

Chapter 3 – General Institution

BP 3410 Prohibition of Unlawful Discrimination

References:

Education Code Sections 212, 66250 et seq., 70900 et seq., 72010 et seq.; and 87100 et seq.; Title 2 Section 11053 and 11154; Title 5 59300 et seq.; Government Code 11135-11139.5; 12925 - 12928; and 12940 et seq., and Penal Code Section 422.55 and 422.6; 20 U.S.C. Section 1681; 29 U.S.C. Section 794; 42 U.S.C. Section 6101, 12100 et seq. and 2000d

I. Policy Statement

The policy of Mt. San Antonio College is to provide an educational and employment environment free from unlawful discrimination, in whole or in part, based on any protected category, including: ethnic group identification, national origin, immigration status, religion, age, sex, gender, gender identification, gender expression, military and veteran status, marital status, medical condition, race, color, ancestry, sexual orientation, physical or mental disability, or any other characteristic protected under applicable federal or state law. These protected categories are in compliance with Title 5 regulations. Protected persons and groups, or those associated with them, shall neither be denied full and equal access to the benefits of, nor be subjected to discrimination under, any program or activity that is administered by, funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges, based upon an actual or perceived characteristic listed in this section. The College has zero-tolerance for unlawful discrimination.

It is the policy of Mt. San Antonio College to foster an anti-racist educational environment free from prejudice, to advocate for allies, and to educate all employees on cultural competence, intersectionality, power, marginalization, racial implicit bias and microaggressions, and support the diversity, equity, inclusion, social justice, and anti-racist efforts among all students, including racially minoritized students, and employees.

If an employee is made aware of or witnesses an incident of unlawful discrimination, they must report such incidents to the College Compliance Officer, or designee, within 24 hours or as soon as practically possible.

BP 3430, and AP 3430, are the appropriate policies and procedures for addressing unlawful discrimination based harassment. BP 3540, AP 3540, and AP 3434 are additional policies and procedures for addressing unlawful sex discrimination, including sexual harassment, sexual assault, sexual violence, sexual battery, sexual exploitation, dating violence, domestic violence, and stalking.

The College shall respond promptly and effectively to all complaints of unlawful discrimination and shall take appropriate action to prevent, investigate, correct, and discipline conduct that infringes upon this policy. Investigations into complaints of

discrimination will be conducted in accordance with the procedures set forth in AP 3410, Prohibition of Discrimination and AP 3435, Discrimination and Harassment Investigations.

Procedures for addressing unlawful discrimination shall be administered in accordance with AP 3410 and shall be widely publicized to all students and employees of the institution, in an effort to ensure a campus free from unlawful discrimination.

The College shall develop processes and procedures to regularly (1) assess the campus cultural climate, and (2) review existing, policies, procedures, and practices with the goal of eliminating structural racism, Structural sexism, and other societal and institutional structures that reinforce discriminatory practices, and marginalization of groups associated with a protected category.

No College funds shall ever be used for membership or for any participation involving financial payment or contribution on behalf of the College or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of any protected category.

Mt. San Antonio College hereby implements the provisions of Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Sections 66250 et seq. and 72011, Education Code; Sections 11135 and 12926, Government Code; and Sections 422.6 and 422.55, Penal Code

II. Policy Definitions

- A. Age - with respect to employment discrimination - the chronological age of any individual who has reached their 40th birthday.¹
- B. Ally – a person in a dominant position of power actively working in solidarity with individuals that do not hold that same power or they do not share a social identity with to end oppressive systems and practices. In the context of racial justice, allyship often refers to White people working to end the systemic oppression of people of color.²
- C. Anti-Racist – any person who actively opposes racism and the unfair treatment of people based on race. They recognize that all racial groups are equal (i.e. nothing inherently superior or inferior about specific racial groups) and that racist policies have caused racial inequities. They also understand that racism is pervasive and has been embedded into all societal structures. An anti-racist challenges the values, structures, policies, and behaviors that perpetuate systemic racism.³
- D. Ancestry – see National Origin, Article II, Section N or Ethnic Group Identification, Article II, Section G.

