

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURES MANUAL**

Title: UNLAWFUL DISCRIMINATION	Number: AP 2.30
Legal Authority: Title 5, California Code of Regulations, Sections 59300, et seq.; California Education Code Section 66250, et seq.; California Government Code Section 12900, et seq.; California Labor Code Sections 96(k) – 6403.5; Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq., 34 C.F.R. Part 106, et seq.	

A. Authority:

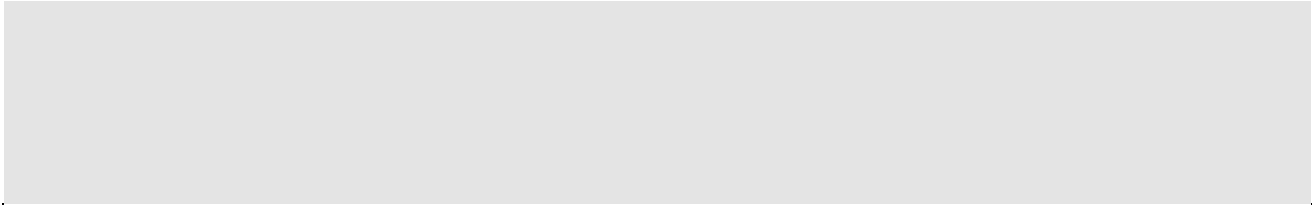
The procedures and definitions herein are in conformance with nondiscrimination provisions of Title 5, California Code of Regulations (“Title 5”), section 59300 et seq., Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. section 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, as well as other state and federal substantive and procedural requirements. Board Policies 2.31, 2.32 and the procedures herein state that the District has jurisdiction to receive and investigate complaints filed under either Title 5 or Title IX.

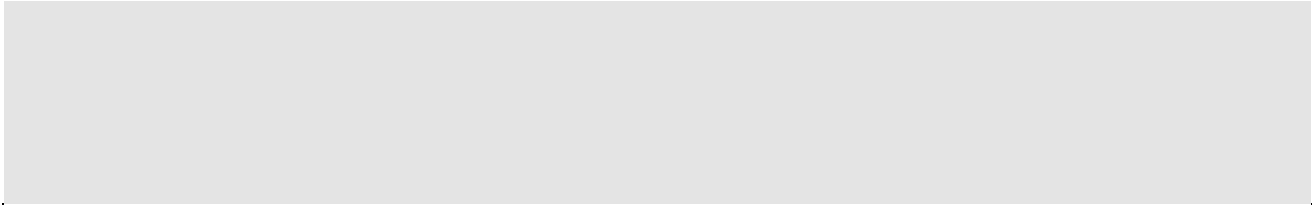
B. Informal Complaint Procedures:

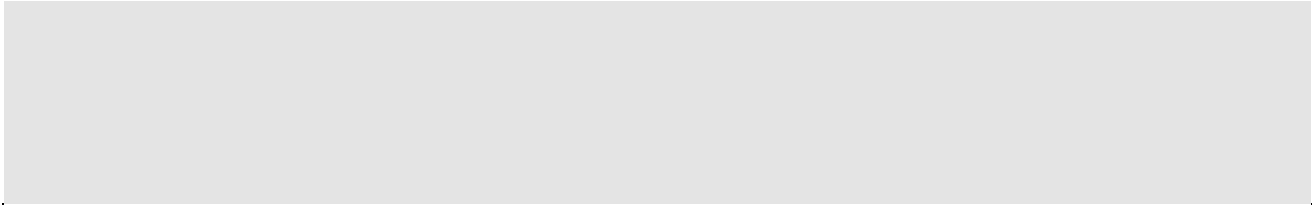
When a person or someone on behalf of a person subject to unlawful discrimination brings charges of unlawful discrimination or harassment on the basis of a protected category to the attention of the District’s responsible officer (*or to any other employee, who directs such informal complaint to the responsible District officer*) via an informal complaint process, the responsible District officer will treat the complaint confidentially, and:

1. Advise the complainant regarding informal and formal complaint procedure:
2. Assure the complainant that they will not be required to confront or work out problems with the person accused of unlawful discrimination;
3. Advise the complainant that they may file a non-employment-based complaint with the U.S. Department of Education, Office for Civil Rights (“OCR”) where such a complaint is within that agency’s jurisdiction.
4. Advise the complainant that they may file an employment-related complaint with the U.S. Equal Employment Opportunity Commission (“EEOC”) and/or the California Department of Fair Employment and Housing (“DFEH”).









