

# ISA Instructor Hiring Packet

## College of the Canyons

Law Enforcement

October 2020

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### Instructor Qualifications:

#### College Degree:

- Master's Degree plus 2 years of experience working in the field  
**OR**
- Bachelor's Degree plus 2 years of experience working in the field  
**OR**
- Associate's Degree plus 6 years of experience working in the field

**Complete pages 3-11, attach necessary paperwork, and return to agency personnel**

- **Instructor Application**
- **Board Polices** (3410, 3430/3435, 3550, 3720)
- **POST Resume**
- **TB test OR TB Risk Assessment** - A TB test or TB Risk Assessment may be administered at the College of the Canyons Valencia campus health office for free. (See instructions on page 2) The TB Risk Assessment forms (pg. 9-11) may also be printed and completed by a personal health care provider.
- **Official Transcripts** from the college conferring the degree
- **Orientation Acknowledgment Form**

# College of the Canyons

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## Student Health and Wellness Center

**Location:** Student Center-122

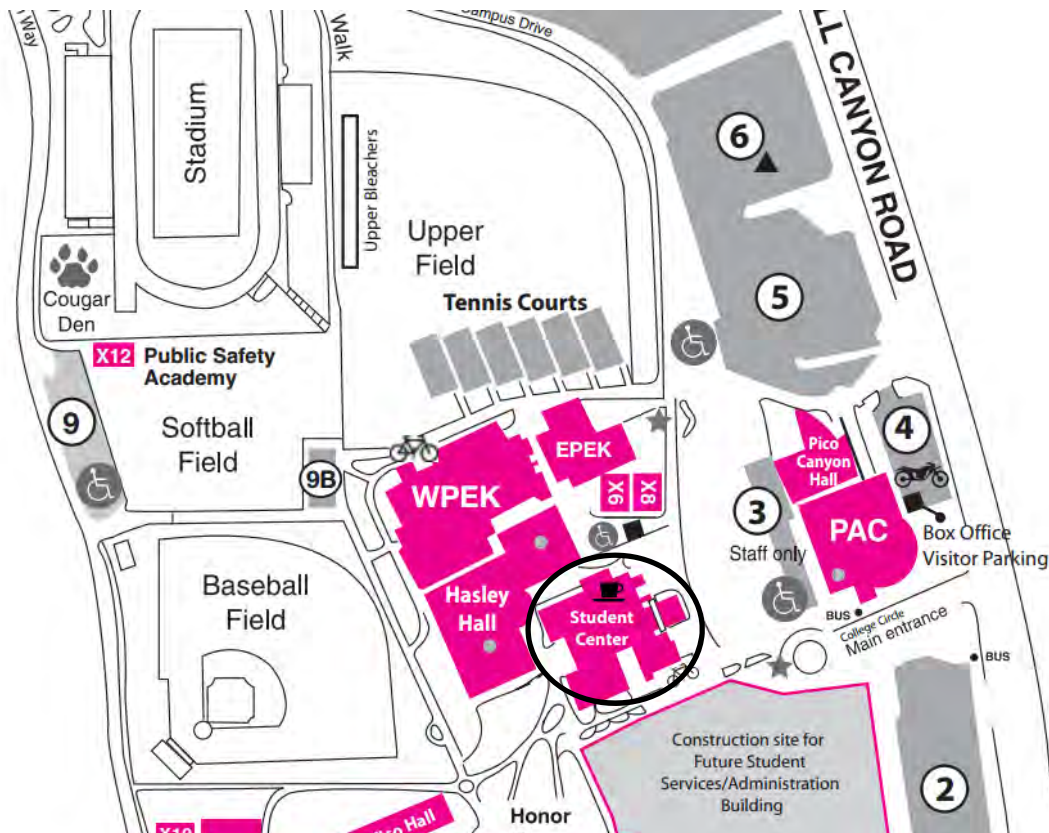
**Phone:** (661) 362-3259

### Instructions:

There is no charge for a TB test or TB Risk Assessment administered in the Health Office. **An appointment is required.**

Please let the office staff know you are an ISA instructor and your agency.

Please return the completed TB test or TB Risk Assessment form (pg. 12) with your application packet.



**SANTA CLARITA COMMUNITY COLLEGE DISTRICT  
ISA INSTRUCTOR APPLICATION**

Please complete the following application and return it to the Santa Clarita Community College District- Human Resources Office for review and processing.

**POSITION APPLIED FOR:** ISA Instructor Agency: \_\_\_\_\_

Name \_\_\_\_\_ Soc Sec No. \_\_\_\_\_

Agency Address \_\_\_\_\_  
Street Address City State Zip Code

Phone No. \_\_\_\_\_ Ext. \_\_\_\_\_ Email \_\_\_\_\_

**Education:**

Name of Accredited Institution(s)	Major/ Semester Units Completed	Degree(s) Earned

**Employment Experience:**

Current Employer Name	Telephone #	Dates Employed	Work Performed
		From To	
	Supervisor	Hrs Per Week	
Total years/months experience?		____ Years ____ Months	

Yes/No	Certifications/Credentials
	Do you have a valid California Community College Teaching credential ?

Have you ever been dismissed from employment or resigned in lieu of being dismissed for inefficiency, delinquency or misconduct? A "Yes" will not automatically preclude you from employment consideration.  Yes  No

If yes, please explain: \_\_\_\_\_

Name: \_\_\_\_\_

Have you ever been convicted of a misdemeanor or felony criminal offense? Includes convictions before military courts, driving under the influence (DUI) and convictions which have been set aside. You do not need to include minor traffic violations  Yes  No

If yes, please indicate the nature of the conviction.

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A 'Yes' answer will not automatically preclude you from consideration from employment. Failure to report convictions may jeopardize employment with the District.

