

Procedure 1-1: Student Harassment

DEFINITION OF HARASSMENT AS USED IN THE POLICY

"Harassment" as used in this procedure refers to verbal and/or physical conduct (i) that is severe or pervasive, (ii) that is based on the individual's sex, race, national origin, color, religion, age, or disability, and (iii) that unreasonably interferes with the individual's work or academic performance or that creates an intimidating, hostile, or offensive environment. This definition specifically includes the following types of harassment:

Sexual harassment.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome verbal comments of a sexual nature, and physical contact or touching of a sexual nature. Conduct is unwelcome when it is not solicited by an individual and is regarded by him or her as unwanted or offensive. Sexual harassment is wrongful regardless of whether the parties are of the same sex or of the opposite sex. A violation of this policy occurs when:

- Submission to such conduct is explicitly or implicitly made a term or condition of employment, instruction, or participation in other college activities;
- Submission to or rejection of such conduct is used as a basis for personnel or academic decisions that affect the individual who has been subjected to sexual advances; and/or
- Such conduct has the effect of interfering with the individual's work on academic performance or creating an intimidating, hostile, or offensive work or learning environment.

Harassment based on race, national origin, or color.

Harassing verbal or physical conduct, directed at a person because of his or race, national origin, or color, is prohibited. Harassment of students because they are immigrants, speak another language, or have a foreign accent is prohibited. Racial slurs, nicknames, and derogatory innuendos relating to race, national origin, or color are prohibited.

Harassment based on disability or religion.

Slurs, nicknames, and derogatory innuendos relating to a person's religion, religious affiliation, religious apparel, disability, or need for accommodation may constitute unlawful discrimination. Harassing verbal or physical conduct, directed at a person because of his or her religion, or disability, is prohibited.

EXAMPLES OF PROHIBITED CONDUCT

Examples of prohibited conduct include, but are not limited to, the following:

- Requests for sexual favors accompanied by implied or overt promises of preferential treatment regarding an individual's employment or academic status;
- Requests for sexual favors accompanied by implied or overt threats of retaliation regarding an individual's employment or academic status;
- Demeaning jokes or slurs or offensive comments about the body or appearance because of the person's sex, race, disability, or religious apparel;

- Display of sexually, racially, or religiously explicit graphics, cartoon, pictures, photographs, or objects that are unrelated to the workplace or course of study and are exploitative or demeaning in nature;
- Unwanted flirtation or repeated requests for social/sexual encounters or favors the recipient deems unwelcome;
- Suggestive or unwelcome physical contact, such as grabbing, touching, or patting;
- Acts of intimidation and threats of violence motivated by race, color, national origin, sex, disability, or religion;
- Physical assault and physical acts of aggression or damage to another's property when motivated by the individual's race, color, national origin, sex, religion, or disability;
- Degrading names or demeaning statements that are based on the individual's sex, race, national origin, disability, color, or religion; and
- Spreading false rumors about a person's sexual activities or circulating or posting cartoons or other printed matter that disparages others because of their race, sex, color, national origin, religion, or disability.

CONSENSUAL RELATIONSHIPS

Consensual amorous or sexual relationships among employees and students may present serious ethical or professional concerns and may lead to allegations of sexual harassment; therefore, such relationships are discouraged.

DISPUTE RESOLUTION

Any student alleging harassment prohibited by this policy is encouraged to seek redress of his/her complaint. A student may seek informal resolution by contacting the vice president of student services or the director of human resources who shall undertake, with permission of the student, to resolve the conflict informally by informing the alleged offender of the complaint, seeking to find out the facts, and, if both parties desire it, arranging a meeting to try to resolve the differences. If informal resolution is undesirable or ineffective, then the student may initiate a formal complaint.

CONFIDENTIALITY

All proceedings and records shall be confidential to the extent permitted by law.

LODGING A COMPLAINT ABOUT UNLAWFUL HARASSMENT

When a student is the recipient of harassment based on his or her protected status, it is incumbent upon the student to inform the alleged offender that the conduct is unwelcome or objectionable. If this approach is unsuccessful, the student may file a complaint for formal resolution of the dispute.

