



AP 3410 NONDISCRIMINATION

References:

Education Code Sections 200 et seq., 66250 et seq., 72010 et seq., and 87100 et seq.;

Government Code Sections 11135 et seq. and 12940 et seq.

Penal Code Sections 422.55 et seq.;

Title 5 Sections 59300 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (*formerly Accreditation Standard II.B.2.c*);

Title 20 U.S. Code Sections 1681-1688 (Title IX, Education Amendments of 1972)

Educational Programs

The District shall provide access to its services, classes, and programs, and employees shall not discriminate on the basis of the protected classes established by statute and delineated in BP 3400 Protected Classes.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means 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.

The District shall offer equitable participation opportunities in athletics to male and female students. (Also see BP/AP 5700 Athletics)

Employment

The District shall provide equal employment opportunities to all applicants and employees, and employees shall not discriminate on the basis of the protected classes established by statute and delineated in BP 3400 Protected Classes.

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 provide professional and staff development activities and training to promote understanding of diversity.



Employee Request for Disability Based Accommodation(s)

The District is obligated to engage in an interactive process with an employee who makes a request for a disability based job accommodation.

1. An employee who believes that he/she has a disability and requires a workplace accommodation under Federal or State law, should contact Human Resources and should also inform his/her supervisor.
2. The employee must have medical verification of his/her disability before the request for an accommodation can be evaluated. The employee may also be required to undergo a medical evaluation paid for by the District.
3. The employee, the supervisor, and a representative from Human Resources are required to make a good faith effort to engage in the interactive process. The goal of this process is to collaboratively identify and implement a reasonable accommodation(s) which will enable the employee to perform the essential functions of his/her position.
4. The steps of the interactive process include: identification of the essential functions of the position; identification of the precise limitations relative to these functions and identification of every possible accommodation and how each would enable the employee to successfully perform the position, with specific consideration given to the employee's stated preference. The District has the ultimate discretion to select the appropriate accommodation(s).
5. If the District is unable to identify a reasonable accommodation(s), it needs to assess whether the employee is eligible for a disability retirement through CalPERS or CalSTRS. In order to do so, the employee will be required to sign an authorization allowing CalPERS or CalSTRS to review confidential medical information.
6. If the request for accommodation is denied or the employee believes the accommodation recommended by the District is inadequate, he/she may appeal to one of the ADA coordinators of the District, the Chief Human Resources Officer or the Chief Instructional Officer.

This procedure does not prevent the employee from seeking a workplace ergonomic evaluation or requesting work equipment, hardware, and/or software designed to avoid or reduce workplace injuries. These routine requests shall not constitute a request for accommodation based on disability. If an employee needs an ergonomic evaluation or assessment of a work station, please contact Administrative Services.

Date Approved: September 29, 2015

(Replaces current SBCC AP 3430)

Legal Reference Update #25: November 2014