Are you able to perform all of the duties listed on the ISA instructor contract, either with or without reasonable accommodation?  Yes  No

If hired, can you provide proof of authorization to work in the United States?  Yes  No

I certify that the information submitted in this application and in all other application materials, is true and complete to the best of my knowledge and belief. I understand that falsifying any information on this application and/or any other application materials submitted, or failing to provide any information requested, may be grounds for a District decision not to hire me. If the District learns after I have been hired that I have provided false information on this application or in other submitted application materials, I understand that my employment may be terminated immediately.

I authorize the Santa Clarita Community College District to verify my prior work performance, education, and other matters related to my suitability for employment. I further authorize my current employer to disclose any and all information related to my education and experience and suitability for the position applied for, without giving me prior notice of such disclosure. In addition, I hereby release the Santa Clarita Community College District, my current employer, and all other persons, corporations, partnerships, and associations from any and all claims, demands, or liabilities arising out of or in any way related to such investigation or disclosure.

I understand that, if hired, I will be required to furnish proof of my identity and employment eligibility.

Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_



## **Acknowledgement**

### **Board Policy (BP) / Administrative Procedure (AP) 3410**

### **Nondiscrimination**

I have received a copy of the Santa Clarita Community College District, College of the Canyons, Board Policy and accompanying Administrative Procedure 3410 “Nondiscrimination.”

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Signature

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Date

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Print Name

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Position



## **Acknowledgement**

### **Board Policy (BP) / Administrative Procedure (AP) 3430**

#### **Prohibition of Harassment**

### **Administrative Procedure (AP) 3435**

#### **Discrimination and Harassment Investigations**

I have received a copy of the Santa Clarita Community College District, College of the Canyons, Board Policy and accompanying Administrative Procedure 3430 “Prohibition of Harassment” and Administrative Procedure 3435 “Discrimination and Harassment Investigations.”

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Signature

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Date

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Print Name

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Position



## Acknowledgement

### **Board Policy (BP) / Administrative Procedure (AP) 3550 Drug Free Environment and Drug Prevention Program**

I have received a copy of the Santa Clarita Community College District, College of the Canyons, Board Policy and accompanying Administrative Procedure 3550 “Drug Free Environment and Drug Prevention Program.”

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Signature

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Date

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Print Name

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Position



## Acknowledgement

### Board Policy (BP) / Administrative Procedure (AP) 3720 Computer and Network Use

I have received a copy of the Santa Clarita Community College District, College of the Canyons, Board Policy and accompanying Administrative Procedure 3720 "Computer and Network Use."

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Signature

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Date

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Print Name

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Position





# School Staff & Volunteers: Tuberculosis Risk Assessment

Job-related requirement for child care, pre-K, K-12, and community colleges



The purpose of this tool is to identify **adults** with infectious tuberculosis (TB) to prevent them from spreading TB. Use of this risk assessment is required in the California Education Code, Sections 49406 and 87408.6 and the California Health and Safety Code, Sections 1597.055 and 121525, 121545, and 121555.

The law requires that a health care provider administer this risk assessment. A health care provider, as defined for this purpose, is any organization, facility, institution or person licensed, certified or otherwise authorized or permitted by state law to deliver or furnish health services. Any person administering this risk assessment is to have training in the purpose and significance of the risk assessment and Certificate of Completion.

**Name of Employee/Volunteer Assessed for TB Risk Factors:** \_\_\_\_\_

**Assessment Date:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_

History of Tuberculosis Infection or Disease (Check appropriate box below)	
<input type="checkbox"/>	<p><b>Yes</b></p> <p>If there is a <u>documented</u> history of positive TB test (infection) or TB disease, then a symptom review and chest x-ray (if none performed in previous 6 months) should be performed at initial hire by a physician, physician assistant, or nurse practitioner. Once a person has a documented positive test for TB infection that has been followed by an x-ray that was determined to be free of infectious TB, the TB risk assessment (and repeat x-rays) is no longer required. If an employee or volunteer becomes symptomatic for TB, then he/she should seek care from his/her health care provider.</p>
<input type="checkbox"/>	<p><b>No</b> (Assess for Risk Factors for Tuberculosis using box below)</p>

Risk Factors for Tuberculosis (Check appropriate boxes below)	
<p>If any of the 5 boxes below are checked, perform a Mantoux tuberculin skin test (TST) or Interferon Gamma Release Assay (IGRA). Re testing with TST or IGRA should only be done in persons who previously tested negative, and have <u>new risk factors</u> since the last assessment. A positive TST or IGRA should be followed by a chest x ray, and if normal, treatment for TB infection considered. (Centers for Disease Control and Prevention [CDC]). <i>Latent Tuberculosis Infection: A Guide for Primary Health Care Providers</i>. 2013)</p>	
<input type="checkbox"/>	<p><b>One or more signs and symptoms of TB:</b> prolonged cough, coughing up blood, fever, night sweats, weight loss, excessive fatigue.</p> <p>Evaluate for active TB disease with a TST or IGRA, chest x-ray, symptom screen, and if indicated, sputum acid-fast bacilli (AFB) smears, cultures and nucleic acid amplification testing. A negative TST or IGRA does not rule out active TB disease.</p>
<input type="checkbox"/>	<p><b>Close contact</b> to someone with infectious TB disease at any time</p>
<input type="checkbox"/>	<p><b>Foreign-born</b> person from a country with an elevated TB rate</p> <p>Includes any country <u>other than</u> the United States, Canada, Australia, New Zealand, or a country in western or northern Europe. IGRA is preferred over TST for foreign-born persons</p>
<input type="checkbox"/>	<p><b>Consecutive travel or residence of ≥ 1 month</b> in a country with an elevated TB rate</p> <p>Includes any country <u>other than</u> the United States, Canada, Australia, New Zealand, or a country in western or northern Europe.</p>
<input type="checkbox"/>	<p>Volunteered, worked or lived in a <b>correctional or homeless</b> facility</p>





# School Staff & Volunteers: Tuberculosis Risk Assessment User Guide



Job-related requirement for child care, pre-K, K-12, and community colleges

## Background

California law requires that school staff working with children and community college students be free of infectious tuberculosis (TB). These updated laws reflect current federal Centers for Disease Control and Prevention (CDC) recommendations for targeted TB testing. Enacted laws, **AB 1667**, effective on January 1, 2015, **SB 792** on September 1, 2016, and **SB 1038** on January 1, 2017, require a tuberculosis (TB) risk assessment be administered and if risk factors are identified, a TB test and examination be performed by a health care provider to determine that the person is free of infectious tuberculosis. The use of the TB risk assessment and the Certificate of Completion, developed by the California Department of Public Health (CDPH) and California TB Controllers Association (CTCA) are also required.

