GROSSMONT-CUYAMACA
COMMUNITY COLLEGE DISTRICT

In a California Community College **Title 5 unlawful discrimination complaint**, complainants have several important rights under Title 5 regulations and district procedures.

Complainant Rights

1. The right to file a complaint

- A student or employee may file a complaint alleging unlawful discrimination or retaliation based on a protected characteristic. Complaints may be submitted in writing or verbally.

2. The right to file without using a district form

- While a district may request that a complainant use its complaint form, the complainant cannot be required to do so.

3. The right to have a verbal complaint reduced to writing

- If a complainant makes a verbal complaint, the district must document it in writing and take steps to ensure the written version accurately reflects the complainant's allegations.

4. The right to an impartial investigation

- Community college districts are required to evaluate complaints and, where appropriate, conduct an investigation into the allegations.

5. The right to be informed of the outcome

- The district must communicate its determination to both the complainant and the respondent.

6. The right to be free from retaliation

- Retaliation for filing a discrimination complaint, participating in an investigation, or opposing discriminatory conduct is prohibited under Title 5. Complaints alleging retaliation may be investigated through the same process.

7. The right to pursue external remedies

- Student complainants must be advised of their right to file complaints with the **Office for Civil Rights (OCR)** when OCR has jurisdiction.

- Employee complainants must be advised of their right to file with the **Equal Employment Opportunity Commission (EEOC)** and/or the **California Civil Rights Department (CRD)** (formerly DFEH), where those agencies have jurisdiction.

A complainant has the right to file a complaint with external agencies, including:

• U.S. Department of Education, Office for Civil Rights (OCR): https://ocrcas.ed.gov/ or 800-421-3481.

• U.S. Equal Employment Opportunity Commission (EEOC): https://www.eeoc.gov/filing-charge-discrimination.

• California Civil Rights Department (CRD): https://calcivilrights.ca.gov/complaintprocess/how-to-file-a-complaint/ or 800-884-1684.

8. The right to utilize informal resolution where available

- Many districts offer an informal resolution process. Participation is generally voluntary, and complainants may be permitted to request conversion to a formal complaint process if informal resolution is unsuccessful.

Key Time Limits

Student/Non-employment complaints

- Must generally be filed within **one year** of the alleged discrimination or within one year of when the complainant knew or should have known of the facts underlying the complaint.

Employment complaints

- Must generally be filed within **180 days** of the alleged discriminatory act, with a possible extension of up to 90 days in certain circumstances.

Practical Rights During a District Investigation

Most district Title 5 procedures also provide complainants the opportunity to:

- Present evidence and identify witnesses.
- Have an advisor, representative, or union representative present, if allowed by district procedures.
- Receive notice of interviews and investigative findings.
- Request supportive or interim measures when appropriate.

These specific procedural rights are often found in the district's AP 3435, AP 3434, or unlawful discrimination procedures and may vary somewhat by district.