¹ See Cal. Ed. Code 66260.5; Govt. Code § 12926(b).

² California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Patel, V.S. (2011). Moving toward an inclusive model of allyship for racial justice. *The Vermont Connection* 32, 78-88; Reason, R. Millar, E.A., & Scales T.C. (2005). Toward a model of racial justice ally development. *Journal of College Student Development*, 46(5), 530-546.

³ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Kendi, I.X. (2019). *How to be an antiracist*. One World.

- E. Bias – inclination, feeling, or opinion, especially one that is preconceived or unreasoned. Biases are unreasonably negative feelings, preferences, or opinions about a social group. It is grounded in stereotypes and prejudices.⁴
- F. Color – see Race, Article II, Section P.
- G. Complainant – any person who files a complaint or any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person’s behalf.
- H. Culture – values, beliefs, traditions, behavioral norms, linguistic expression, knowledge, memories, and collective identities that are shared by a group of people and give meaning to their social environments. Culture is learned and inherited behavior that distinguishes members of one group from another group. Culture is not static and can change over time.⁵
- I. Cultural Competence – the ability to honor and respect the beliefs, language, interpersonal styles and behaviors of those receiving and providing services. Individuals practicing cultural competence have knowledge of the intersectionality of social identities and the multiple axes of oppression that people from different racial, ethnic, and other minoritized groups face. Individuals striving to develop cultural competence recognize that it is a dynamic, on-going process that requires a long-term commitment to learning. In the context of education, cultural competence refers to the ability to successfully reach students who come from cultures other than one’s own. It entails developing personal and interpersonal awareness and sensitivities, learning specific bodies of cultural knowledge, and mastering a set of skills for effective cross-cultural teaching.⁶
- J. Cultural Humility – an awareness of one’s limitations to understanding a person’s cultural background and experience. Cultural humility involves interpersonal interactions that are other focused rather than self-focused in regard to the cultural background and experience of an individual.⁷
- K. Disability (mental or physical), as defined in California Government Code § 12926 and the federal Americans with Disabilities Act (ADA), 2008 Amendments:
 - 1. Having a physical or mental condition that limits a major life activity. “Limits” means making the achievement of a major life activity difficult. “Limits” is determined without regard to mitigating measures such as medications, assistive devices,

⁴ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Kendi, I.X. (2019). *How to be an antiracist*. One World.

⁵ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; *Culture*. American Sociological Association. <https://www.asanet.org/topics/culture>; Abu-Lughod, Lila. 1991. “Writing Against Culture.” In *Recapturing Anthropology: Working in the Present*, ed. Richard G. Fox, 137–162. Santa Fe: School of American Research Press

⁶ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Denboba, D. (1993) *MCHB/DSCSHCN Guidance for Competitive Applications, Maternal and Child Health Improvement Projects for Children with Special Health Care Needs*. U.S. Department of Health and Human Services, Health Services and Resources Administration. Moule, J. (2011) *Cultural competence: A Primer for educators*. Cengage Learning. Rothman, J. (2008). *Cultural competence in process and practice: Building bridges*. Pearson.

⁷ Hook, J. N., Davis, D. D., Owen, J., & DeBlaere, C. (2017). *Cultural humility: Engaging diverse identities in therapy*. American Psychological Association.

prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity. A “major life activity” is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing) and working; or

2. Having a known history of a qualifying impairment; or
3. Being regarded or treated as having or having had a qualifying impairment; or
4. Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.
5. Disability includes HIV and AIDS.

Disability does not include sexual behavior disorders such as addictions, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

- L. Unlawful Discrimination⁸ - Unfair or unequal treatment of an individual (or group) based upon an actual or perceived characteristic related to ethnic group identification, national origin, immigration status, religion, age, sex, gender, gender identification, gender expression, military and veteran status, marital status, medical condition, race, color, ancestry, sexual orientation, physical or mental disability, or any other characteristic protected under applicable federal or state law.
- M. Diversity - the myriad of ways in which people differ, including the psychological, physical, cognitive, and social differences that occur among all individuals, such as race, ethnicity, nationality, socioeconomic status, religion, economic class, education, age, gender, sexual orientation, marital status, mental and physical ability, and learning styles. Diversity is all inclusive and supportive of the proposition that everyone and every group should be valued. Diversity requires understanding these differences and moving beyond tolerance to embrace and celebrate the rich dimensions of our differences.⁹
- N. Equity – the condition under which individuals are provided the resources they need to have access to the same opportunities as the general population. Equity can seek to remedy systematic inequalities, meaning the distribution of resources provides more for those who need it most. Conversely equality indicates uniformity where everything is evenly distributed among people.¹⁰
- O. Ethnic Group Identification – includes ancestry, color, and ethnic background.¹¹
- P. Gender Expression – a person's gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.¹²