### **AB 1667 impacted the following groups on 1/1/2015:**

1. Persons employed by a K-12 school district, or employed under contract, in a certificated or classified position (California Education Code, Section 49406)
2. Persons employed, or employed under contract, by a private or parochial elementary or secondary school, or any nursery school (California Health and Safety Code, Sections 121525 and 121555).
3. Persons providing for the transportation of pupils under authorized contract in public, charter, private or parochial elementary or secondary schools (California Education Code, Section 49406 and California Health and Safety Code, Section 121525).
4. Persons volunteering with frequent or prolonged contact with pupils (California Education Code, Section 49406 and California Health and Safety Code, Section 121545).

### **SB 792 impacted the following group on 9/1/2016:**

Persons employed as a teacher in a child care center (California Health and Safety Code Section 1597.055).

### **SB 1038 impacts the following group on 1/1/2017:**

Persons employed by a community college district in an academic or classified position (California Education Code, Section 87408.6).

## Testing for latent TB infection (LTBI)

Because an interferon gamma release assay (IGRA) blood test has increased specificity for TB infection in persons vaccinated with BCG, IGRA is preferred over the tuberculin skin test (TST) in these persons. Most persons born outside the United States have been vaccinated with BCG.

## Repeat risk assessment and testing

If there is a documented history of positive TB test or TB disease, then a symptom review and chest x-ray should be performed at initial hire. Once a person has a documented positive test for TB infection that has been followed by a chest x-ray (CXR) that was determined to be free of infectious TB, the TB risk assessment (and repeat x-rays) is no longer required.

Repeat risk assessments should occur every four years (unless otherwise required) to identify any additional risk factors, and TB testing based on the results of the TB risk assessment. Re-testing should only be done in persons who previously tested negative, and have new risk factors since the last assessment.

## Previous or inactive tuberculosis

Persons with a previous chest radiograph showing findings consistent with previous or inactive TB should be tested for LTBI. In addition to LTBI testing, evaluate for active TB disease.

## Negative test for LTBI does not rule out TB disease

It is important to remember that a negative TST or IGRA result does not rule out active TB disease. In fact, a negative TST or IGRA in a person with active TB can be a sign of extensive disease and poor outcome.

## Symptoms of TB should trigger evaluation for active TB disease

Persons with any of the following symptoms that are otherwise unexplained should be medically evaluated: cough for more than 2-3 weeks, fevers, night sweats, weight loss, hemoptysis.

## TB infection treatment is recommended

Shorter regimens for treating LTBI have been shown to be as effective as 9 months of isoniazid, and are more likely to be completed. Shorter regimens are preferred in most situations. Drug-drug interactions and contact to drug resistant TB are frequent reasons these regimens cannot be used.

*Please consult with your local public health department on any other recommendations and mandates that should also be considered.*





## Certificate of Completion Tuberculosis Risk Assessment and/or Examination

*To satisfy **job-related requirements** in the California Education Code, Sections 49406 and 87408.6 and the California Health and Safety Code, Sections 1597.055, 121525, 121545 and 121555.*

**First and Last Name** of the person assessed and/or examined:

\_\_\_\_\_

**Date** of assessment and/or examination: \_\_\_\_\_mo./\_\_\_\_\_day/\_\_\_\_\_yr.

**Date of Birth:** \_\_\_\_\_mo./\_\_\_\_\_day/\_\_\_\_\_yr.

**The above named patient has submitted to a tuberculosis risk assessment. The patient does not have risk factors, or if tuberculosis risk factors were identified, the patient has been examined and determined to be free of infectious tuberculosis.**

X \_\_\_\_\_  
Signature of Health Care Provider completing the risk assessment and/or examination

**Please print, place label or stamp with Health Care Provider Name and Address (include Number, Street, City, State, and Zip Code):**

**Telephone and FAX:**

***STOP***

***The remaining documents are for your personal files***

***Return your packet, with your attached paperwork to the appropriate  
agency liaison***

## **BP 3410 Nondiscrimination**

### **References:**

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;

Title 5 Sections 53000 et seq. and 59300 et seq.;

Government Code Sections 12926.1 and 12940 et seq.;

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The CEO shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

**See Administrative Procedure AP 3410**

**Approved 06/25/14**

*(Formerly Board Policy 811)*

## **AP 3410 Nondiscrimination**

Nondiscrimination References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.; Title 5 Sections 59300 et seq.; Accreditation Standard II.B.2.c; Title IX

Nondiscrimination References for Employment:

Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq.; Government Code Sections 11135 et seq. and 12940 et seq.

### **Education Programs**

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Education Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” mean’s a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

### **Employment**

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, pregnancy, or military and veteran status.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Inquiries concerning the application of Title IX may be referred to the District's Title IX Coordinators, or to the Department of Education Office of Civil Rights.

**The District's Title IX Coordinators are:**

Dr. Diane Fiero, Vice President of Human Resources

661/362-3424, or [diane.fiero@canyons.edu](mailto:diane.fiero@canyons.edu)

Dr. Michael Wilding, Vice President, Student Services

661/362-3292, or [michael.wilding@canyons.edu](mailto:michael.wilding@canyons.edu)

The District shall ensure that employees designated to serve as Title IX coordinators have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate.

