



**District Planning and Advisory Council  
Human Resources Planning Subcommittee**

Minutes of Meeting  
November 14, 2022  
Zoom/Virtual

**Members Present:** Wendi DeMorst, Anisha DiGregorio, Christina Gabler, Sherri Lee-Lewis (Co-Chair), Denise Liu, Carol Long, Kymberly McBride, Rebecca Romo, Debra Willoughby, Lisa Winter

HR Resource Staff: Diana Pennington, Recording Staff Assistant

**Interested Party:**

**I. Call to Order**

The meeting was called to order at 1:04 p.m.

**II. Public Comments**

None

**III. Chair Updates**

None

**IV. Approval of Minutes from 10/10/2023**

Motion to Approve: Christina Gabler

Seconded: Carol Long

Vote:       Aye – 7               No – 0               Abstain – 0

**V. Old Business**

1. Revised AR 3435 Discrimination, Harassment Complaints, and Investigations Draft
  - a. Updated AR with New name with similar information
    - i. New Information
      1. Protected Class: Immigration status
      2. Neutral Investigator: an investigator not in the chain of command of respondent
      3. Filing of the Complaint: any student, employee, parent of a minor, or an individual with legal authority on behalf of the student or employee
        - a. All supervisors and managers must report to the Assistant Director

- b. State Chancellor’s Office no longer receives complaints
- 4. Complaints: may be written or verbal
  - a. The District may request (but shall not require) the Complainant to submit a formal complaint
- 5. California Civil Rights Department (CRD): formally known as Department of Fair Employment and Housing (DFEH)
- 6. Investigation Steps: The investigator shall evaluate the complaint using a preponderance of the evidence standard
- 7. Extension of Time: 90-day deadline may be extended an additional 45 days (if needed)
- 8. Administrative Determination
  - a. Non-employment cases: In matters involving student sexual misconduct, the Respondent’s right to appeal any disciplinary sanction imposed upon the Respondent.
  - b. Student Sexual Misconduct: In matters not subject to Title IX, the Respondent’s right to appeal to the local governing board any disciplinary sanction imposed upon the Respondent.
- 9. Appeal to District’s Governing Board
  - a. Extension of Time: 15 days extended to 30 days
  - b. Student Sexual Misconduct: In matters not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District within 30 days of the date of Administrative Determination letter.
- 10. Annual Report: the District shall provide the Chancellor’s Office an annual report
- 11. Training and Education: Every two years, the District shall provide at least a two-hour training on sexual harassment to all supervisor employees and at least a 1-hour training to nonsupervisory employee.
  - a. Students: The District will provide preventive annual education programs and make victim resources and comprehensive victim services available.
- 12. Discipline of Student Sexual Misconduct Not Subject to Title IX: The student respondent will be given an opportunity to cross-examine witnesses

Motion to Adjourn: Kimberlyn McBride

Seconded: Carol Long

Vote:           Aye – 9           No – 0           Abstain – 0

**VI. New Business**

1. Review Diversity Best Practices Handbook
  - a. Will be reviewed at the next meeting in December

**VII. Adjournment**

Motion to Adjourn: Lisa Winter

Seconded: Kymberlyn McBride

Vote:       Aye – 9               No – 0               Abstain – 0

*Meeting ended at 1:28 p.m.*

**Future Meetings**

December 12<sup>th</sup> 1:00pm – 2:30pm

**Follow-up:**

1. Review Diversity Best Practices Handbook