



Board Policy
Chapter 3 – General Institution

BP 3410 NONDISCRIMINATION

The Santa Monica Community College 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, religion, age, sex, 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 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 Superintendent/President shall establish administrative regulations 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 unlawfully discriminatory on the basis of the protected status categories as cited above, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

NonDiscrimination on the Basis of Disability

In accordance with federal and state laws, the District prohibits discrimination on the basis of disability in the provision of services, programs, contracts, employment, and other activities. Standards for what constitutes discrimination on the basis of mental or physical disability, the definition of disability and qualified individual with a disability, and the establishment of a complaint mechanism for resolving allegations of discrimination are also upheld as specified in public law.

When an employee has disclosed a disability as defined by the Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA), the District shall explore possibilities of reasonable accommodation prior to making any employment related decision, in accordance with applicable State and Federal laws.

An accommodation is reasonable if it does not impose an undue hardship on the District. Undue hardship is defined as actions that are excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.

At the District's request, the employee will be responsible for providing medical documentation which describes the employee's physical limitations in order to assist managers in understanding the nature of the employee's functional limitations which require accommodation. The medical information that is provided by the employee will be used by the District for the sole purpose of evaluating the employee's reasonable accommodations. The District will protect the medical information that is provided by the employee in accordance with applicable State and Federal laws.

The employee and manager/supervisor with the assistance of the District's Human Resources Office will participate in a timely, good faith interactive discussion concerning the functional limitations, the ability to perform the essential functions of the job with or without accommodation, and to determine the possibility of an effective accommodation. Employees will be afforded the opportunity to have a representative present during the interactive discussion.

Also see applicable SMC Board Policies and Administrative Regulations that cover information on discrimination and harassment prevention, and discrimination complaint procedures.

References:

Education Code Sections 200, 210.2, 220, 66250 et seq., 72010 et seq., and 87100 et seq.;

Title 5 California Code of Regulations Sections 53000 et seq. and 59300 et seq.;

Penal Code Section 422.55, 422.57;

Government Code Sections 1135 et. seq; 12926.1 and 12940 et seq.;

Title 2 Sections 10500 et seq.;

ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements;

Americans with Disabilities Act, Public L. 101-336; 42 U.S. Code. Sections 12101 et seq. and 12132 et seq.; 29 Code. of Federal. Regulations. Part 1630;)

Title VI of the Civil Rights Act of 1964 (42 U.S. Code. Sections 2000d-1 et seq.; 34 Code of Federal. Regulations. Part 100; 29 Code. of Federal. Regulations. Part 1691);

Title VII of the Civil Rights Act of 1974 (42 U.S. Code. Sections 2000e et seq.);

Age Discrimination in Employment Act (42 U.S. Code. Sections 6101 et. seq.; 29 Code. of Federal. Regulations. Part 1625);

Section 504 of the Rehabilitation Act of 1973 (29 U.S. Code. Sections 794; §§ 34 Code. of Federal. Regulations. Part 104);

(Replaces former BP 2410)

Adopted: November 15, 2004

Revised: June 5, 2018