⁸ See 5 CCR § 59311

⁹ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Esty, K., Griffin, R., & Hirsch, M.S. (1995). *Workplace Diversity. A manager's guide to solving problems and turning diversity into a competitive advantage*. Adams Media Corp; Susser, I. and Patterson, T. (Ed.). (2001). *Cultural Diversity in the United States: A Critical Reader*. Wiley-Blackwell. Pincus, F.L. (2011). *Understanding Diversity: An Introduction to Class, Race, Gender, and Sexual Orientation, and Disability*. Lynne Rienner Publishers.

¹⁰ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Equity Definition. (n.d.). [Www.Naceweb.Org. https://www.naceweb.org/about-us/equity-definition/](https://www.naceweb.org/about-us/equity-definition/). *Equity and equality are not equal*. The Education Trust. <https://edtrust.org/the-equity-line/equity-and-equality-are-not-equal/>

¹¹ See Cal. Govt. Code § 12926(o).

¹² See Cal. Govt. Code § 12926(r); 2CCR § 11030(a).

- Q. Gender Identity – each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender.¹³
- R. Genetic Information¹⁴:
- The person's genetic tests.
 - The genetic tests of the person's family members.
 - The manifestation of a disease or disorder in the person's family members.
 - Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any person's family member.
 - Genetic Information does not include information about the sex or age of any person.
- S. Immigrant Status – the way in which a person is present in the United States and includes: U.S. Citizen; Permanent or Conditional Resident; Non-Immigrant (in the country legally, but only on a temporary basis); Asylee; Refugee, Person with Temporary Protected Status; or Undocumented.
- T. Implicit Bias – bias that results from the tendency to process information based on unconscious associations and feelings, even when these are contrary to one's conscious or declared beliefs.¹⁵
- U. Inclusion – authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power.¹⁶
- V. Intersectionality – the acknowledgement that within groups of people with a common identity, whether it be gender, sexuality, religion, race, or one of the many other defining aspects of identity, there exist intragroup differences. In other words, each individual experience social structure slightly differently because the intersection of their identities reflects an intersection of overlapping oppressions. Therefore, sweeping generalizations about the struggle or power of a particular social group fail to recognize that individuals in the group also belong to other social groups and may experience other forms of marginalization.¹⁷
- W. Marginalization – the process by which minority groups/cultures are excluded, ignored, or relegated to the outer edge of a group/society/community. A tactic used to devalue

¹³ See 2 CCR § 11030(b)

¹⁴ See Cal. Govt. Code § 12926(g).

¹⁵ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Harrison-Bernard, L. M., Augustus-Wallace, A. C., Souza-Smith, F. M., Tsien, F., Casey, G. P., & Gualdo, T. P. (2020). Knowledge gains in a professional development workshop on diversity, equity, inclusion, and implicit bias in academia. *Advances in Physiology Education*, 44(3), 286–294. <https://doi.org/10.1152/advan.00164.2019>

¹⁶ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Gilson, C. B., Gushanas, C. M., Yi-Fan Li, Foster, K., & Li, Y.-F. (2020). Defining inclusion: Faculty and student attitudes regarding postsecondary education for students with intellectual and developmental disabilities. *Intellectual & Developmental Disabilities*, 58(1), 65–81. <https://doi-org.ezproxy.losrios.edu/10.1352/1934-9556-58.1.65>

