

## **COGSWELL COLLEGE POLICIES AND PROCEDURES** **2006-2007 SUPPLEMENT TO STUDENT HANDBOOK**

### **STATEMENT OF NONDISCRIMINATION**

**\*This statement replaces the Statement of Nondiscrimination located in the 2006-2007 printed Student Handbook.**

Cogswell College is an equal opportunity institution of higher education and employer and is firmly committed to non-discrimination in its delivery of educational services and employment practices. These practices include, but is not limited to, hiring, employment promotion and transfer, admission to, and participation in the benefits and services of educational programs or related activities sponsored by the College. In compliance with all applicable federal and state laws, decisions will be made irrespective of the individual's sex, race, color, religion, religious creed, age (over 18 years), mental or physical disability, medical condition as defined by law, national origin, marital status, veteran status, sexual orientation or any other basis prohibited by federal or state law or local ordinance. This policy is in accordance with Title VI of the Civil Rights Act of 1964, as amended; Executive Order 11246, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1975; and any applicable state and local laws. When necessary, the College will reasonably accommodate individuals with disabilities if the individual is otherwise qualified to meet the fundamental requirements of the College's educational program and/or is able to safely perform all essential functions, without undue hardship to the College.

### **DISABILITY SERVICES GENERAL POLICY**

**\*This statement replaces the Handicapped Accessibility Section located in the 2006-2007 printed Student Handbook.**

Cogswell College is committed to providing qualified students an equal opportunity to attain an education regardless of disability. The College affords reasonable accommodations and aids to students with disabilities in accordance with the Americans with Disabilities Act (ADA), the Rehabilitation Act of 1973, and California law.

## **Definitions**

**Individual with a disability** is a person who: (a) as defined by law, has a physical or mental impairment which limits one or more life activities (such as walking, seeing, speaking, learning, or working); or (b) has a written record with the College documenting the impairment.

**Qualified student or applicant** is an individual with a disability who satisfies and can continue to satisfy all of the standards required of students at the College.

**Accommodations** are such learning aids (not personal equipment), assistance measures and limited modifications to the non-fundamental course, program, or educational services, as are necessary and effective for the individual, if reasonable to provide at the College. Accommodations do not include exemption from academic performance standards or from behavior standards including those of the Code of Student Conduct. To be eligible to continue at the College, the student or applicant must meet the qualifications and requirements expected generally of its students, with or without reasonable accommodation.

**Fundamental aspects** of the program include but is not limited to timely satisfaction of all academic standards, compliance with the Code of Student Conduct and with other College policies.

*Note:* In the event that a request for reasonable accommodation is denied, the College may choose to afford the student temporary measures of flexibility, which are not based on the asserted disability issue, but which may otherwise be considered appropriate, if it does not alter a fundamental aspect of the program. In such cases, such temporary measures will not be a precedent nor will it be a reasonable accommodation, and the student will not be regarded as an individual with a disability.

## **DISABILITY ACCOMMODATION REGISTRATION PROCESS**

Each student must initiate and document a disability-related request for accommodation. It is recommended that students begin the disability accommodation registration process at least *[insert number]* weeks before the start of each semester, although the College will consider the merits of each request at the time the request is received. Students who request accommodation of a disability should contact the *[insert College designated disability contact person]*, who will assist and advise them in their registration and accommodation request procedures.

Upon contacting the *[insert contact]*, the student will be required to submit reasonable medical documentation supporting the registration and accommodations request, in addition to completing internal forms related to disability registration and accommodation request. The College has the discretion to determine what type of professional documentation is necessary, and this may vary depending on the nature of the disability and/or accommodation and other circumstances.

All records related to disability and accommodation registration are confidential and private.

Once appropriate documentation has been received, the [insert contact], will work with the student and determine the appropriate accommodations or aids. The [insert contact], will make the final decision regarding the request for accommodation or aid. If the student agrees with the decision, the [insert contact], will discuss the accommodations and appropriate implementation of such with faculty members in whose courses the student has requested the accommodation or aid. The [insert contact] will not disclose legally confidential, health-related information, unless such information is appropriate in order to assist with implementing the accommodation or aid.

Written confirmation of the determined accommodations will be sent to faculty whose classes have been requested for accommodations and to the student.

