LOS ANGELES COMMUNITY COLLEGE DISTRICT
Discrimination Policy and
Procedures for Complaints  AB 803

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This regulation provides basic information concerning your rights as a student, applicant, or employee, and the District under Government Code Section 11135, AB 803, Chapter 972, Statutes of 1977. Effective July 1, 1981, State regulations provide for procedures to be followed when a complaint is filed with a local community college district or college alleging discrimination based upon ethnic group identification, religion, age, sex, color, physical or mental disability. The Los Angeles Community College District, pursuant to Board Rule 1202, adopted a non discrimination policy which reads:

All programs and activities of the Los Angeles Community College District shall be operated in a manner which is free of discrimination on the basis of race, color, national origin, ancestry, religion, creed, sex, pregnancy, marital status, medical condition (cancer-related), sexual orientation, age, disability, and veteran status. On February 1996, the Board of Governors adopted the revisions to AB 803 Regulations. In compliance with these new regulations and revisions, the Los Angeles Community College District has developed revised complaint processing procedures.

Exercise of your rights under this procedure does not affect other rights to pursue claims under applicable federal or state law.
I. RIGHTS OF COMPLAINANT

Upon bringing a charge of unlawful discrimination to the attention of the responsible district/college designated official who receives complaints of unlawful discrimination, the official shall within five (5) days, or for good cause, as soon thereafter as practicable:

1. notify the Complainant of the procedure for filing an AB 803 complaint;
2. undertake efforts to informally resolve the charges;
3. advise the Complainant that participation in informal resolution is not required;
4. advise the Complainant that at any time she/he may file a complaint with the Office for Civil Rights of the US Department of Education;
5. inform the Complainant that any efforts at informal resolution after the filing of a written complaint shall not exceed the ninety (90) day period for rendering the administrative determination.

Upon filing an AB 803 complaint on the prescribed form, the Complainant may expect the following administrative action to occur:

1. the Complainant will receive a notice within 5 working days or for good cause, as soon thereafter as practicable, from the date of filing acknowledging receipt of the complaint; or
2. the Complainant may receive a "Notice of Defective Complaint" within 5 working days or for good cause, as soon thereafter as practicable, allowing the opportunity to submit any additional information which may have been omitted from the initial complaint, unless the District Official determines lack of jurisdiction. Based on a review of this supplemental information, a decision will be made whether to proceed further and the Complainant will be notified of this decision in writing, proving the reason(s);
3. upon acceptance of the complaint, a preliminary review will be initiated by the Compliance Officer within 14 days;
4. the Complainant may be invited to attend an informal conference, or to participate in other fact finding procedures to elicit the facts.
The Complainant has the right to be represented by a person of her/his choice in such meetings, if any;

(5) within 90 calendar days of the complaint filing date, the Complainant has the right to receive a letter of determination signed by the appropriate District official;

(6) the Complainant has the right to appeal the letter of determination by submitting in writing an appeal within fifteen (15) days to:

The Chancellor and Board of Trustees
Los Angeles Community Colleges
770 Wilshire Boulevard
Los Angeles, CA 90017-3896

(7) after the final District Decision is rendered, the Complainant has further appeal rights to the State Chancellor of the California Community Colleges;

(8) the Complainant may file, at any time within the limits of the law, a complaint with the Department of Fair Employment & Housing, the Equal Employment Opportunity Commission, or the Office for Civil Rights, U.S., Department of Education.

Should you have any questions about the procedures, please contact the college Compliance Officer or the Office of Diversity Programs, District Office, at 213 891 2315

**Administration Procedures for Processing Allegations of Unlawful Discrimination AB 803**

**II. PURPOSE**

The purpose of this procedure is to delineate the process by which allegations of unlawful discrimination will be reviewed effective February, 1996, and to achieve adjustment and/or final disposition of each allegation within prescribed time limits. Every effort shall be made to resolve complaints promptly and at the level of administration closest to where the discrimination is alleged to have occurred.

**III. COMPLAINT DEFINED**

An allegation of unlawful discrimination filed pursuant to this procedure (AB 803, Government Code 11135-11139) shall be filed in writing on the prescribed form. Complaints may be filed by employees, applicants, or students who allege
discrimination based upon ethnic group identification, race, color, national origin, ancestry, religion, creed, sex, pregnancy, marital status, medical condition (cancer-related), sexual orientation, age, disability and veteran status. The same procedure shall be utilized for complaints alleging discrimination on other protected group status as specified in the Board of Trustees' Nondiscrimination Policy Statement (Board Rule 1202).