Campus Safety personnel shall receive annual training on the Colleges Title IX grievance procedures and any other procedures used for investigating reports of sexual violence. In addition, these employees will receive copies of the school's Title IX related policies.

**Last Review Date 1/25/16**

## **BP 3430 Prohibition of Harassment**

### **References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

Examples of prohibited acts of sexual violence include any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring both on or off campus, in connection with any programs of the District, whether those programs take place in the District's facilities or at another location is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also BP 5529 - Standards of Student Conduct).

It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, pregnancy, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in Administrative Procedure 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships,



recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the CEO shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

- Examples of education and training include conducting periodic assessments of student activities to ensure that the practices and behavior of students do not violate the school's policies against sexual harassment and violence; investigating whether any other students also may have been subjected to sexual harassment or violence; investigating whether school employees with knowledge of allegations of sexual harassment or violence failed to carry out their duties in responding to those allegations; conducting, in conjunction with student leaders (elected ASG officers), a school or campus climate check to assess the effectiveness of efforts to ensure that the school is free from sexual harassment and violence, and using the resulting information to inform future proactive steps that will be taken by the school.

The CEO shall establish procedures that define harassment on campus (Administrative Procedure 3430). The CEO shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination (Administrative Procedure 3435). All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

***Approved 01/25/16***

***See Administrative Procedures:***

3410 – Discrimination

3430 – Prohibition of Harassment

3435 – Discrimination & Harassment Investigations

## **AP 3430 Prohibition of Harassment**

### **References:**

Education Code Sections 212.5; 44100; 66281.5; Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus. For information regarding filing complaints and the procedure for the investigation and resolution of complaints of harassment by or against any employee or student within the District, please see Administrative Procedure 3435.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

### **Definitions**

**General Harassment:** Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, pregnancy, or military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or

where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

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

“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.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- any other person against an adult or youth victim who is protected from that person's acts under California law.

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

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person involved in sexual activity to ensure that he or she has 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.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an

unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples of Sexual Harassment include, but are not limited to the following misconduct:

- Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- Visual or Written: The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- Environmental: An academic or work environment that is permeated with racially- or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

### Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

### Academic Freedom

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail.

**Last Review Date – 1/25/16**

## **AP 3435 Discrimination and Harassment Investigations**

### References:

*Education Code Section 66281.5;*

*Government Code Section 12950.1;*

*Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.;*

*34 Code of Federal Regulations Section 106.8(b)*

This Administrative Procedure covers both informal and formal discrimination and harassment complaints. The processes for filing both types of complaints are described in further detail below.

### Definitions:

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

“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.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse;
- a person similarly situated to a spouse of the victim under California law; or
- any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Hate violence” means any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, gender identity, gender expression, disability, or political or religious beliefs of that person or group.

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

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person involved in sexual activity to ensure that he or she has 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.

Who may file a discrimination or harassment or sexual assault complaint?

Any student, employee, or third party who believes he or she has been discriminated against, is the victim of sexual assault, or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to file a complaint?

The Assistant Superintendent/Vice President of Human Resources for Santa Clarita Community College District is the “responsible District officer” charged with receiving complaints of discrimination or harassment, and for coordinating their investigation.

Sexual Assault complaints may also be filed with any member of the SART:

Sexual Assault Response Team (SART) members are annually trained employees on campus that will ensure that services are provided to victims of sexual assault. Training includes investigative training, as well as training related to the issues associated with dating violence, sexual assault, and stalking. In addition, members of the SART team will be trained to conduct a hearing process that protects the safety of victims and promotes accountability.

Members of the SART team will include: the Director and Assistant Director of Student Health; Director of Campus Safety; Dean of Students; Vice President – Human Resources; and Vice President – Student Services. Others may be added as needed.

Contact Campus Safety 661/362-3229 Valencia; or 661259-7800 main campus phone number (Valencia); or for the Canyon Country Campus 661/362-3977; or main number at Canyon Country 661/362-3801.

Emergency Contact to the switchboard can be completed by dialing 7 from any classroom phone (Valencia); and 77 from any phone in Canyon Country.

In addition you may report harassment to the following areas:

*Vice President, Student Services*  
661/362-3292

*Student Health and Wellness*  
661/362-3259

*Human Resources*  
661/362-3424

*Dean of Students*  
661/362-3260

The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

In all cases involving sexual assault the District will ensure adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he or she shall file the complaint on a form prescribed by the State Chancellor's Office. These approved forms are available in the Human Resources Office and they are on the State Chancellor's website at:

<http://extranet.cccco.edu/divisions/Legal/Discrimination.aspx>

The complaint must be filed with any of the following:

- The Chancellor of the Santa Clarita Community College District;
- Assistant Superintendent/Vice President of Human Resources for Santa Clarita Community College District; or
- The State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Assistant Superintendent/Vice President of Human Resources for Santa Clarita Community College District immediately.

In some cases, the conduct may constitute both sexual harassment under Title IX and criminal activity. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. In addition, a criminal investigation into allegations of sexual violence does not relieve the College of its duty under Title IX to resolve complaints promptly and equitably.

### Filing a Timely Complaint

In any complaint not involving employment, the complaint shall be filed within one year of the date of the alleged unlawful discrimination or harassment or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.

In any complaint alleging discrimination in employment, the complaint shall be filed within 180 calendar days of the date of the alleged discrimination or harassment. This period may be extended up to 90 calendar days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.



Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

Because a Title IX (sexual assault) investigation is different from any law enforcement investigation, and a law enforcement investigation does not relieve the College of its independent Title IX obligation to investigate the conduct, the College will investigate and act on cases of sexual assault whether or not a police report was taken, or criminal charges were filed.

