

Personnel – General

Administrative Rules and Procedures

4006 Faculty and Staff Diversity and Equal Employment Opportunity

Reconciliation of Complaints Regarding Alleged Unlawful Discrimination

1. District Procedure Statement

- a. The Chabot-Las Positas Community College District adopts this procedure to ensure that its programs and activities are available to all persons without regard to ethnic groups' identification, religion, age, sex, color, or disability.
- b. This procedure provides for the investigation of alleged unlawful discrimination in its programs or activities.
- c. The District will provide annual notice of this policy against unlawful discrimination in this District to students, to new employees when they commence working, and to all current employees.
- d. Notices which contain the basic legal requirements will be published in places readily accessible to students, job applicants, and existing employees. These notices shall be posted in the following areas:
 - 1) On the District's official employment bulletin boards located at Chabot College, Las Positas College and the District Office Personnel Department.
 - 2) On the Student/Alumni employment bulletin boards located in the Student Personnel Services area in Building 100 at Chabot College and in the Student Center, Building 1200 at Las Positas College.

2. Definitions

- a. **Complaint:** Complaint means any alleged violation of Assembly Bill 803, Chapter 972 of the Statutes of 1977, enacted Government Code Sections 11135-11139.5, which prohibit unlawful discrimination in programs receiving state assistance. The Statute begins:

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"No person in the State of California shall, on the basis of ethnic group identification, religion, age, sex, color or disability, be unlawfully subjected to discrimination under any program or activity that is funded directly by the state or receives any financial assistance from the state." (Government Code Section 11135)

- b. **Complainant:** Complainant means anyone who may be denied the benefits of a community college to include an employee, job applicant, student, applicant for admission, or those who attend a community college theater or sports event who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such alleged unlawful discrimination in his or her official capacity.
- c. **District:** Any reference to the District means the Chabot-Las Positas Community College District.
- d. **Day:** Day means calendar day.
- e. **Defective Complaint:** Defective complaint means a complaint which does not meet one or more of the following:
 - 1) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such alleged unlawful discrimination in his or her official capacity.
 - 2) The complaint shall be filed with the Director of Human Resources of the District or with the Chancellor of the California Community Colleges.
 - 3) The complaint shall be on a form prescribed by the District or other written format providing all the required information is included.

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- 4) The complaint shall be filed within one hundred twenty (120) days of the alleged unlawful discrimination.
 - f. **Responsible District Officer:** The Director of Human Resources shall serve as the District Unlawful Discrimination Complaint Officer for ensuring compliance with this procedure and for providing the necessary forms to the students, job applicants, and existing employees.
3. **Processing the Alleged Unlawful Discrimination Complaint**
- a. **Informal Level:**
 - 1) Within thirty (30) days or not later than one hundred twenty (120) days after the alleged discrimination a complainant knows, or by reasonable diligence should have known, of the alleged condition upon which a complaint may be based, he/she shall attempt to resolve it by an informal conference with the appropriate Vice President or the Vice Chancellor, Business Services.
 - b. **Formal Level:**
 - 1) Failing to resolve the difficulty through informal conference, the complainant must file a formal written complaint within one hundred twenty (120) days of the alleged unlawful discrimination.
 - 2) The complaint shall be in writing on a form approved by the District or other written format providing all the required information is included addressed to the Director of Human Resources.

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- 3) Upon receipt of the formal complaint, the Director of Human Resources shall ensure the alleged complaint is filed properly and meets the following requirements:
 - a) The complaint shall be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such alleged unlawful discrimination in his or her official capacity.
 - b) The complaint shall be filed with Director of Human Resources or with the Chancellor of the California Community Colleges.
 - c) The complaint shall be submitted on a form prescribed by the District or other written format providing all the required information is included.
 - d) The complaint shall be filed within one hundred twenty (120) days of the alleged unlawful discrimination.
 - e) The Board of Trustees shall be informed that a formal complaint has been filed.
- 4) The Director of Human Resources will review the alleged complaint to ensure completeness. The written alleged complaint must include the following information:
 - a) Name and address of complainant
 - b) Home and business/message telephone numbers
 - c) The person, college, program, or activity against whom the complaint of alleged unlawful discrimination is alleged
 - d) The legal basis of the charge (ethnic group identification, religion, age, sex, color, or disability).

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5) Defective Complaint:

- a) When the District receives an alleged complaint not meeting the above requirements in paragraph 3b(4), the Director of Human Resources shall immediately notify the complainant that the alleged complaint does not meet the requirements and shall specify in what requirement the alleged complaint is defective.
- b) If the alleged complaint is properly filed, the Director of Human Resources shall forward a copy of the complaint to the Chancellor, the Chancellor's Office of the California Community Colleges, and to the appropriate Vice President or Vice Chancellor, Business Services.

4. District Investigation

- a. Within fourteen (14) days of receiving a properly filed complaint, the Chancellor shall designate an Investigating Officer to commence an investigation of the alleged complaint and notify the complainant in writing that this is being done.
- b. The Investigating Officer shall complete the investigation within ninety (90) days from the date the investigation commenced.
- c. As designated by the Chancellor, investigation of the alleged unlawful discriminatory practices may be assigned to a separate office or individual such as the Vice President of Student Personnel for student complaints, the Vice President of Academic Services for faculty complaints, or to the Director of Human Resources for complaints received from managers (academic and classified), classified staff and job applicants.

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- d. A complete log of compliance duties shall be maintained by the Investigating Officer, on an approved District form, so that all activities regarding a complaint are completed within the required time frames established by this procedure.
- e. Upon completion of the investigation, the Investigating Officer will forward the alleged complaint, result of investigation, and proposed resolution to the Director of Human Resources for review and forwarding to the Chancellor for approval of the District's proposed resolution.

5. District Proposed Resolution:

- a. Upon completing the investigation, the District will attempt to resolve the complaint and will take such action as it deems necessary to correct the effects of any unlawful discrimination and to ensure that no unlawful discrimination will occur in the District.
- b. Notice to Complainant and Chancellor's Office of the California Community Colleges:
 - 1) Upon approval of the proposed resolution of a complaint by the Chancellor, the Director of Human Resources will immediately notify the complainant of the proposed resolution, in writing, on an approved District form. The Director of Personnel will also notify the complainant that he/she may object to the District's proposed resolution by submitting these objections to the Chancellor of the California Community Colleges within thirty (30) days of receipt of proposed resolution. The Chancellor shall notify the Board of Trustees of the proposed resolution.
 - 2) Upon sending the proposed resolution to the complainant and within ninety (90) days of initiating the investigation, the District will forward the following to the Chancellor of the California Community Colleges:

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- a) A complete copy of the investigation (original will be retained by the District);
- b) A report on the nature and extent of the investigation;
- c) A statement of the District's action taken to resolve the complaint;
- d) A copy of the "Notice to Complainant" and
- e) Any additional relevant information required by the Chancellor's office of the California Community Colleges.