

# Cal. Code Regs. tit. 5 § 59328

## Section 59328 - Complaints of Unlawful Discrimination

- (a) Complaints of unlawful discrimination may be written or verbal, and be made by a student, an employee, a parent of a minor, or an individual with legal authority on behalf of a student or employee, who alleges that the student or employee has suffered unlawful discrimination.
- (b) Any complaints to a responsible employee under California law or Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681-1688, shall be forwarded to the responsible district officer or designee.
- (c) Written complaints shall be provided to the responsible district officer or designee pursuant to section 59324.
- (d) The complainant may be requested, but shall not be required, to submit the complaint on a form prescribed by the Chancellor or the community college district.
- (e) Verbal complaints shall be lodged with the responsible district officer or designee. The responsible district officer or designee shall record the verbal complaint in writing. The district shall take appropriate steps to ensure the writing accurately reflects the facts alleged by the complainant.
- (f) In any complaint not involving employment:
- (1) the complaint shall be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination;
  - (2) districts shall advise student complainants that they may file their nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- (g) In any complaint alleging discrimination in employment:
- (1) the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days;
  - (2) advise complainants that they may file the complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where the complaint is within the jurisdiction of those agencies.

*Cal. Code Regs. Tit. 5, § 59328*

*Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code. Reference: Sections 66250, 66251, 66252, 66270 and 72011, Education Code; and Sections 11135 and 11136, Government Code.*

1. Amendment filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Repealer of subsection (b) and subsection relettering filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).

3. Amendment of section heading and subsection (a) filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
  4. Amendment filed 3-20-2002; operative 4-19-2002. Submitted to OAL for printing only (Register 2002, No. 13).
  5. Amendment of subsection (e) filed 4-15-2002; operative 5-15-2002. Submitted to OAL for printing only (Register 2002, No. 23).
  6. Change without regulatory effect amending subsections (d), (e) and (f)(1)-(2) and Note filed 3-15-2006 pursuant to section 100, title 1, California Code of Regulations. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 2006, No. 17).
  7. Amendment of subsection (f)(2) filed 8-5-2008; operative 9-4-2008. Submitted to OAL for printing only pursuant to Education Code section 70901.5(Register 2008, No. 34).
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