

Notice of Nondiscrimination

I. Discrimination

Southwestern Community College District (SWCCD) does not discriminate on the basis of sex in educational programs or activities it operates, as required by Title IX of the Education Amendments Act of 1972 (2020)¹. This prohibition not to discriminate in educational programs or activities extends to admission² and employment. Inquiries about the application of Title IX may be referred to SWCCD's Title IX Coordinator, or to the agencies listed in section (XX), or both.

SWCCD prohibits discrimination of its students, employees and third parties, and any other class of individuals protected from discrimination under federal, California law, or local law, regulation, or ordinance based on all of the following protected characteristics:

race	color	ethnicity
religion	creed	sex
age	marital status	national origin
citizenship status	employment or employment status	income status
shared ancestry and ethnic characteristics	partnership status	medical condition
pregnancy, childbirth, breastfeeding, or related medical conditions	disability	political belief or affiliation
domestic and/or dating violence victim status	military or veteran status	sexual orientation
genetic information	gender and gender identity	gender expression

¹ Education Amendments Act of 1972, 20 U.S.C. §§1681 - 1688 (2020).

² **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by a recipient.



II. Harassment

SWCCD prohibits the unlawful harassment of students, employees and third parties on the basis of any protected characteristic as identified above.

III. Sexual Harassment

SWCCD prohibits sexual harassment of its students, employees and third parties.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) QUID PRO QUO: An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or

(3) Committing the offense of:

“Sexual assault” as defined in [20 U.S.C. 1092\(f\)\(6\)\(A\)\(v\)](#);

“dating violence” as defined in [34 U.S.C. 12291\(a\)\(10\)](#);

“domestic violence” as defined in [34 U.S.C. 12291\(a\)\(8\)](#) and/or

“stalking” as defined in [34 U.S.C. 12291\(a\)\(30\)](#).

IV. Retaliation

SWCCD prohibits **retaliation** against any individual for the purpose of interfering with any right or privilege secured by the college's board policies, administrative procedures or law, or because the individual makes a good faith report or formal complaint, testifies, assists, participates, or

refuses to participate in any manner in an investigation, proceeding, or hearing as required by Title IX of the Education Amendments of 1972. Incidents of retaliation should be immediately reported to the Title IX Coordinator or file an online DHR [reporting form](#).

V. SWCCD Personnel Responsible for Responding to Reports

SWCCD has designated the acting Director of Employee Relations and Title IX to coordinate the college's compliance with federal and state civil rights laws regarding protected characteristics, including Title IX and other laws and regulations referenced. Contact information is below:

Chela Cholula, SHRM-SCP (she, her, ella)

Director of Human Resources, Recruitment & Talent Management

Acting Director of Employee Relations/Title IX Office

Human Resources Division

Southwestern Community College District

900 Otay Lakes Road, Chula Vista, CA 91910

619.482.6330 | mcholula@swccd.edu

Mardi Walters, M.Ed., Ed.D. (she, her)

Employee Relations and Title IX Coordinator

Southwestern Community College District

900 Otay Lakes Road | Chula Vista, CA 91910

619.482.6329 | mwalters2@swccd.edu

Title IX office email: swcertix@swccd.edu

VI. Reporting Discrimination, Harassment and/or Retaliation

If you have experienced discrimination, harassment and/or retaliation, please report it to the Title IX office of SWCCD, at any time of day, using this online DHR [reporting form](#). Reports can also be made to the Title IX Coordinator by email, phone or in person to the Title IX office.

VII. Reporting Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating or Intimate Partner Violence and/or Stalking

If you have experienced Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating or Intimate Partner Violence and/or Stalking, or any combination of these crimes, it is important to visit this link to know your *Rights and Reporting Options*.

To report Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating or Intimate Partner Violence and/or Stalking contact SWCCD's Title IX office, or use this online Sexual Misconduct reporting form.

VIII. Inquiries and Reporting Outside of SWCCD

Complaints and inquiries regarding discrimination, harassment, and retaliation involving federal laws may be directed to the U.S. Department of Education, Office for Civil Rights, at the contact information listed below:

U.S. Department of Education

Office for Civil Rights

50 United Nations Plaza 2

Mail Box 1200, Room 1545

San Francisco, CA 94102

OCR.SanFrancisco@ed.gov

(415) 486-5555

TTY: (800) 877-8339

U.S. Equal Employment Opportunity Commission

Roybal Federal Building

55 East Temple Street, 4th Floor

Los Angeles, CA 90012

(800) 669-4000

TTY: (800) 669-6820

IX. Complaints and inquiries regarding discrimination, harassment, and retaliation involving federal laws related to healthcare may be directed to:

U.S. Department of Health and Human Services

Office for Civil Rights

200 Independence Avenue, S.W.

Room 509F HHH Bldg.