#### Communicating that the Conduct is Unwelcome

The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

#### Informal Complaint Procedure

When a person brings charges of unlawful discrimination or harassment to the attention of the District's responsible officer, member of the SART, or other District officials, that individual(s) will ensure that the following occurs:

- A. Undertake efforts to informally resolve the charges.
- B. Advise the complainant that he or she need not participate in informal resolution.
- C. Advise the complainant that he or she has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- D. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so.
- E. Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination or harassment.
- F. Advise the complainant that he or she may file a non-employment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- G. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC)

and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

The purpose of the informal resolution process is to allow an individual who believes she/he has been unlawfully discriminated against or harassed to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. However, the District is responsible for maintaining a safe and discrimination free educational environment and serious allegations may need to be investigated even if the complaining party considers the matter resolved. In an informal process the District officer shall advise the complainant of his or her rights and responsibilities under both the formal and informal processes. If the complainant declares his or her preference for the informal process, the responsible District officer shall present the complainant with a document that describes the informal/formal process that contains the basics of complainant's allegations of unlawful discrimination or harassment. This document will clearly indicate that the complainant opted for the informal resolution process and should be signed and dated by the complainant. The informal resolution process will not be made a predicate to the process and investigation of a formal complaint. If a formal complaint is filed, an investigation must be completed within the time required unless it is voluntarily rescinded by a complainant as a result of a successful informal resolution.

The Assistant Superintendent/Vice President, Student Services and the Assistant Superintendent/Vice President, Human Resources will either serve as mediators in this informal process, or will appoint someone to serve as the District's mediator.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges.

Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a formal complaint is filed an investigation is required to be conducted and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible District officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a formal written complaint will not exceed the ninety (90) day period for rendering the administrative determination.

In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

## Filing of Formal Written Complaint

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory or harassing conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

If the District receives a complaint alleging discrimination or harassment in employment, it shall:

1. Advise the complainant that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH); and forward a copy of any filing by the complainant with the DFEH or the EEOC to the Chancellor's Office for a determination of whether the issues presented require an independent investigation of the matter.

## Threshold Requirements Prior to Investigation of a Formal Written Complaint

When a formal written complaint is filed, it will be reviewed within fourteen (14) days to determine if the complaint meets the following requirements:

- A. The complaint must be filed on a form prescribed by the State Chancellor's Office.
- B. The complaint must allege unlawful discrimination or harassment prohibited under Board Policies 3430 and 3410.
- C. The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or harassment or by one who has learned of such unlawful discrimination in his or her official capacity as a classified employee, faculty member or administrator.
- D. In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or harassment 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.
- E. In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination 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.

Additional information about this initial review of complaints can be found in the Guidelines for Processing Formal Title 5 Unlawful Discrimination Complaints prepared by the State Chancellor's Office.

## Defective Complaints

If a complaint is found to be defective it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated. The notice will inform the complainant that the complaint does not meet the requirements of this procedure and shall specify in what requirement the complaint is defective. A copy of the notice to the claimant will also be sent to the State Chancellor's Office.

## Notice to State Chancellor or District

A copy of all complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

## Confidentiality of the Process

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

The District shall also take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties, including "third party" individuals (not associated with the college) to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

The College must weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the college as an education record under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Â§ 1232g; 34 C.F.R. Part 99.

The College will inform the complainant if it cannot ensure confidentiality. Even if the College cannot take disciplinary action against the alleged harasser because the complainant insists on confidentiality, the College may pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

## Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

## Administrative Determination

The Santa Clarita Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

In cases involving harassment or assault the College will conduct a full investigation of the complaint; both parties will receive a response regarding the outcome of the complaint; and the parties may file an appeal, if allowed by the circumstances of the case. Such cases will be adjudicated in a timely manner, normally near 90 calendar days. Exceptions may be made depending upon the complexity of the matter.

In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

- A. The determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint.
- B. A description of actions taken, if any, to prevent similar problems from occurring in the future.
- C. The proposed resolution of the complaint.
- D. The complainant's right to appeal to the District Board of Trustees and The State Chancellor's Office.

In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint the responsible District officer will complete the investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

- A. The determination of the chief executive officer or his/her designee as to whether there is probably cause to believe discrimination occurred with respect to each allegation in the complaint.
- B. A description of actions taken, if any, to prevent similar problems from occurring in the future.
- C. The proposed resolution of the complaint.
- D. The complainant's right to appeal to the District Board of Trustees and file a complaint with the Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH).

The District will retain these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.

### Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. Disciplinary action related to students will follow Board Policies 5529, 5530, and 5531. Actions ~~The action~~ will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;
- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services;
- providing medical services;
- providing academic support services, such as tutoring;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

### Complainant's Appeal Rights

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

- The complainant has the right to file an appeal to the District's Board of Trustees within 15 days from the date of the administrative determination.

- The District's Board of Trustees will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The District Board of Trustees will issue a final District decision in the matter within 45 days after receiving the appeal.
- Alternatively, the Board of Trustees may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter.
- A copy of the final decision rendered by the Board of Trustees will be forwarded to the complainant and to the State Chancellor's Office.

In any case involving a student complaint, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the DFEH. In such cases, the complainant may also file a petition for review with the State Chancellor's Office within thirty (30) days after the governing board issues the final decision or permits the administrative decision to become final.

All appeals shall be in writing.

#### Forward to State Chancellor

Within 150 days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.

The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination make them available to the State Chancellor upon request.

#### Extensions

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration

of the deadlines established by this procedure and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within five days of receipt.

The State Chancellor may grant the request unless delay would be prejudicial to the complainant. If an extension of the 90-day deadline is granted by the State Chancellor, the 150-day deadline is automatically extended by an equal amount.

#### Dissemination of Policy and Procedures

District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the District's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

#### Training

The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment and sexual violence to all supervisory employees once every two years. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position.

