



Investigation of an informal complaint will be appropriate if the Chief Human Resources Officer determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Chief Human Resources Officer will explain to any individual bringing an informal complaint that the Chief Human Resources Officer may decide to initiate an investigation, even if the individual does not wish the Chief Human Resources Officer to do so. The Chief Human Resources Officer shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.

Formal Complaints must be filed with the Chancellor of the California Community Colleges, the Chief Human Resources Officer, or the Chief Student Services Officer unless the Party submitting the Formal Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Superintendent/President or the Chancellor of the California Community Colleges.

Formal Complaints should be submitted on the form prescribed by the Chancellor of the California Community Colleges. A copy of the form is attached to this procedure and is available from the Office of Human Resources, the Hartnell College website, and at the California Community # # \ .

If any Party submits a written allegation of harassment, discrimination, or retaliation not on the form described above, the District will seek to have the individual complete and submit the form. However, if the individual chooses not to do so, the District will attach the written allegation(s) to the form and treat it as a Formal Complaint. In no instance will the District reject a written allegation of harassment, discrimination, or retaliation on the basis that it was not submitted on the proper form.

A Formal Complaint must meet each of the following criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;

- The Complainant must sign and date the Formal Complaint;

- The Complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.

- The Complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the Complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Formal Complaint does not meet the requirements set forth above, the Chief Human Resources Officer will promptly return it to the Complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Chief Human Resources Officer will handle the matter as an informal complaint.

The Chief Human Resources Officer is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. In the event the Chief Human Resources Officer is not available to coordinate an investigation, the Chief Business Officer will coordinate the investigation.

The actual investigation of complaints may be assigned by the Superintendent/President to other staff or to outside persons or organizations under contract with the District, particularly if the Chief Human Resources Officer is named in the complaint or implicated by the allegations in the complaint.

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

A student, employee, or third party who believes he/she/they has been discriminated against or harassed in violation of these policy or procedures may make a complaint orally or in writing.

Any District employee who receives a harassment or discrimination complaint shall notify the Chief Human Resources Officer immediately.

) Since failure to report harassment and discrimination impedes the ) 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 )

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; t



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under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the Complainant if it cannot maintain confidentiality.

The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on: 1) what constitutes sexual harassment, including sexual violence, 2) other forms of harassment and discrimination, and 3) ) procedures. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals -retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

The District will undertake its investigation as promptly and swiftly as

- A description of the procedural steps taken during the investigation including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness the investigator interviewed;
- An analysis of relevant evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- A table of contents if the report exceeds ten pages and
- Any other information deemed appropriate by the District.

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it

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students and employees during the investigation.

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy of the investigative report to the Chancellor of the California Community Colleges, a copy or summary of the report to both Parties, and written notice setting forth all of the following to both the Complainant and the Chancellor:

- o The determination of the Chief Human Resources Officer as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- o A description of actions taken, if any, to prevent similar problems from occurring in the future;
- o The proposed resolution of the complaint; and
- o The Complainant's right to appeal to the District governing board and the Chancellor California Community Colleges.

In any case involving employment discrimination, within 90 days of receiving a formal complaint, the district shall complete its investigation and forward a copy or summary of the report to the Complainant and Accused, and written notice setting forth all the following to the complainant:

- o The determination of the Chief Human Resources Officer as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- o A description of actions taken, if any, to prevent similar problems from occurring in the future;
- o The proposed resolution of the complaint; and

- The Complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.

If harassment, discrimination and/or retaliation occurred in violation of the policy or procedure, the District shall take d



confidentiality of the investigation and to protect the privacy of all Parties to the extent possible )

If the District cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within 15 days, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and Accused and to the California Community Colleges # \ u #omplainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant # # # # Office within 30 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 Department of Fair Employment and Housing.

Within 150 days of receiving a formal complaint that does not involve employment discrimination, the District shall forward to the California Community Colleges # 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/their 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 10 days prior to the expiration of the deadline.





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.

See Board Policies 3410, 3420, 3430

See Administrative Procedures 3410, 3420, 3430

Approved by Superintendent/President: May 20, 2015; Rev: May 29, 2019; Dec. 15, 2020

# UNLAWFUL DISCRIMINATION STATE CITY IP

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Home/Cell \_\_\_\_\_ Email \_\_\_\_\_  
Student \_\_\_\_\_ Employee \_\_\_\_\_ Other: \_\_\_\_\_

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Student \_\_\_\_\_ Employee \_\_\_\_\_ Other: \_\_\_\_\_

*(Non-employment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within 180 days of the date of the alleged*

_____	Military/Veteran Status
_____	National Origin
_____	Physical/Mental Disability
_____	Race
_____	Religion
_____	Retaliation
_____	Sex/Gender
_____	Sexual Orientation
_____	Other Protected Class (Explain):

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Clearly state your complaint. Describe each incident of alleged discrimination separately.  
For each incident provide the following information:

1)