

UNLAWFUL DISCRIMINATION	Number: AP 2.30
<p>Legal Eutho(M)1 i/64 616. Section 41250, et seq. California. MCID 7 B</p> <p>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.</p>	

Recommended by Participatory Governance Council: ALc b O @ t n p U t t c : A D



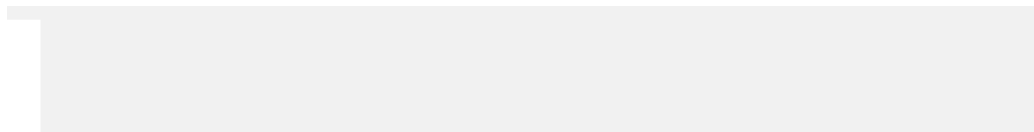
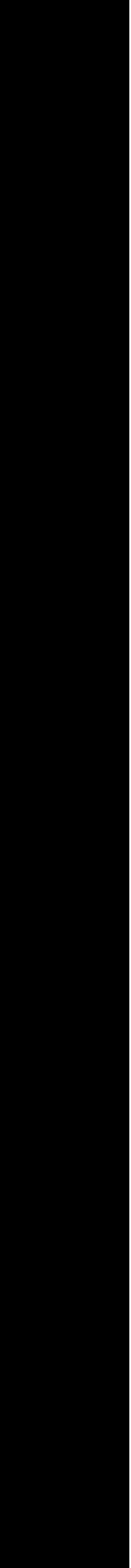




suffered unlawful discrimination or harassment based on a protected category, or

4. In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination and/or harassment based on a protected category, or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination and/or harassment based on a protected category. These limits are not applicable to complaints subject to Title IX.
5. In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination and/or harassment based on a protected category occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days. These limits are not applicable to complaints subject to Title IX.

In the event of the filing of either a complaint under Title 5 or Title IX, the District will take steps to prevent the recurrence of any unlawful discrimination (including sex-based harassment and/or sexual assault), and to take a number of supportive measures to remedy the discriminatory effects on the Complainant and others, where appropriate. Any supportive



1. The determination of the Chancellor or their

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“Complaint” means a written and signed statement meeting the requirements of Title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5, section 59300 et seq., and an oral or written request that can objectively be understood to be a request to investigate and prepare a decision regarding discrimination under 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

“Consent” means, as defined by California Education Code 67386 (a) (1), “affirmative consent,” which means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they *have* the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them should never by itself be assumed to be an indicator of consent.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Days” means calendar days.

“Disability” means, with respect to an individual:

1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such an impairment; or
3. Being regarded as having such an impairment.
4. Rules of construction regarding the definition of disability (ADA Amendments Act of 2008):

The definition of “disability” shall be construed in accordance with the following:

- a) The definition of disability shall be construed in favor of broad coverage of individuals to the maximum extent permitted by the Americans with Disabilities Act, as amended.



3. by a person who is cohabitating with or has cohabitated with the victim as a spouse:
4. by a person similarly situated to a spouse of the victim under California law: or
5. by any other person against an adult or youth victim who is protected from that person's acts under California law.

"Gender" means *sex and includes* a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. This includes transgender, non-binary and gender non-conforming individuals.

"Gender-based harassment" means unwelcome conduct based on a person's actual or perceived gender, *gender identity, gender expression*, including harassing conduct (verbal, nonverbal, physical aggression, intimidation or hostility), based on an individual's gender, gender identity, gender expression, transgender status, gender transition, or nonconformity with sex stereotypes.

A hostile environment based on sex or sex-stereotyping" includes conduct such as refusing to use a transgender person's preferred name or pronouns, when the school uses preferred names for gender-conforming individuals or when the refusal is motivated by animus toward people who do not conform to sex stereotypes.

"Hostile environment harassment" in either education or employment, means that the complainant was subjected to unwelcome conduct of a sexual or discriminatory nature based on other protected categories, which is subjectively and objectively offensive so as to alter the educational or employment environment and create an abusive educational or employment environment. Under Title IX, "hostile environment" occurs when there is unwelcome sex-based conduct that, given the totality of the circumstances, is subjectively and

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“Sexual assault” and “sexual violence” includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or

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“Sexual misconduct” includes a range of behaviors such as sexual assault, sexual harassment, intimate partner violence (e.g., domestic violence, dating violence), stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person, such as intimidation or bullying.

“Sexual orientation” means heterosexuality, homosexuality and bisexuality.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

“Unlawful discrimination” means discrimination, or the unjust or prejudicial treatment of an individual or group people, based on a category protected under Title 5, section 59300 et seq., or Title IX of the Education Amendments of 1972, including sex discrimination, harassment based on a protected group or category