


SAN FRANCISCO COMMUNITY COLLEGE DISTRICT

 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e	Related to CCLC AP 3433
--	----------------------------

I. INTRODUCTION

*****These procedures apply to conduct that occurred on or after August 1, 2024.**

The District encourages members of the District community to report sex discrimination including sex-based harassment. This procedure only applies to conduct defined as sex-discrimination, including sex-based harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to discrimination including sex-based harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

This procedure outlines the regulations and procedures of the District in connection with Board Policy and Administrative Procedure 2.30 – Unlawful Harassment and Title IX.

contact information is:

Compliance Officer/Title IX Coordinator/Section 504 Coordinator
City College of San Francisco
415-452-5123
gabrown@ccsf.edu

The Title IX Coordinator is required to respond to reports of sex discrimination including sex-based harassment. The Title IX Coordinator will handle information on a need-to-know basis and will share information with others on a need-to-know basis. The Title IX Coordinator may need to address public safety concerns on campus and federal legal requirements, or share information to implement

Recommended by Participatory Governance Council: October 3, 2024	Page 1 of 24
Approved by Chancellor: October 10, 2024	

A report of sex discrimination including sex-based harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will evaluate a Complaint to determine whether to investigate a Complaint pursuant to these procedures.

III. JURISDICTION

These procedures apply if the conduct meets the following jurisdictional requirements:

- The conduct took place in the United States;
- The conduct meets the definition of Title IX sex discrimination; and
- The conduct took place in a District education program or activity.
 - This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment nsichmsve1 (s)12 (lo)/TT1o-2hHD 13 BDC D 13 13 001 Tc - 0 Tv

ic81 (t)10 n o r cotpros or s1(lo)tu dent

-4 iz etwhe histrict 13 13 wt or cnt 13 13 l;e d

Recommended by Participatory Governance Council: October 3, 2024

Page 2 of 24

Approved by Chancellor: October 10, 2024

resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the

If a Complainant declines to submit a Complaint or withdraws the Complaint, the Title IX Coordinator must decide whether to initiate a Complaint. The Title IX Coordinator shall consider the following factors when determining whether to initiate a Complaint:

- The Complainant’s wishes;
- The Complainant’s reasonable safety concerns;
- Risk of additional sex discrimination;
- Severity of the allegations, including whether they justify removing the Respondent;
- Age and relationship of the Parties;
- Scope of the discrimination;
- Availability of evidence; and
- Whether the District can end the discrimination and prevent reoccurrence without a Complaint.

If the Title IX Coordinator initiates a Complaint, the Complainant must first be notified, and any safety concerns must be addressed.

Reporting Timeframes: To promote timely and effective review, the District strongly encourages individuals to report sex discrimination as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the

<p>Recommended by Participatory Governance Council: October 3, 2024</p> <p>Approved by Chancellor: October 10, 2024</p>	<p>Page 8 of 24</p>
---	---------------------

Removal of Respondent Pending Final Determination: Upon receiving a report regarding sex discrimination, the Title IX Coordinator will make an immediate assessment concerning the

<p>Recommended by Participatory Governance Council: October 3, 2024</p> <p>Approved by Chancellor: October 10, 2024</p>	<p>Page 9 of 24</p>
---	----------------------------

- The Respondent is not participating in the District’s educational program or activity or is not employed by the District;
- The Complainant voluntarily withdraws some or all of the allegations and any remaining allegations would not constitute sex discrimination; or
- The allegations, even if proven, would not violate Title IX after reasonable efforts have been made to clarify the allegations with the Complainant.

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the Parties, send written notice of the dismissal and the reasons for the dismissal. The Title IX Coordinator shall also notify the Complainant of their right to appeal the dismissal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

A Complainant may appeal the dismissal of a complaint or any allegations no later than ten (10) business days from the date of the District’s notice of dismissal of a Complaint or any allegations:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome or was not previously available; and
- The Title IX Coordinator or investigator had a conflict of interest or bias for or against Complainant or Respondent that would change the outcome.

The District will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint within 5 business days. If the dismissal occurs after the Respondent has been notified of the allegations, then the District will also notify the Respondent that the dismissal may be appealed within 5 business days.

If a Complaint is dismissed, the District will still offer supportive measures to the Complainant and Respondent as appropriate, and take other prompt and effective steps to ensure sex discrimination is not occurring in the District’s education program or activity.

Consolidation of Formal Complaints: The District may, but is not required to, consolidate formal complaints as to allegations of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sex discrimination arise out of the same facts or circumstances.

Equitable Treatment of the Parties: The District’s determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The

<p>Recommended by Participatory Governance Council: October 3, 2024</p>	<p>Page 11 of 24</p>
<p>Approved by Chancellor: October 10, 2024</p>	

Recommended by Participatory Governance Council: October 3, 2024

Approved by Chancellor: October 10, 2024

Page 12 of 24

role of the Advisor is to provide support and assistance in understanding and navigating the grievance process.

The Advisor may not obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

Investigations: The District will provide for adequate, reliable, and impartial investigation of Complaints. The burden is on the b(at)-4 (r)14 (de)3 (4nP t)-1 (p)T.D.0 b puw4 (s)4(s)4 (s)14(t)10 (a)(s)14(t)10

Recommended by Participatory Governance Council: October 3, 2024

Page 13 of 24

Approved by Chancellor: October 10, 2024

judgment. The Decision-maker will meet with other witnesses, if needed based on the Decision-Maker's judgment.

Following an investigation and evaluation of all relevant and otherwise permissible evidence, the Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Makers will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the Decision-Maker will decide whether it is more likely than not that sex discrimination, as defined herein, occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sex discrimination as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator(s) interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker(s) will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct, policies and procedures to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent, including remedies other than disciplinary sanctions;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;

Recommended by Participatory Governance Council: October 3, 2024

Approved by Chancellor: October 10, 2024

Page 15 of 24

The Appeal Officer will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within **30 business days** after the Appeal Officer receives the non-appealing party's response to the appeal or the last day for the non-appealing party to provide a response. The District's Title IX Coordinator will provide the written decision simultaneously to both Parties.

The Appeal Officer may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the Appeal Officer explaining the need for the extension and the proposed length of the extension. The Appeal Officer will respond to the request within 48 hours in writing.

<p>Recommended by Participatory Governance Council: October 3, 2024</p> <p>Approved by Chancellor: October 10, 2024</p>	<p>Page 17 of 24</p>
---	-----------------------------

- Information about the policies and procedures that the District used to

for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Employee Respondents shall be afforded due process as required by any applicable collective bargaining agreements, Education Code, and policies and procedures. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

VIII. INFORMAL RESOLUTION

If the District’s Title IX Coordinator determines that a formal complaint is appropriate for informal resolution, they may provide the Parties with the opportunity to participate in an informal resolution process, including, but not limited to, mediation, at any time prior to reaching a determination regarding responsibility, including prior to a formal complaint being filed.

The District’s Title IX Coordinator will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District’s Title IX Coordinator must obtain the Parties’ voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sex discrimination. At any time prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

IX. RETALIATION PROHIBITED

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sex discrimination, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation, including peer retaliation, may file a complaint using the formal complaint process described above. The exercise of rights protected under the First Amendment does not constitute retaliation.

X. DISSEMINATION OF POLICY AND PROCEDURES

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students,

Recommended by Participatory Governance Council: October 3, 2024	Page 22 of 24
Approved by Chancellor: October 10, 2024	

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

XIII. COMPLAINT REPORTING

The Chancellor shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 2.35. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

Recommended by Participatory Governance Council: October 3, 2024

Approved by Chancellor: October 10, 2024

Page 24 of 24