

BP 3410 Nondiscrimination

09/25/23



P&P Chapter Lead Recommendation
San Bernardino Community College District

Current Step:
BOT 1st Reading

Point Person	Date Requested	Anticipated Date of Recommendation:	Recommendation Received:
K Hannon	8/7/2023	Recommendation Received	9/6/2023

Reason(s) for Review/Changes

- > Legal Update 41: The Service updated this policy to include “ethnicity” as a protected class consistent with the legal references cited in the policy.
- > Legal Update 42: The Service updated this policy to add antidiscrimination provisions related to a person’s use of cannabis off the job and away from the workplace pursuant to changes in the Government Code.

Review Level

Level 1

Anticipated AP2410 Schedule *(for info on this process, visit <https://sbccd.edu/ap2410>)*

- 09/18/2023 PPAC Approves Review Level
- 09/19/2023 Level 1 to Constituents for Information Only
- 10/19/2023 BOT First Reading
- 11/09/2023 BOT Final Approval

Action Requested

1. Please review this Chapter Lead recommendation based on the reasons above.
2. Staff recommended changes are **shown in red**.
3. Legal changes are **shown in blue** and should only be considered **optional** if indicated.
4. If there are no changes showing, this item is being presented for information only.
5. For questions on this recommendation, please contact J Torres or kgoodric@sbccd.edu.

RECOMMENDATION STARTS ON NEXT PAGE



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Review Process Comments:

~~(Replaces current SBCCD BP 3410)~~

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because ~~he/she~~ he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District shall not discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person based upon the person’s use of cannabis off the job and away from the workplace unless permitted by California law.

The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, immigration status, religion, age, gender, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because ~~he/she~~ he/she/they is perceived to have one or more of the foregoing characteristics, or because of ~~his/her~~ his/her/him/her/their association with a person or group with one or more of these actual or perceived characteristics.

References:

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

Labor Code Section 1197.5;

Title 5 Sections 53000 et seq. and 59300 et seq.;

Penal Code Section 422.55;

Government Code Sections 12926.1 and 12940 et seq.;

Title 2 Sections 10500 et seq.;

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

End of Recommendation for BP 3410 Nondiscrimination

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Review Process Comments:

Education Programs

The District shall provide access to its services, classes and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

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" mean's 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 employees, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Nondiscrimination References for Education Programs:

- Education Code Sections 66250 et seq., 200 et seq., and 72010 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 [\(formerly II.B.2.c\)](#)

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, immigration status, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. [The District shall not discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person based upon the person's use of cannabis off the job and away from the workplace unless permitted under Government Code Section 12954.](#)

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 from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Nondiscrimination References for Employment:

- Education Code Sections 87100 et seq.;
- Title 5 Sections 53000 et seq.;
- Government Code Sections 11135 et seq. and 12940 et seq.
- [Title 2 Sections 10500 et seq.](#);
- [Labor Code Section 1197.5](#)

End of Recommendation for AP 3410 Nondiscrimination