

PROHIBITION OF HARASSMENT & DISCRIMINATION

References: Education Code Sections 212.5, 44100, 66252 et seq., 66281.5, 72010, et seq., and 87100 et seq.;
Government Code Sections 12926.1, 12940 et seq. and 12950.1;
Title 5 Sections 53000 et seq. and 59300 et seq.;
Title VII of the Civil Rights Act of 1964;
42 U.S.C.A. Section 2000e; Penal Code Section 422.55;
Title I & Title II, 1990 Americans with Disabilities Act
Section 504, Federal Rehabilitation Act

Southwestern Community College District is committed to providing an academic and workplace environment which demonstrates respect for the dignity of all individuals, free from exclusion and prejudice, whether purposeful or inadvertent. The District expressly prohibits and will not tolerate any form of discrimination or harassment.

The District, and those who represent the District, shall not discriminate against any person in employment or in any program affiliated with the District on the basis of age, ancestry, color, ethnic group identification, national origin, religion, race, gender, gender identity, sexual orientation, marital status, physical or mental disability or veteran status, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No person shall be subject to harassment on the basis of any of the foregoing characteristics, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of discrimination and harassment, including sexual harassment, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint or for participating in an investigation.

The District shall provide inclusive access to its services, classes, and programs without regard to any of the foregoing characteristics, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

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.

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To this end the Superintendent/President 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.

No District funds shall be used for payment to, membership in, or for any participation with, an organization whose membership practices are discriminatory on the basis of any of the foregoing characteristics, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

District Procedure No. 3430 provides definitions of terms used in this policy and sets forth the manner in which unlawful discrimination and harassment complaints shall be filed, investigated and resolved in accordance with Title 5 and other statutory regulations. Any student or employee who believes that he or she has been discriminated against, harassed or retaliated against in violation of this policy should immediately report such incidents by following the process described in District Procedure No. 3430. Supervisors are mandated to report all incidents of discrimination, harassment and retaliation that come to their attention.

Policy and Procedure No. 3430, "Prohibition of Harassment & Discrimination," shall be provided to all administrators, faculty, staff, and students, and shall be available for students and employees in all administrative offices.

Employees who violate Policy and Procedure No. 3430 will be subject to disciplinary action up to and including termination. Students who violate Policy and Procedure No. 3430 will be subject to disciplinary measures up to and including expulsion.