- If the alleged offender is another student, the aggrieved student should address a written complaint to the vice president of student services at the location where the student is enrolled or to the director of human resources.
- If the alleged offender is a College employee, the aggrieved student should address a written complaint to the vice chancellor of human resources. If the alleged offender is the vice chancellor of human resources, the aggrieved student should address the complaint to the chancellor.

Upon receipt of a report or charge of harassment, the vice president of student services shall promptly notify the vice chancellor of human resources in writing or through electronic mail. Thereafter, the vice chancellor of human resources or his or her designee will investigate the complaint according to established investigative procedures approved by the chancellor. The investigation will be conducted by an official in the human resources office or by a third party approved by the chancellor. Pending the outcome of a complaint lodged against an employee, the College may temporarily suspend, transfer, or reassign the employee if the circumstances warrant such action.

Complaints shall be in writing and shall describe all incident(s) considered by the complainant to be harassing. Complaints shall identify the relevant dates and all witnesses.

The investigator(s) will prepare a written report, and if warranted, recommend appropriate corrective action. The investigator(s) shall consider the severity and frequency of the conduct, the relationship of and history between the parties, where the harassment occurred, and whether there have been other past incidents involving the same alleged perpetrator. Whether a particular action or incident constitutes a violation of this policy requires a determination based on the totality of the circumstances. A copy of the report shall be provided to the complainant and the accused.

- If the alleged offender is a student, then the investigator(s) shall present the report to the vice president of student services for disposition and imposition of a penalty, if any. The vice president may, in lieu of or in addition to disciplinary sanctions, require the alleged offender to attend a College-sponsored seminar or program on preventing unlawful harassment. The accused may appeal the vice president's decision to the campus discipline committee. The charged student may appeal the decision of the campus discipline committee to the campus president. The decision of the campus president is final. It should be noted that the campus president may make his/her determination based solely on a review of written materials and evidence related to the case.
- If the complainant is dissatisfied with the disposition of his or her complaint, then the complainant may appeal to the campus president. The written notice of appeal must be filed within five business days of the decision. The president or designee shall meet with the complainant within 14 business days to consider the complainant's appeal. The president or designee may request written submissions from the complainant, the accused, and/or the investigator regarding the merits of the appeal. The president or designee shall issue a ruling in writing within seven business days. All deadlines may be extended by mutual agreement.
- Should both parties wish to appeal the disposition of a complaint, the proceedings permitted by this policy may be consolidated at the discretion of the president or designee so long as this consolidation does not prejudice either party.
- Should the investigation reveal that the allegations were knowingly false or made in bad faith, disciplinary action against the complainant may be recommended. Such disciplinary action may not be imposed without the approval of the president.

ROLE OF SUPERVISORS IN THE PREVENTION OF HARASSMENT IN THE WORKPLACE

When a supervisor or administrator becomes aware of harassment incidents within his or her area of authority, even in the absence of a complaint, the supervisor or administrator should make appropriate inquiries to evaluate whether further action is needed, e.g., the supervisor or administrator may meet with the recipient of alleged harassment to determine whether there is a concern that needs to be addressed. Supervisors and administrators may counsel employees about appropriate and inappropriate behavior in

the workplace and may issue appropriate directives to ensure compliance with this policy. Supervisors and administrators with actual knowledge of harassment violations should report the alleged violations to the director of human resources.

COMPLAINTS AGAINST DISTRICT OFFICIALS

Charges of harassment against a campus president or director of human resources shall be filed directly with the Chancellor. The Chancellor or designee shall take appropriate action to investigate the complaint and to impose an appropriate sanction, if necessary. Charges of harassment against the Chancellor or any board member shall be filed directly with the Chairman of the board. If the charge is against the board chairman, the complaint shall be submitted to the vice chairman. The board or its designee shall take appropriate action to investigate the complaint and to impose an appropriate sanction, if necessary. The board may employ an outside investigator.

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