¹⁷ California Community Colleges Chancellor's Office Diversity, Equity, and Inclusion Glossary of Terms; Intersectionality – Subcultures and Sociology. (n.d.). <https://Haenfler.Sites.Grinnell.Edu/Subcultural-Theory-and-Theorists/Intersectionality/>

those that vary from the norm of the mainstream, sometimes to the point of denigrating them as deviant and regressive.¹⁸

- X. Marital Status – an individual’s state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.¹⁹
- Y. Medical Condition²⁰ – includes the following:
 - 1. Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or
 - 2. Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - a. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or
 - b. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- Z. Microaggressions – brief and commonplace daily verbal, behavioral and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory or negative racial slights and insults that potentially have harmful or unpleasant psychological impact on the target person or group.²¹
- AA. Minoritized – describes the process of “minoritization” whereby individuals are afforded less power and representation based on their social identities and protected categories. These social identities, such as race and ethnicity, are socially constructed concepts that are created and accepted by society. They are used to minoritize individuals in specific environments and institutions that sustain an overrepresentation of Whiteness and subordinate other groups.
- BB. National Origin²² – includes, but is not limited to, the individual’s or ancestors’ actual or perceived:
 - 1. physical, cultural, or linguistic characteristics associated with a national origin group;
 - 2. marriage to or association with persons of a national origin group;

¹⁸ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Lassiter, C., Norasakkunkit, V., Shuman, B., & Toivonen, T. (2018). Diversity and resistance to change: Macro conditions for marginalization in post-industrial societies. *Frontiers in Psychology*, 9, 812; University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Glossary of Equity, Diversity, and Inclusion Terms. 2019. [Retrieved August 5, 2020].

¹⁹ See 2 CCR §11053 (a).

²⁰ See Cal. Govt. Code § 12926 (i).

²¹ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Solorzano, D., Ceja, M., & Yosso, T. (2000). *Critical race theory, racial microaggressions, and campus racial climate: The experiences of African American college students*. *The Journal of Negro Education*, 69, pp 60-73.

²² See Cal. Ed. Code § 66261.3; 2 CCR § 11027.1 (a)

3. tribal affiliation;
4. membership in or association with an organization identified with or seeking to promote the interests of a national origin group;
5. attendance or participation in schools, churches, temples, mosques, or other religious institutions generally used by persons of a national origin group; and
6. name that is associated with a national origin group.

CC. Power – ability to exercise one’s will over others. Power occurs when some individuals or groups wield a greater advantage over others, thereby allowing them greater access to and control over resources. There are six bases of power:

1. reward power (i.e., the ability to mediate rewards),
2. coercive power (i.e., the ability to mediate punishments),
3. legitimate power (i.e., based on the perception that the person or group in power has the right to make demands and expects others to comply),
4. referent power (i.e., the perceived attractiveness and worthiness of the individual or group in power),
5. expert power (i.e., the level of skill and knowledge held by the person or group in power) and
6. informational power (i.e., the ability to control information).

DD. Preponderance of the Evidence²³ – the standard of evidence applied to investigations of allegations of Discrimination. Preponderance of the Evidence means the greater weight of the evidence. In applying this standard, the investigator will consider whether the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

EE. Prejudice – hostile attitude or feeling toward a person solely because he or she belongs to a group to which one has assigned objectionable qualities. Prejudice refers to a preconceived judgment, opinion or attitude directed toward certain people based on their membership in a particular group. It is a set of attitudes, which supports, causes, or justifies discrimination. Prejudice is a tendency to over categorize.²⁴

FF. Race – a social construct that artificially divides people into distinct groups based on characteristics such as physical appearance (particularly skin color), cultural affiliation, cultural history, ethnic classification, and the social, economic and political needs of a society at a given period of time. There are no distinctive genetic characteristics that truly distinguish between groups of people. Race presumes human worth and social status for the purpose of establishing and maintaining privilege and power. Race is independent of ethnicity.²⁵

Race is inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles; includes, but is not limited to, such hairstyles as braids, locks, and twists.²⁶

²³ See Cal. Ed. Code § 67386 (a)(3).

²⁴ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Allport, G. W., Clark, K., & Pettigrew, T. (1954). The nature of prejudice.

²⁵ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Glossary of Equity, Diversity, and Inclusion Terms. 2019. [Retrieved August 5, 2020].

