

Coast Community College District
BOARD POLICY
Chapter 3
General Institution

BP 3410 Prohibition of Unlawful Discrimination, Harassment, and Retaliation

References:

Education Code Sections 200, 210 et seq., 212.5, 220, 66252, 66260.6, 66260.7, 66270, 66281.5, 72010 et seq., and 87100 et seq.;
Government Code Sections 11135 et seq.; 12920, 12926, 12926.1, 12940 et seq.;
Penal Code Sections 422.55 and 422.57;
Military & Veterans Code Sections 389, 394, and 395 et seq.;
Title 5 of the California Code of Regulations Sections 53000 et seq. and 59300 et seq.;
Title IX of the Education Amendments of 1972 (20 U.S. Code Sections 1681 et seq.; 29 Code of Federal Regulations Part 1691);
Title VI of the Civil Rights Act of 1964 (42 U.S. Code Sections 2000d-1 et seq.; 34 Code of Federal Regulations Part 100; 29 Code of Federal Regulations Part 1691);
Equity in Higher Education Act (Education Code Sections 66250 et seq.)
Title VII of the Civil Rights Act of 1974 (42 U.S. Code Sections 2000e et seq.);
Genetic Information Nondiscrimination Act of 2008 (42 U.S. Code Sections 2000ff et seq.; 29 Code of Federal Regulations Part 1635);
Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code Sections 794; 34 Code of Federal Regulations Part 104);
Americans with Disabilities Act (42 U.S. Code Sections 12101 et seq. and 12132 et seq.; 29 Code of Federal Regulations Part 1630);
Age Discrimination in Employment Act (42 U.S. Code Sections 6101 et seq.; 29 Code of Federal Regulations Part 1625);
Uniformed Services Employment and Reemployment Act (38 U.S. Code Sections 4303, 4311; 20 Code of Federal Regulations Part 1002, Subpart B);
California Code of Regulations: Title 2 Sections 10000 et seq.;

The District is committed to equal opportunity in educational programs, in employment, in access to District programs and activities, and in providing an academic and work environment that is based on respecting the dignity of individuals and groups.

The District shall be free of unlawful discrimination, harassment, and retaliation and shall provide fair and equal treatment to employees without regard to ethnic group identification, national origin, immigration status, religion, age for individuals over 40, sex, gender, gender identification, gender expression, military and veteran status,

marital status, medical condition including pregnancy, childbirth, breastfeeding or related medical conditions race, color, ancestry, sexual orientation, physical or mental disability, and genetic information or any other characteristic or combination of characteristics or status protected under applicable federal or state law or based on association with a person or group with one or more of these actual or perceived characteristics or statuses.

The District shall not discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person based upon the person's use of cannabis off the job and away from the workplace unless permitted by California law. Further, the District shall be free of sexual harassment, sexual violence, sexual assault, and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful discrimination and harassment based on the characteristics listed above, and against persons based on having been the subject of domestic violence, sexual assault, or stalking.

This Policy applies to all aspects of the academic environment, including but not limited to all terms and conditions of employment, classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any College or District activity.

To these ends, the Chancellor shall ensure that the District undertakes education and training activities to counter unlawful discrimination, harassment, and retaliation, and to prevent, minimize, and/or eliminate any unlawful hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment. All employees of the District are required to complete training required by law as it relates to unlawful discrimination, harassment, and retaliation. The District shall also provide professional development activities and training to promote the understanding of diversity, equity, inclusion, and nondiscrimination.

The Chancellor shall establish Administrative Procedures which ensure that all members of the District community, including third parties, students, and employees may present complaints regarding alleged violations of this Policy and have their complaints heard in accordance with the Title 5 and Title IX regulations, applicable Board Policies and Administrative Procedures, and law.

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

This Policy and related Administrative Procedures (including the Procedure for making complaints) shall be widely published and publicized to the community, employees, and students.

No District funds shall ever be used for membership, or for any participation on behalf of the District or any individual employed by the District, in any private organization whose membership practices are unlawfully discriminatory on the basis of the protected status categories as cited in this Policy.

Disability Accommodations

As defined by Title I of the Americans with Disabilities Act ("ADA") and California's Fair Employment and Housing Act ("FEHA"), the District shall engage in a timely, good faith interactive process with employees or employment applicants who are requesting or are in need of reasonable accommodations and, provide reasonable accommodations for employees or employment applicants who, because of their disability, are limited in or unable to perform one or more of the essential functions of their job in accordance with applicable state and federal law.

A disability accommodation is deemed reasonable under the law if it will support the employee in performing the essential functions of their position, if it does not impose a significant difficulty or expense on the District, and if it does not create a direct threat of harm or danger to themselves or others.

The District reserves the right to request medical documentation to verify the existence of a disability under the ADA/FEHA, and to have a full understanding of the employee's functional limitations and request for reasonable accommodation. All information shared with the District through the interactive process will be maintained separate from personnel files and in accordance with ADA/FEHA requirements. The medical information that is provided by the employee will be used by the District for the sole purpose of evaluating potential reasonable accommodations, and should not include information related to medical diagnosis, medications, or treatment. The District will protect the information that is provided by the employee in accordance with applicable state and federal law.

The employee and supervisor, with the assistance of the College Human Resources Office and/or the District's Human Resources Office, will participate in a timely, good faith interactive process concerning the functional limitations, the employee's ability to perform the essential functions of the job with or without accommodation, and to determine the possibility of effective accommodation(s). Employees will be afforded the opportunity to have a representative present throughout the interactive process.

Reasonable accommodations can include, but are not limited to, modifying how a task is performed, changing the work shift, providing paid or unpaid leaves of absence for medical care, modifying the employee's physical work area, and providing mechanical or electronic aids, possibly subject to negotiation with the union if applicable.

Employees who engage in unlawful discrimination, harassment, or retaliation in violation of this Policy will be subject to disciplinary action up to and including termination. Students who engage in such unlawful discrimination, harassment, or retaliation will be subject to disciplinary measures up to and including expulsion.

Renumbered from CCCD Policies 1201, 7813 (050-1-14, Spring 2011), and 7817 (050-1-14, Spring 2011)

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