



Title 5 Complaint Process Overview

What is it? District policies and procedures, in conjunction with California state regulations known as "Title 5," provide for a process for making complaints regarding unlawful discrimination based on a protected class and/or category, and the investigation of such complaints.

What is covered? Ethnic group, national origin, religion, age, sex or gender, gender identity, gender expression, race, ethnicity, color, ancestry, sexual orientation, physical or mental disability, military or veteran status, pregnancy, marital status, medical condition, denial of Family Medical Leave, citizenship, genetic information, retaliation, including being perceived to be in a protected category or associated with others who are in a protected category.

How to file a complaint: Please visit <https://www.sdccd.edu/about/departments-and-offices/human-resources/eeo-diversity/how-to-file-a-complaint.aspx>, call the EEO/Diversity Office at (619) 388-6591, or email sdccdlegalservices-eeo@sdccd.edu.

Options available: If you wish to file a Title 5 complaint, you have the option to file a formal complaint with the EEO Office, or to request an informal process with the designated Site Compliance Officer for your campus/institution. The informal process still involves fact-finding, however, the focus is on reaching an amicable resolution. You also have the option to convert your complaint to a formal complaint at any time during the informal resolution process. For more information, contact your Site Compliance Officer. Contact information for Site Compliance Officers is available online at: <https://www.sdccd.edu/about/departments-and-offices/human-resources/eeo-diversity/site-compliance-officer-committee.aspx>

Complaint Form: The District's UNLAWFUL DISCRIMINATION COMPLAINT FORM is available online at:
<https://www.sdccd.edu/docs/humanresources/eeo/forms/Unlawful%20Discrimination%20Complaint%20-%20Form.pdf>

Related District Policies and Procedures: Board Policy (BP)/ Administrative Procedure (AP) 3410 - Nondiscrimination; BP 3420 - Equal Employment Opportunity; BP/AP 3430 - Prohibition of Harassment; AP - 3435 Discrimination and Harassment Investigations; BP 7100 - Commitment to Diversity; BP 3105/AP 3105.1 – Academic Accommodations for Students with Disabilities; AP 3105.2 – Service Animals. Policies are available online at:
<https://www.sdccd.edu/about/departments-and-offices/human-resources/eeo-diversity/policies-and-procedures.aspx> and <https://www.sdccd.edu/about/leadership/board-of-trustees/board-policies/index.aspx>



Who investigates? The District's EEO Office is responsible for the processing and investigation of formal Title 5 complaints. There is also a Site Compliance Officer for each campus/institution, who is responsible for informal resolution when elected by the complainant.

Applicable legal standard: The investigation will provide "a specific finding as to whether each factual allegation in the complaint occurred based on the preponderance of the evidence standard."

Confidentiality: The Diversity Officer, Site Compliance Officer or investigator, as the case may be, will discuss your complaint only as reasonably necessary – for example, with you as the complainant, with an accused, or with a witness. Information is shared on a "need to know" basis, and each person is advised to maintain confidentiality. The District also prohibits retaliation of any kind against anyone who participates in the process, including a complainant or witness.

Appeal: If you elect the formal complaint process and disagree with the findings after an investigation, you have the right to appeal the decision to the District's Board of Trustees.

Filing with an Outside Agency: You also have the right to file a complaint with an appropriate outside government agency. You may file a complaint with an outside agency without first filing a Title 5 complaint with the District. You may also decide to file with an outside agency while your Title 5 complaint is pending; however, if you file with an outside agency while your Title 5 complaint is pending, pursuant to Title 5 regulations the District will terminate its investigation under Title 5 and cooperate with the outside agency to respond to your complaint. The following are outside agencies with whom you may file a discrimination complaint:

Students:

U.S. Department of Education, Office for Civil Rights:

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

Employees:

United States Equal Employment Opportunity Commission:

<https://www.eeoc.gov/employees/charge.cfm>

California Civil Rights Department:

<https://calcivilrights.ca.gov/ComplaintProcess/>