The definition of "supervisor" under AB 1825 (Gov. Code Section 12950.1) is very broad. It includes not only those who hire or fire employees, but also individuals who may assign or direct the work of others. For the purpose of this training, "supervisors" at that Santa Clarita Community College District include:

- All management employees,
- Faculty department chairs, program directors, and grant project managers, All employees who oversee, direct, or assign the work of other employees, short-term temporary employees, student workers, or volunteers.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be



presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures. Employees will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

#### Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the District will address such violations separately from an allegation of sexual violence.

**Last Review Date 1/25/16**

## **BP 3550 Drug Free Environment and Drug Prevention Program**

### **References:**

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g;

34 Code of Federal Regulations Sections 86.1 et seq.;

Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The district shall be free from all illegal drugs and from the unlawful possession, use or distribution of controlled substances and alcoholic beverages by employees, students, student workers, and volunteers, except as noted in Board Policy 3560 and Administrative Procedure 3560 - Alcoholic Beverages.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any employee, student, student worker, or volunteer who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The CEO shall assure that the District distributes annually to each employee, student, volunteer, and student worker the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

**See Administrative Procedure AP 3550**

**See Associated Board Policy BP 3560 and Administrative Procedure AP 3560**

**Approved 04/16/14**

*(Formerly Board Policy 816)*

# **AP 3550 Drug Free Environment and Drug Prevention Program**

## **References:**

- Drug Free Schools and Communities Act Amendment of 1989;
- 20 U.S. Code Section 1145g;
- 34 Code of Federal Regulations 86.1 et seq.;
- Federal Drug-Free Workplace Act of 1988;
- 41 U.S. Code Section 702

The District is committed to providing its employees, students, student workers, and volunteers with a drug free workplace and campus environment. It emphasizes prevention and intervention through education.

## **NOTICE**

The District will provide annual notice to employees, students, student workers, and volunteers of the District's drug and alcohol free campus and workplace environment. The District will provide written and/or electronic notice of its policies through:

- Publication of the policy in class schedules on on-line;
- Annual print notification to employees;
- Print notification to all student workers and volunteers upon board approval of assignment; and
- On-line publication of Board Policies.

## **HEALTH RISKS**

The following are commonly abused drugs and their associated health risks:

### **Alcohol**

- Brain, heart, liver disease
- Fetal alcohol syndrome
- Some forms of cancer
- Addiction
- Reduced life expectancy
- Death from severe overdoses causing respiratory and heart shutdown

Alcohol is involved in two-thirds of violent behavior, one-half of all injuries, one-third of all emotional difficulties and one-third of all academic problems on college campuses. The use of alcohol is detrimental to athletic and academic skills, and impairs concentration, judgment and body coordination.

### **Marijuana**

- Breast enlargement in men
- Increased appetite

- Loss of motivation and purpose
- Heavy psychological dependence
- Loss of sex drive and reduced fertility
- May cause heart and lung damage
- Insomnia for up to 6 months after quit using

### **Cocaine**

- Excitability and restlessness
- False feeling of self-confidence
- Painful nose bleeds and nasal erosion
- Quick addiction
- Depression
- Easy overdose leading to heart failure
- Crack babies
- Behavior leading to exposure to the AIDS virus and syphilis

### **Stimulants**

- Loss of appetite
- Insomnia
- High distractibility
- Anxiety and severe depression
- Suicidal tendencies, anger, violence, and psychotic or criminal behavior.

In addition to the above, opiates, depressants, deliriant, hallucinogens and tobacco have significant health risks.

Tobacco use is the leading preventable cause of disease and premature death in the United States. Tobacco use causes more deaths each year than alcohol use, car crashes, suicide, AIDS, homicide, and illegal drug use combined. Save your health and your money: schedule a free appointment with the tobacco cessation counselor at the Student Health and Wellness Center (661)362-3259.

Therapeutic drugs, when used for medical treatment, can have beneficial and predictable results. Drugs used for nonmedical reasons can cause serious physical and psychological problems.

### **APPLICABLE LEGAL SANCTIONS**

Laws and regulations forbidding substance abuse include the Federal Controlled Standards Act, the California State Business and Professional Code, and the California State Penal Code. Legal sanctions may be taken against you if you are:

- Driving under the influence of any drug,
- In possession of illegal drugs or controlled substances,
- Using a false I.D. to obtain alcohol,

- Obtaining or providing alcohol for people under legal age,
- Giving prescription drugs to others,
- Selling any drug

## **PREVENTION AND INTERVENTION PROGRAMS**

The Health Center provides confidential individual counseling for students who have questions or concerns about their use of alcohol or use of other substances, referral to community resources such as Alcoholics Anonymous or Narcotics Anonymous, and smoking-cessation information and referral.

**Valencia Campus  
Student Health and  
Wellness Center**  
(661) 362-3259

**Canyon Country Campus  
Student Health and  
Wellness Center**  
(661) 476-3812

## **OFF-CAMPUS RESOURCES**

**National Council on  
Alcoholism and Drug  
Dependence of Santa Clarita**  
24460 Lyons Avenue  
Santa Clarita, CA 91321  
(661) 299-2888

**National Alcohol Hotline**  
800-ALCOHOL

**Cocaine Anonymous (CA)**  
(818) 760-8402

**Narcotics Anonymous (NA)**  
(661) 299-5599

**Alcoholics Anonymous**  
(661) 250-9922

**Substance Abuse and  
Mental Health Services  
Administration**  
(800) 662-HELP(4357)

Personal health insurance policies may have their own treatment or referral services.

**Pre-employment drug testing**

As part of the pre-employment physical prior to becoming employed with the district, employees in safety sensitive positions are required to pass a drug screening test. Failure to pass a drug screening test may be grounds to deny employment.

**Prohibition of Drugs**

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any controlled substance is prohibited on district property, during district-sponsored field trips, activities, or workshops, and in any facility or vehicle operated by the district, except as permitted in Board Policy 3560 and Administrative Procedure 3560, Alcoholic Beverages.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

As a condition of employment, employees must notify the District within ten (10) calendar days of any conviction for violating a criminal drug statute while in the workplace. The District is required to inform any agencies that require this drug-free policy within ten (10) calendar days after receiving notice of a workplace drug conviction.