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1. The determination of the Chancellor or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
2. A description of actions taken, if any, to prevent similar problems from occurring in the future;
3. The proposed resolution of the complaint; and
4. The complainant's right to appeal to the District governing board and/or the State Chancellor, where applicable.
5. In employment cases, upon completion of the appeal to the District governing board, the complainant also has the option to file a complaint with the California DFEH or the U.S. EEOC.

For complaints filed pursuant to Title IX, both parties (complainant and respondent) will be notified as to the outcome of the complaint and of each party's right to appeal the decision to the Chancellor and/or his/her designee.

J. Appeal:

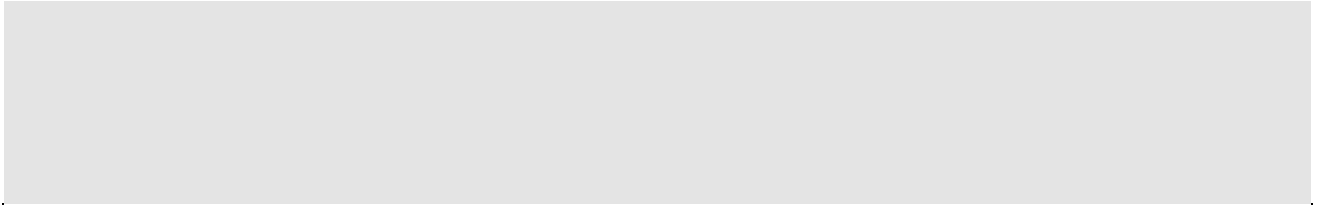
At the time the administrative determination and summary are mailed to the complainant (and respondent, under Title IX), the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

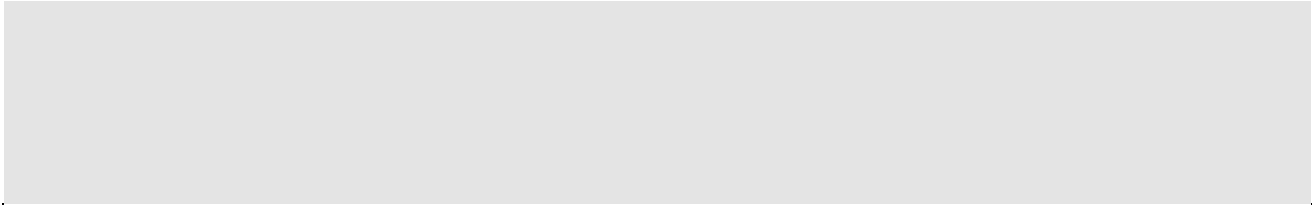
1. First level of appeal for Title 5 complaints: The complainant has the right to file a written appeal of the District's administrative determination to the District's Board of Trustees within 15 days from the date of the notice pursuant to section 59336. The Board of Trustees/Chancellor or their designee will review the original complaint, the investigative report and the administrative determination and appeal. Written appeals must be addressed as follows: Board of Trustees, c/o Chancellor, San Francisco Community College District, 50 Phelan Avenue, E-200, San Francisco CA 94112.

The District's Board of Trustees/Chancellor or his/her designee(s) will issue a final District decision in the matter within 45 days after receiving the appeal. In the event the District's Board of Trustees takes no action within 45 days, the original decision in the administrative determination shall become the final District decision in the matter. In any

6/28/18, 4/18/19, 6/27/19

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- “Religion” means “religious creed,” “religious observance,” “religious belief,” and “creed,” and includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed.
- “Responsible District Officer” means the officer identified by the District to the California Community Colleges State Chancellor’s Office, and the U.S. Department of Education, as the