IV. ACADEMIC FREEDOM

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom precludes discriminatory conduct in violation of Board Rule 1202. The discussion of diverse ideas which is an intrinsic part of the course content shall in no event constitute discriminatory conduct. It is recognized that an essential function of education is a probing of received opinions and an exploration of ideas which may cause some students discomfort. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn.

V. JURISDICTION

Allegations specifying issues within the jurisdiction of the college administration should be processed by the procedure outlined below. Issues for which remedial action is solely within the jurisdiction of the District administration shall be documented and transmitted promptly to the Director of the Office of Diversity Programs. Notice should be provided to the Complainant when this action is taken, giving the reason(s)

VI. CONFIDENTIALITY

All persons involved in investigation of complaints shall have a duty to maintain the confidentiality of the matters discussed, except as may be required by law, which includes the rules and regulations of the District,

VII. RETALIATION

Retaliation against anyone who makes a complaint, refers a matter for investigation or complaint, participates in investigation of a complaint, represents or serves as an advocate for an alleged victim or alleged offender, or otherwise furthers the principles of this policy, is prohibited and is a violation of this policy.

VIII. PRELIMINARY COMPLAINT REVIEW
1. The complaint shall be filed in writing on the prescribed AB 803 form which may be obtained from the Compliance Officer at each college or from the Office of Diversity Programs at the District's administrative offices by calling (213) 891-2315.

2. The Complainant has an obligation to file the complaint within one (1) year of the alleged unlawful act(s) of discrimination, or within one (1) year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of unlawful discrimination.

3. The Complainant may initiate the complaint with a faculty member, an administrative official, or an ombudsperson. Immediate referral shall be made to the Compliance Officer or the Director of the Office of Diversity Programs.

4. The Compliance Officer accepts the complaint on the prescribed form, signs for receipt, and initiates a 30-day preliminary review period in an attempt to resolve the complaint informally. The Complainant signs for receipt of document entitled, "Your Rights and AB803 at time of filing. The original copy of the complaint is immediately forwarded to the Director of the Office of Diversity Programs.

5. ALL correspondence to the Complainant and the Alleged Offender must be sent via certified mail (return receipt requested) and regular mail with a copy to the Director of the Office of Diversity Programs.

6. The Compliance Officer issues either:

   6.0 a "notice of receipt to the Complainant with copies to the President and to the Director of the Office of Diversity Programs indicating that an impartial fact-finding investigation will commence within fourteen (14) days, or;

   6.1 a "notice of defective complaint allowing the Complainant five (5) working days to submit required supplemental information. If the information presented does not provide sufficient reason to proceed, the Compliance Officer will notify the Complainant in writing of this determination, providing the reason(s).

7. The Compliance Officer takes the following steps:

   7.0 establishes jurisdiction;

   7.1 gathers pertinent documentation for file;
7.2 schedules an informal conference with Complainant and Alleged Offender(s) and attempts to resolve conflict; if a settlement agreement is reached and signed by the Complainant and the Alleged Offender, a full investigation need not be conducted;

7.3 transmits a brief report describing how the agreement was reached with a copy of the settlement agreement to the Director of the Office of Diversity Programs no later than 30 calendar days from the date of filing;

7.4 documents the terms of any agreement and conducts follow-up verification that such terms, if any, are being implemented.


IX. PROCEDURES FOR PROCESSING COMPLAINTS FILED UNDER AB 803 WHICH REMAIN UNRESOLVED AFTER THIRTY (30) DAY PRELIMINARY REVIEW PERIOD

The Compliance Officer takes the following steps:

1. The Compliance Officer consults with the Office of Diversity Programs regarding the preliminary findings and to identify the scope of further inquiry.

2. The Compliance Officer conducts a formal impartial investigation within the next 60 days and prepares an investigative report for review by the College President/Vice Chancellor and the Director of Diversity Programs. This report shall include at least all of the following:

   2.0 a description of the circumstances giving rise to the complaint;

   2.1 a summary of the testimony provided by each witness, including the Alleged Offender, the Complainant and any witnesses identified by the Complainant in the complaint;

   2.2 an analysis of any relevant data or other evidence collected during the course of the investigation;

   2.3 a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and;

   2.4 any other information deemed appropriate by the District.
3. The Compliance Officer prepares the letter of determination to the Complainant and the Alleged Offender upon advice, concurrence, and review by the Director of the Office of Diversity Programs and signature of the President/Vice Chancellor or the Director of Diversity Programs.

