

# Napa Valley Community College District Board Policy D1130

## Equal Employment and Educational Opportunities and Unlawful Discrimination

The Board of Trustees of the Napa Valley Community College District, by adoption of this policy, reaffirms its commitment to providing an educational and employment environment in which full and equal access is available to all individuals. Guided by principles of democracy, the community college was established to provide access to higher education for everyone, and the district recognizes its responsibility to provide opportunities for full participation in the college experience.<sup>1 2</sup> The district wishes to maintain a college spirit of inclusion and openness and to celebrate the strengths diversity brings to the campuses.

It is the policy of this district that no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, including status as a non-native English speaker, religious creed, age, sex, gender, gender identity, gender expression, medical condition, genetic information, race, color, ancestry, marital status, sexual orientation, military and veteran status, or 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, in any program or activity offered by the Napa Valley Community College District.

As part of the policy of nondiscrimination, the district intends to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism or other verbal or physical conduct or communications constituting sexual harassment. This policy also complies with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and responds to and resolves unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

While ultimate administrative responsibility for the implementation and effectiveness of the district's Equal Employment and Educational Opportunities Policy and plan rests with the Superintendent/President of the district, the board expects all employees to promote the principles of nondiscriminatory, ethical, fair treatment for everyone in the college community. Employees, students, or other persons acting on behalf of the district who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, termination, suspension, or expulsion.

In so providing, the Napa Valley Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, §§ 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).<sup>2</sup>

The Napa Valley Community College District Governing Board reaffirms its commitment to academic freedom but recognizes that academic freedom does not allow any form of unlawful discrimination. Please consult I7100 for the complete district policy on academic freedom.

Authority: Cal. Code Regs., Title 5, § 59300; Ed. Code §§ 66250 et seq., 66271.1, 66700, and 70901; Gov. Code, § 11138. Reference: Ed Code §§ 66250 et seq. and 72011; Gov. Code, §§ 11135-11139.5; Penal Code §§ 422.6 and 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794 and 794d; 42 U.S.C. §§ 12100 et seq., and 2000d ; 42 U.S.C. § 6101; 36 C.F.R . § 1194.

See accompanying administrative regulations.

D1130 AR (1) Definition of Terms

D 1130 AR (4) Sexual Harassment incorporated into AR (1) and AR (5)

D1130 AR (5) Handling Complaints of Unlawful Discrimination

Adopted 3/27/03 to replace D1130 (Affirmative Action) and D1430 (Prohibition of Sexual Harassment)

Revised 4/10/08

Revised 11/14/13

Revised 1/15/15

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<sup>1</sup> Napa Valley College *Diversity Task Force Plan and Recommendations*, November 12, 2002

<sup>2</sup> If the federal statutes cited above would result in broader protection of the civil rights of individuals then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of Title 5, section 59300.