**Approved 04/16/14**

Revised 2/08, 4/09, 2/14

## **BP 3720 Computer and Network Use**

**Replaces Board Policy 815**

### **Reference:**

Education Code Section 70902;  
Government Code Section 3543.1(b);  
Penal Code Section 502;  
Cal. Const., Art. 1 Section 1;  
17 U.S. Code Sections 101 et seq.

Employees and students who use District computers, networks, related resources and the information they contain have a responsibility not to abuse those resources and to respect the rights of others. The CEO shall establish procedures that provide guidelines to students and employees for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

**Approved 06/24/15**

***See Administrative Procedure AP 3720***

## **AP 3720 Computer and Network Use**

### **References:**

17 U.S. Code Sections 101 et seq.;

Penal Code Section 502, Cal. Const., Art. 1 Section 1;

Government Code Section 3543.1(b);

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

Education Code Section 70902

The District Computer and Network systems are the sole property of *the Santa Clarita Community College District*. The Computer and Network systems are for District instructional and work related purposes only. Any person without proper authorization of the District may not use these resources.

This procedure applies to all District students, faculty, staff, administrators, and to others granted use of District information resources (referred to hereafter as users). This procedure refers to all District information resources whether individually controlled or shared, stand-alone or networked. It applies to all computer and computer communication facilities owned, leased, operated, or contracted by the District. This includes personal computers, workstations, mainframes, minicomputers, and associated peripherals, websites and electronic mail, software and information resources, regardless of whether used for administration, research, teaching or other purposes.

### **Conditions of Use**

Information Technology may define additional conditions of use for information resources under their control. These statements must be consistent with this overall procedure but may provide additional detail, guidelines and/or restrictions.

### **Legal Process**

This procedure exists within the framework of other District Board Policies and state and federal laws. However, this procedure is not intended to restrict the academic freedom of the faculty as stated in other District Board policies. A user of District information resources who is found to have violated any of these procedures will be subject to loss of information resources privileges and possible disciplinary action as described in Board Policy 7360 (Academic Employees), 7365 (Classified Employees), 5530 (Student), and their associated Administrative Procedures and/or civil or criminal legal action.

### **Copyrights and Licenses**

Computer users must respect copyrights and licenses to software and other on-line information.

- **Copying** - Software protected by copyright may not be copied except as expressly permitted by the owner of the copyright or otherwise permitted by copyright law. Protected



software may not be copied into, from, or by any District facility or system, except pursuant to a valid license or as otherwise permitted by copyright law.

- **Number of Simultaneous Users** - The number and distribution of copies must be handled in such a way that the number of simultaneous users in a department does not exceed the number of original copies purchased by that department, unless otherwise stipulated in the purchase contract.
- **Copyrights** - In addition to software, all other copyrighted information (text, images, icons, programs, etc.) retrieved from computer or network resources must be used in conformance with applicable copyright and other law. Copied material must be properly attributed. Plagiarism of computer information is prohibited in the same way that plagiarism of any other protected work is prohibited.

### **Integrity of Information Resources**

Computer users must respect the integrity of computer-based information resources.

- **Modification or Removal of Equipment** - Computer users must not attempt to modify or remove computer equipment, software, or peripherals that are owned by others without proper authorization.
- **Unauthorized Use** - Computer users must not interfere with others access and use of the District computers. This includes but is not limited to: the sending of chain letters or excessive messages, either locally or off-campus; monopolizing printing resources by making excess copies of documents, files, or data when efficient alternatives are known by the user to be available; running grossly inefficient programs when efficient alternatives are known by the user to be available; unauthorized modification of system facilities, operating systems, or disk partitions; attempting to crash or tie up a District computer or network; and damaging or vandalizing District computing facilities, equipment, software or computer files.
- **Unauthorized Programs** - Computer users must not intentionally develop or use programs which disrupt other computer users or which access private or restricted portions of the system, or which damage the software or hardware components of the system. Computer users must ensure that they do not use programs or utilities that interfere with other computer users or that modify normally protected or restricted portions of the system or user accounts. The use of any unauthorized or destructive program will result in disciplinary action as provided in this procedure, and may further lead to civil or criminal legal proceedings.

### **Unauthorized Access**

Computer users must not seek to gain unauthorized access to information resources and must not assist any other persons to gain unauthorized access.

- **Abuse of Computing Privileges** - Users of District information resources must not access computers, computer software, computer data or information, or networks without proper authorization, or intentionally enable others to do so, regardless of whether the computer, software, data, information, or network in question is owned by the District. For example, abuse of the networks to which the District belongs or the computers at other sites connected to those networks will be treated as an abuse of District computing privileges.
- **Reporting Problems** - Any defects discovered in system accounting or system security must be reported promptly to the appropriate system administrator so that steps can be taken to investigate and solve the problem.
- **Password Protection** - A computer user who has been authorized to use a password-protected account may be subject to both civil and criminal liability if the user discloses the password or otherwise makes the account available to others without permission of the system administrator.

## Usage

Computer users must respect the rights of other computer users. Attempts to circumvent these mechanisms in order to gain unauthorized access to the system or to another person's information are a violation of District procedure and may violate applicable law.