Washington, D.C. 20201

OCRComplaint@hhs.gov

1-800-368-1019

TDD: 1-800-537-7697

X. Complaints and inquiries regarding discrimination, harassment, and retaliation involving state laws may be directed to:

California Department of Fair Employment and Housing

320 West 4th Street, 10th Floor

Los Angeles, CA 90013

(800) 884-1684

TTY: (800) 700-2320

California Civil Rights Department

State of California

[Complaint Process | CRD \(ca.gov\)](#)

contact.center@calcivilrights.ca.gov

800-884-1684 (voice), 800-700-2320 (TTY) or

California's Relay Service at 711

Federal Contractor Complaints:

Any person who believes that SWCCD, as a federal contractor, has violated nondiscrimination or affirmative action obligations may contact the Office of Federal Contract Compliance Programs (OFCCP) at:

OFCCP**U.S. Department of Labor**

200 Constitution Ave NW

Washington, DC 20210

(800) 397-6251 or TTY: (202) 693-1337

XI. Disability Related Discrimination

SWCCD complies with federal and California laws that protect individuals with disabilities from discrimination based on their disability or perceived disability status. As such, reasonable accommodations and auxiliary aids and services are available to individuals with disabilities when such modifications and services are necessary to access the institution's employment application and hiring process, during employment, and participation in its programs and services.

Disability Support Services (DSS) provides support services for students with disabilities at Southwestern College as mandated by Section 508 of the Rehabilitation Act and the Americans with Disabilities Act. Section 508 of the federal Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) 1990 are civil rights legislation implemented to prohibit discrimination against individuals with disabilities. For more information, visit: [Accessibility and Section 508 Compliance \(swccd.edu\)](http://swccd.edu/accessibility-and-section-508-compliance).

SWCCD's ADA/Coordinator is Melinda Lara, Director of Disability Support Services, who can be contacted by email at mlara@swccd.edu.

For information on accommodations for SWCCD employees contact Ruby Ayala, Workers' Compensation Analyst, Human Resources at rayala@swccd.edu.

For information on reasonable accommodations, accessibility and how to apply for disability services please visit: [Disability Support Services \(DSS\) \(swccd.edu\)](http://swccd.edu). You may visit the Disability Support Services office in person at:

Cesar Chavez Student Services Center
Building 68, First Floor
900 Otay Lakes Rd
Chula Vista, CA 91910

XII. Accessibility Resources for Faculty

SWCCD offers a variety of resources to assist faculty in learning about sound course design principles, in making their course materials accessible, and utilizing the Canvas learning management system to provide academic accommodations.

For information on resources for faculty visit: [Accessibility and Section 508 Compliance \(swccd.edu\)](http://swccd.edu) or contact the Online Learning Center (OLC) at onlinelearning@swccd.edu or call (619) 482-6595.

XIII. SWCCD Board Policies and Administrative Procedures

The following SWCCD board policies (BP) and administrative procedures (AP) have been established for Title IX:

- BP 3430 Prohibition of Harassment
- BP 3433 Prohibition of Sexual Harassment under Title IX
- BP 3540 Sexual and Other Assaults on Campus

- AP 3430 Prohibition of Harassment
- AP 3433 Prohibition of Sexual Harassment under Title IX
- AP 3434 Responding to Harassment Based on Sex under Title IX

- AP 3435 Discrimination and Harassment Complaints and Investigations
- AP 3540 Sexual and Other Assaults on Campus
- AP 5530 Student Rights and Grievances
- Sexual Harassment Handbook for Students and Employees

The following SWCCD board policies (BP) and administrative procedures (AP) have been established for accessibility, disability and other related concerns:

- BP 3440 Service Animals
- AP 3440 Service Animals
- BP 4047 Textbook Accessibility, Adoptions & Affordability
- AP 4047 Textbook Accessibility, Adoptions & Affordability
- BP 4105 Distance Education
- AP 4105 Distance Education
- BP 5140 Academic Accommodations for Students with Disabilities
- AP 5140 Academic Accommodations for Students with Disabilities
- BP 5145 Accessibility of Electronic & Information Technology
- AP 5145 Accessibility of Electronic & Information Technology
- AP 6365 Accessibility of Information Technology

Please visit SWCCD's Title IX webpage [here](#).

Effective date of this Notice of Nondiscrimination: 3.1.24