### **POLICY AGAINST SEXUAL AND OTHER UNLAWFUL HARASSMENT**

**\*This statement replaces the Sexual Harassment Policy located in the 2006-2007 printed Student Handbook.**

It is the policy of the Foundation for Educational Achievement to provide an educational, employment and business environment **free** of unwelcome harassment *of any kind*, including harassment on the basis of sex, race, color, religion, religious creed, age (over 18 years), mental or physical disability, medical condition as defined by law, national origin, marital status, veteran status, sexual orientation or any other basis prohibited by federal or state law or local ordinance.

The unlawful harassment of any student by a faculty member or staff employee will not be tolerated. Violation of this policy may result in disciplinary action, up to and including suspension and dismissal, and may include other forms of corrective action. Behavior that constitutes unlawful harassment may take many forms; the most common include:

- **Verbal harassment** such as jokes, epithets, slurs and unwelcome remarks or sounds about an individual's body, dress, clothing, appearance or talents; derogatory comments, questions about a person's sexual practices and patronizing terms or remarks. These may include personal conversation, e-mail and voicemail.
- **Physical harassment** such as physical interference with normal study or work, impeding or blocking movement, assault, unwelcome physical contact or touching, massaging, patting and staring at a person's body.
- **Visual harassment** such as offensive or obscene photographs, calendars, posters, cards, cartoons, drawings and gestures, display of sexually suggestive or lewd objects, staring at a person's anatomy and unwanted love letters or notes.

- **Sexual harassment** includes unwelcome sexual advances, sexual threats and demands, requests for sexual favors and other verbal or physical conduct of a sexual nature, and other unwelcome verbal, physical, or visual behavior of a sexual nature. Also, such conduct is a violation of College policy when: (1) submission to such conduct is made either explicitly or implicitly a part of the student's performance at the College; (2) submission to or rejection of such conduct by a student is used as a basis for decisions affecting such student at the College; or (3) such conduct has the purpose or effect of unreasonably interfering with the student's work or performance at the College or creating a sexually intimidating, hostile or offensive environment at the College.

### **REPORTING HARASSMENT**

A complaint should be filed with the College immediately and without delay. Any student who believes that he or she has been unlawfully harassed should immediately notify in writing the Dean of Student Life or the President of the College. The Foundation for Educational Achievement emphasizes that you are not required to complain first to your institution or supervisor if such a person is the individual who is harassing you. In a case involving that person, you may contact someone higher in the chain of command or the Dean of Students. It is important that all forms of unlawful harassment be reported allowing opportunity to investigate and implement remedial action.

Every reported complaint of harassment will be investigated thoroughly, promptly, and in a confidential manner. In addition, the Foundation will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint to any manager.

The College will assign the person who will review the complaint and determine if the policy has been violated and inform the complainant and respondent of the results including any corrective action taken.

In addition to notifying the Foundation about harassment or retaliation complaints, affected employees but not students may also direct their complaints to the California Department of Fair Employment and Housing (DFEH) which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, they may seek an administrative hearing before the California Fair Employment and Housing Commission (FEHC) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and nonmonetary relief in meritorious cases. You can contact the nearest DFEH office of the FEHC at the locations listed in the Foundation's DFEH poster or by checking the state government listings in the local telephone directory.

Students of the College may also file a harassment complaint with the Federal Office for Civil Rights (OCR) of the U.S. Department of Education. The OCR's address is: Office for Civil Rights, San Francisco Office, U.S. Department of Education, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, CA 94102-4912.

## **RETALIATION IS PROHIBITED**

No individual will suffer any reprisals or retaliation for good-faith filing, pursuing or reporting any incidents of harassment, for making any complaints of harassment or for participating in any investigation of incidents of harassment. No member of the College community will suffer any reprisals for seeking advice concerning a perceived unlawful harassment matter.

## **WORKPLACE SECURITY AND ANTI-VIOLENCE POLICY**

The College seeks to provide a place of study and work that is free from acts of violence or threats of violence. The College has “zero tolerance” for actual or threatened violence on its premises or in the course of College activities. Every threat of violence is serious and must be treated as such. Threatening behavior can include such actions as throwing objects, making a verbal threat to harm another individual or destroy property, displaying an intense or obsessive romantic interest that exceeds the normal bounds of interpersonal interest, or attempting to intimidate or harass individuals.

Those who become aware of any threats of or incidents of violence must report the threat immediately to Dean of Student Life and/or the Sunnyvale Police Department and if appropriate, should contact appropriate authorities by dialing 911. Individuals may report any incidents of violence or threats of violence without fear of reprisal. Individuals who violate this policy or, who otherwise engage in or contribute to violent behavior, or who threaten others with violence, are subject to sanctions.