- **Unlawful Messages** - Users may not use electronic communication facilities to send defamatory, fraudulent, harassing, obscene, threatening, or other messages that violate applicable federal, state or other law or District policy, or which constitute the unauthorized release of confidential information.
- **Commercial Usage** - Electronic communication facilities may not be used to transmit commercial or personal advertisements, solicitations or promotions (see Commercial Use, below). Public discussion groups may be designated for selling items by Information Technology and may be used appropriately, according to the stated purpose of the group(s).
- **Information Belonging to Others** - Users must not intentionally seek or provide information on, obtain copies of, or modify data files, programs, or passwords belonging to other users, without the permission of those other users.
- **Rights of Individuals** - Users must not release any individual's (student, faculty, and staff) personal information to anyone without proper authorization.
- **User identification** - Users shall not send communications or messages anonymously or without accurately identifying the originating account or station.
- **Accurate Information** – Users shall not knowingly post on the District's Web server or distribute by any other electronic means information that the user knows to be inaccurate or in violation of other Board policies or District procedures.

- **Political, Personal, and Commercial Use** - The District is a non-profit, tax-exempt organization and, as such, is subject to specific federal, state and local laws regarding sources of income, political activities, use of property and similar matters.
  - **Political Use** - District information resources must not be used for partisan political activities where prohibited by federal, state, or other applicable laws.
  - **Personal Use** - District information resources should not be used for personal activities not related to appropriate District functions, except in a purely incidental manner.
  - **Commercial Use** - District information resources should not be used for commercial purposes. Users also are reminded that the domains registered by the District on the Internet have rules restricting or prohibiting commercial use, and users may not conduct activities not appropriate within those domains.

### **Nondiscrimination**

All users have the right to be free from any conduct connected with the use of the *Santa Clarita Community College District* network and computer resources which discriminates against any person on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. No user shall use the District network and computer resources to transmit any message, create any communication of any kind, or store information which violates any District policy, District procedure state law, or federal law regarding discrimination or harassment, or which is defamatory or obscene, or which constitutes the unauthorized release of confidential information.

### **Disclosure**

**No Expectation of Privacy** - The District reserves the right to monitor all use of the District network and computer resources to assure compliance with these policies. Users should be aware that they have no expectation of privacy in the use of the District network and computer resources. The District will exercise this right only for legitimate District purposes, including but not limited to ensuring compliance with this procedure and the integrity and security of the system.

**Possibility of Disclosure** - Users must be aware of the possibility of unintended disclosure of communications.

**Retrieval** - It is possible for information entered on or transmitted via computer and communications systems to be retrieved, even if a user has deleted such information.

**Public Records** - The California Public Records Act (Government Code Sections 6250 et seq.) includes computer transmissions in the definition of “public record” and nonexempt

communications made on the District network and computer must be disclosed if requested by a member of the public.

**Litigation** - Computer transmissions and electronically stored information may be discoverable in litigation.

**Dissemination and User Acknowledgment**

All users shall be provided copies of these procedures and be directed to familiarize themselves with them. All users will be asked to sign or electronically accept the following statement acknowledging their responsibilities under Board Policy 3720.

*I understand that I have been granted access to the District's Information Technology resources and may have access to confidential information. I agree to abide by the standards set forth in this procedure and I am aware that violations of the Board Policy on Computer and Network Usage (Board Policy 3720) may subject me to disciplinary action.*

*Furthermore, all faculty, staff and administrative users of the District information system will be presented with the following statement when logging into the system:*

*CONFIDENTIALITY STATEMENT*

State and federal law protect the confidentiality of student, employee, and application records. I understand that all records accessed are confidential and subject to all policies and state or federal laws.

I agree that I will not access any information unless authorized to do so.

I agree that I will maintain the confidentiality of information in compliance with college policies and state and federal laws, both during and after employment.

I understand that if I fail to abide by these conditions I may be subject to formal disciplinary action up to and including, loss of information resource privileges, disciplinary suspension or termination from employment, and/or civil or criminal legal action.

I understand that by proceeding into the College of the Canyons College software system, I agree to comply with this statement.

Revised 12/02, 5/03, 11/14, 5/15

**Reviewed: 06/24/15**

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000 - 101149.5]** ( *Title 3 enacted by Stats. 1976, Ch. 1010.* )

**DIVISION 7. COMMUNITY COLLEGES [70900 - 88933]** ( *Division 7 enacted by Stats. 1976, Ch. 1010.* )

**PART 51. EMPLOYEES [87000 - 88270]** ( *Part 51 enacted by Stats. 1976, Ch. 1010.* )

**CHAPTER 1. Provisions Applying to All Employees [87000 - 87164]** ( *Chapter 1 enacted by Stats. 1976, Ch. 1010.* )

**ARTICLE 1. General Provisions [87000 - 87018]** ( *Article 1 enacted by Stats. 1976, Ch. 1010.* )

“Controlled substance offense” as used in Sections 87405, 88022, and 88123 means any one or more of the following offenses:

**87011.**

(a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, 11377 to 11382, inclusive, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(d) Any attempt to commit any of the above-mentioned offenses.

*(Amended by Stats. 1990, Ch. 1302, Sec. 15. Effective September 25, 1990.)*

**EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000 - 101149.5]** (*Title 3 enacted by Stats. 1976, Ch. 1010.* )

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**ARTICLE 1. General Provisions [87000 - 87018]** (*Article 1 enacted by Stats. 1976, Ch. 1010.* )

“Sex offense,” as used in Sections 87405, 88022, and 88123, means any one or more of the offenses listed below:

- 87010.** (a) Any offense defined in Section 261.5, 266, 267, 285, 286, 287, 288, or 647.6 of, or former Section 288a or 647a of, paragraph (2) or (3) of subdivision (a) of Section 261 of, paragraph (1) or (2) of subdivision (a) of Section 262 of, or subdivision (a) or (d) of Section 647 of, the Penal Code.
- (b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in those sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.
- (c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.
- (d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.
- (e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.
- (f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if the offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.
- (g) Any offense defined in Section 286 or former Section 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975–76 Regular Session of the Legislature committed prior to the effective date of the amendment.
- (h) Any attempt to commit any of the above-mentioned offenses.
- (i) Any offense committed or attempted in any other state that, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

*(Amended by Stats. 2018, Ch. 423, Sec. 17. (SB 1494) Effective January 1, 2019.)*