

**BP 3410**

Reference Educational Code Sections: *Education Code Sections 66250 et. seq., 72010 et. seq., and 87100 et. seq.; Title 5 Sections 53000 et seq. and 59300 et. Seq.; Penal Code Section 422.55; Government Code Sections 12926.1 and 12940 et.seq.*

**NONDISCRIMINATION**

It is the policy of the San Jose/Evergreen Community College District to provide an educational and employment environment in which no person shall be unlawfully denied in whole or in part full and equal access to, the benefits of, or be subjected to discrimination in any program or activity of the District. This policy prohibits discrimination on the basis of legally protected categories which include ethnic group identification, race, color, language, accent, immigration status, ancestry, national origin, age, sex or gender, gender identity, religion, sexual orientation, marital status, medical condition, veteran status, physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. Conduct need not arise to the level of a violation of law in order to violate this policy.

**Zero Tolerance**

It is the highest priority of the San Jose/Evergreen Community College District to maintain a working and learning environment for every student, District employee and campus visitor that is free from discrimination and harassment. Every District employee and student should be treated with dignity and respect. To achieve this goal the District will have zero tolerance against behavior that amounts to discrimination or harassment. Zero tolerance means that in all instances where discrimination or harassment is found, corrective action will be taken in accordance with state law, the District's collective bargaining agreements and policies. All supervisory personnel will be responsible for maintaining an environment that is free of prohibited discrimination and harassment.

**Discrimination**

Discrimination is defined as unfavorable or unfair treatment, or preferential treatment of a person or class of persons, or treatment that has an adverse impact on persons or class of persons, on the basis of any of the above referenced legally protected categories. This policy pertains to all board actions, to all employment practices, to all student related matters, and to the community's ability to access the District's programs, services and use of campus facilities.

**Harassment**

Harassment is a form of discrimination and is therefore also prohibited. Harassment means verbal, written, graphic or physical conduct relating to an individual's membership in any of the above referenced legally protected categories that has the purpose or effect of:

San José/Evergreen Community College District

Board Policies

Chapter 3 -General Institution

- a) Creating an intimidating, hostile or offensive working or learning environment; or,
- b) Substantially or unreasonably interfering with an individual's work or academic performance; or,
- c) Otherwise adversely affecting an individual's employment or academic opportunities.

Harassment can include any unwelcome verbal, written or physical conduct, which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of offensive written materials or pictures.

Discipline

Any individual who is found to have engaged in discriminatory or harassing behavior will be subject to appropriate corrective and/or disciplinary action.

Complaint Process

The District shall maintain a discrimination complaint procedure for employees, students and campus visitors who believe they have been discriminated against or have suffered some form of harassment.

Confidentiality

The District recognizes that confidentiality is important to all parties involved in a discrimination or harassment investigation. Confidentiality will be maintained to the extent possible.

Retaliation Prohibited

The district will not tolerate retaliation against any individual for initiation, pursuit or assistance with a lawful complaint of discrimination or harassment.

Revised 12/08; District Council approved 3/19/09