINDINGS

Renne Sloan is an experienced law firm that specializes in workplace harassment and discrimination. The firm was instructed to conduct a thorough, confidential investigation of the alleged incidents. Where information was gathered in the course of the investigation that indicated additional investigation should be completed, the team did so. As a result, over the course of eight weeks, the investigative team interviewed 36 witnesses (including all members of the custodial department), and reviewed incidents which were alleged to have occurred

as far back as 16 years ago.

Upon completing their investigation, Renne Sloan prepared a confidential investigative report. Ultimately, the investigators concluded that the claims did not rise to the level of violating anti-discrimination laws. This does not mean that many of the alleged acts did not occur and were not inappropriate in the workplace; it means that the alleged acts were found to not be race-based or otherwise not meet a legal requirement to be a violation of law.

While the report concluded there was no actionable violation of law, it did find inappropriate conduct by employees and poor management. In those areas where the College was found to be weak, the investigators made recommendations for improvement.

A. SUMMARY OF FINDINGS

The report made the following key findings:

- Several employees were subjected to racially offensive and other inappropriate "noises" made by unidentified individuals using Southwestern College issued hand held radios, and that management did not take sufficient responsive action to address this issue.
- Several employees complained that they were subject to racial epithets and slurs.
- There were several incidents between custodial and other employees that, while not established to be based on race, still demonstrated insensitivity, bias, or disrespect.
- There was poor supervision and oversight of some Southwestern College employees. The day-to-day interaction between custodial employees and management was poor.
- There is a need for better record keeping, especially as it relates to discrimination complaints and training records.
- There was a history of frequent turnover in the Human Resources Department that exacerbated the management of handling complaints.
- There is a need for better coordination between Campus Police, Human Resources and other departments.

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B. SUMMARY OF RECOMMENDATIONS

Based on these findings, the report made the following recommendations:

- The College should take steps to assure responsive and positive management of the Custodial Department.
- The College should provide and document ongoing Discrimination & Harassment Policy training to employees – in addition to the mandatory training for supervisors and managers, which is required by law.
- The College should assess how to address and reduce turnover in the Human Resources Department leadership and take steps to improve complaint handling.
- To address the misidentification of custodial personnel, Southwestern College should provide the custodial staff with uniforms and better identification so that they might be easily identified on campus.
- The College should purchase portable communication radios equipped with identifiers.

Some of the recommendations will take time to implement. However, several are already well under way, such as the provision of uniforms, purchase of new radios, changes in supervision of custodial staff, evaluation of our complaint handling processes, and the initiation of campus-wide training.

C. PLAN OF ACTION

Historically, Southwestern College has valued diversity in our campus community. We have been significantly expanding our efforts aimed at greater equity, inclusivity and diversity. District-wide efforts include:

- Student Equity funds allocated by the state have provided a significant opportunity to educate our students and staff on these issues.
- Implementation of a plan for college-wide training with the Anti-Defamation League, the law firm of Liebert Cassidy Whitmore, The National Center for Conflict Resolution, and other providers. This training has already been completed by the custodial staff and the College Management Team; trainings for faculty, hiring committee members and classified staff are scheduled for this academic year.
- Revision of our Board policies, including harassment and discrimination, has been partly achieved and will be completed by the end of the calendar year.
- The Human Resources department is engaged in reviewing, assessing, and improving its system for handling complaints, including the proper maintenance of records.

- The Governing Board will have the opportunity to establish a full-time Title IX Administrator to support our full compliance with applicable state and federal anti-discrimination law.
- Staff has also made diversity, equity and inclusion a centerpiece of Opening Day training and mandated school meetings. In addition to bringing speakers to campus to discuss these themes, the Professional Development Program has greatly expanded its class offerings and trainings on these topics. Attendance indicates this message is reaching a wider audience than before.

We believe that our current policies and the actions we are taking will make a difference. However, we must enlist the help of the entire campus community to realize our goal.

III. OUR COMMITMENT

Our campus community is one of the most diverse college campuses in the state. We strongly support the principle that diversity and our community is built upon a foundation of fairness, equity, equality and respect. We are, however, not blind to the fact that prejudice and its harmful effects remain, even here. As a result, we take our legal and ethical duty to take appropriate steps to prevent discrimination seriously, and our goal is to be an institution that models workplace inclusion, equity and equality. Despite our best efforts, however, there will be occasions where members of our campus community believe they or someone else have been discriminated against. At those times, it is important that both victims and witnesses know they have a place within the College to speak up and seek help. When they do, it is critical that the College has well-trained personnel and effective practices in place to actively listen to them and take timely, appropriate responsive action.

Sometimes it takes a strong voice – like our custodians' letter – to help us remember that we cannot rest in our fight against prejudice and bias. As the investigation demonstrated, employees have been subjected to inappropriate and unacceptable behavior. In too many instances, not enough was done to address the problems by those with a responsibility to act. Whether the behavior stemmed from racism, bias, prejudice, favoritism or ignorance, it should not have been and will not be tolerated.

In the marketplace of ideas and opinions that you find in any college community, we acknowledge that sometimes there will be disagreements. However, everyone must recognize that every voice has value and that everyone should be treated with decency and respect. When this cardinal rule is not recognized, we must and will take action.

