

**General Institution**

**AP 3410 NONDISCRIMINATION**

**Reference(s):**

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;;  
Education Code Sections 87100 et seq.;;  
Penal Code Sections 422.55 et seq.;;  
Title 5 Sections 53000 and 59300 et seq.;;  
ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation  
Standard Catalog Requirements;  
Government Code Sections 11135 et seq. and 12940 et seq.;;  
Title 2 Sections 10500 et seq.;;  
Labor Code Section 1197.5

**Note:** *It is legally required for districts to have this procedure.*

**Education Programs**

The district shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she/they 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.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

The district shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the district shall offer opportunities for participation in athletics equally to male and female students.

### **Employment**

The district shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status or military and veteran status. The district shall not discriminate against a person in hiring, termination, or any term or condition of employment or otherwise penalize a person based upon the person's use of cannabis off the job and away from the workplace unless permitted under Government Code Section 12954.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the district's needs.

The district shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status, or military and veteran status.

The procedure for the investigation and resolution of complaints of discrimination by or against any staff or faculty member within the district is set forth in AP 3435 (Discrimination and Harassment Complaint Procedures). Depending on the circumstances, the procedure for the investigation and resolution of complaints against students is set forth in either AP 3435 or AP 5530 (Student Rights and Grievances).

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**Approved:** May 19, 2015; Edited November 2016

**Board Reviewed:** March 19, 2024; April 18, 2023