²⁶ See Cal. Ed. Code § 66261.7; Cal. Govt. Code § 12926(w)(x).

GG. Racism – the intentional or unintentional use of power to isolate, separate and exploit others on the basis of race. Racism refers to a variety of practices, beliefs, social relations, and phenomena that work to reproduce a racial hierarchy and social structure that yield superiority, power, and privilege for some, and discrimination and oppression for others. It can take several forms, including representational, ideological, discursive, interactional, institutional, structural, and systemic. Racism exists when ideas and assumptions about racial categories are used to justify and reproduce a racial hierarchy and racially structured society that unjustly limits access to resources, rights, and privileges on the basis of race.

(a) Covert Racism – form of racial discrimination that is disguised and indirect, rather than public or obvious. Covert racism discriminates against individuals through often evasive or seemingly passive methods. Since racism is viewed as socially unacceptable by mainstream society, people engage in covert racism in subtle ways, and therefore it may go unchallenged or unrecognized.²⁷

(b) Overt Racism – an unconcealed, unapologetic form of ethnocentrism and racial discrimination that is observable. Characterized by blatant use of negative and/or intentionally harmful attitudes, ideas, or symbols and actions directed at a specific racial group. Overt racism occurs in individual and group interactions, institutions, spanning micro- and macro-level social realities.²⁸

(c) Structural Racism – the normalization and legitimization of an array of dynamics – historical, cultural, institutional and interpersonal – that routinely advantage Whites while producing cumulative and chronic adverse outcomes for people of color. Structural racism encompasses the entire system of White domination, diffused and infused in all aspects of society including its history, culture, politics, economics and entire social fabric. Structural racism is more difficult to locate in a particular institution because it involves the reinforcing effects of multiple institutions and cultural norms, past and present, continually reproducing old and producing new forms of racism. Structural racism is the most profound and pervasive form of racism – all other forms of racism emerge from structural racism.²⁹

HH. Religion³⁰ – includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed. Religion includes agnosticism and atheism.

²⁷ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Bonilla-Silva, E. (1997). Rethinking racism: toward a structural interpretation. *American Sociological Association*, 62(3), 465-480; Sniderman, P.M., Piazza, T., Tetlock P.E., & Kendrick A. (1991). The new racism. *American Journal of Political Science*, 35(2), 423-447.

²⁸ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; Elias, Sean. (2015). Racism, Overt. 10.1002/9781118663202.wberen398.

²⁹ California Community Colleges Chancellor’s Office Diversity, Equity, and Inclusion Glossary of Terms; University of Washington Department of Epidemiology Equity, Diversity, and Inclusion Committee. Glossary of Equity, Diversity, and Inclusion Terms. 2019. [Retrieved August 5, 2020].

³⁰ See Cal Ed. Code § 212.3, 66262; Cal. Govt. Code § 12926(q) and

- II. Respondent – an employee, student, or third party who is alleged to have violated this policy.

- JJ. Sex/Gender³¹ – includes but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. Sex also includes, but is not limited to, pregnancy, childbirth, breastfeeding, or any related medical condition(s) to pregnancy, childbirth, or breastfeeding.

- KK. Sexual Orientation³² – one’s preference in sexual partners and includes heterosexuality, homosexuality, or bisexuality.

- LL. Veteran or Military Status³³ – service in the active military, naval, or air service.

- MM. Zero-Tolerance – the College will take administrative action when the College determines an employee, student, or third party engaged in unlawful discrimination. Administrative action shall be commensurate with the severity of the violation in accordance with Board Policies, collective bargaining agreements, and state and federal regulations.

Approved: April 28, 2004
Revised: April 26, 2006
Revised: November 15, 2006
Revised: January 23, 2013
Revised: September 10, 2014
Reviewed: June 9, 2015
Reviewed: August 17, 2016
Revised: January 12, 2022

³¹ See Cal. Ed. Code § 66260.7; Cal. Govt. Code § 12926(r); 2 CCR § 11030(c).

³² See Cal. Ed. Code § 66262.7; Cal. Gov. Code § 12926(s).

³³ See 38 C.F.R.