4. The Letter of Determination shall include all of the following:

4.0 a summary of the investigative report;

4.1 a written notice setting forth the determination of the appropriate district official as to whether discrimination did or did not occur with respect to each allegation in the complaint;

4.2 a description of actions taken, if any, to prevent similar problems from occurring in the future;

4.3 the proposed resolution of the complaint, and;

4.4 the Complainant's right to appeal in writing to the Board of Trustees and the Chancellor within fifteen (15) days

X. APPEALS

1. The Board of Trustees shall review the original complaint, the investigative report, the notice of determination, and the appeal and issue a final district decision within forty-five (45) days after receiving the appeal. If the Board does not act within 45 days, the administrative determination shall become the Final District Decision.

2. The Director of the Office of Diversity Programs shall forward a copy of the Final District Determination by the Board of Trustees to the Complainant and the State Chancellor, and;

3. Notify the Complainant of his/her right to file a written appeal with the State Chancellor within thirty (30) days of receipt of the Final District Determination, except in cases involving employment discrimination.

4. In any case involving employment discrimination, the Complainant may, at any time before or after the Final District Decision is rendered file a complaint with the Department of Fair Employment and Housing. In addition the complainant may file a petition for review with the State Chancellor within thirty (30) days after the final district decision has been issued.
XI. DISCIPLINARY ACTION

When a determination has been made that disciplinary action is warranted, applicable discipline shall be initiated no later than ten (10) days after the Letter of Determination was issued by the appropriate administrator to the Complainant and the Alleged Offender. Failure by the receiving supervisor to proceed promptly with the disciplinary action shall be a basis for discipline, up to and including discharge.

Disciplinary actions shall be pursued in accordance with the Alleged Offender's due process rights, as defined by law, the Board Rules, the Personnel Commission, and/or any applicable collective bargaining agreement or Memorandum of Understanding.

Disciplinary action against employees shall include, without limitation, verbal warnings, letters of reprimand, Notices of Unsatisfactory Service, suspensions, demotions or dismissals.

Disciplinary action against students shall include, without limitations, verbal warnings, probation, suspension or expulsion.


XII. FORWARDING OF DOCUMENTS TO THE STATE CHANCELLOR

1. The Director of Office of Diversity Programs, having notified the Chancellor and the State Chancellor's Office upon initial filing of the complaint, forwards the following documents and information to the State Chancellor within 150 days of receiving the complaint:

   1.0 original complaint;
   1.1 copies of the notice of receipt;
   1.2 a copy of the administrative determination;
   1.3 report of investigation;
   1.4 a copy of the Final District Decision indicating the date on which the decision became final;
XIII. EXTENSIONS; FAILURE TO COMPLY

If for reasons beyond the District control, it is unable to comply with the 150-day deadline for submission of materials to the State Chancellor, the Director of Diversity Programs may file a written request that the State Chancellor grant an extension of the deadline if the Compliance Officer has filed a written request at least ten (10) days prior to the expiration of the 90-day deadline to the Director of Diversity Programs for an extension. The request must state the reasons for the extension of time, and the date by which the Compliance Officer expects to submit the report of investigation and letter of determination. A copy of the request must be sent to the Complainant. The Complainant may, within five days of receipt of the request for an extension, file written objections. If the delay is not prejudicial to the Complainant, the request may be granted.

Failure to comply with the required deadline may result in a review by the State Chancellor of the case.

xiv. COMPLAINT/GRIEVANCE INVESTIGATION PARTICIPATION POLICY

The Los Angeles Community College District has established policies and procedures for the investigation and resolution of complaints and grievances. These investigations often involve sensitive and confidential issues. The investigation of complaints and grievances must be completed in a thorough and accurate manner, but it must also be conducted in a way which protects employee and student privacy and confidentiality.

Confidentiality

All persons involved in the investigation of complaints or grievances have a duty to maintain the confidentiality of the matters discussed, except as may be required or permitted by law, which includes the rules and regulations of the District.

All records regarding an investigation or complaint shall be confidential and shall not be revealed except as required or permitted by law, which includes the rules and regulations of the District, or at the discretion of the Chancellor or his designee.
Retaliation

Anyone who files a complaint, or participates in any action authorized under any District policy, shall not be subjected to retaliatory action of any kind by any employee or student of the Los Angeles Community College District.

Employees and students shall not engage in any acts of coercion, intimidation or harassment of any individual because that individual has opposed practices prohibited by District policies, has filed a complaint or grievance, or has participated in any manner in an investigation.

Employees and students shall not engage in any acts of coercion, intimidation or harassment of any individual in an attempt to influence the outcome of an investigation of a complaint or grievance.

Regardless of your agreement with the policy you are obliged to adhere to its mandates.