

3031. ADMINISTRATIVE REGULATIONS ON SEXUAL HARASSMENT

It shall be the responsibility of the Director of Staff Diversity/Affirmative Action to administer all regulations pertaining to sexual harassment.

3031.1 Definition

- A. Sexual harassment may include but is not limited to the following:
1. Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones, including sex-oriented jokes, verbal "kidding" or epithets, derogatory comments or slurs;
 2. Subtle pressure for sexual activity;
 3. Physical contact such as patting, pinching, touching, assaulting, impeding or blocking movement or constant brushing against another's body;
 4. Visual harassment such as obscene posters, cartoons, calendars, drawings or computer software programs;
 5. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment or student status;
 6. Continuing to express sexual interest after being informed that the interest is unwelcome;
 7. Making reprisals, making threats of reprisal, or making implied threats of reprisal following a negative response by either implying or actually withholding support for an appointment, promotion, or change of assignment, and/or suggesting a poor performance report will be prepared, and/or suggesting employment will not be granted, expected grades will not be given, or probation will be failed;
 8. Engaging in implicit or explicit coercive sexual behavior which is used to control, influence or affect the career, salary and/or work environment of another employee or student;
 9. Offering favors, grades, or employment benefits such as promotions, favorable performance evaluations, favorable assigned duties or shifts, reclassification, etc., in exchange for sexual favors.

B. Staff relationships:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

C. Student-staff relationships:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the work or educational setting, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of a student's continuation or a grade in a class or other activity, (2) submission to or rejection of such conduct by a student is used as the basis for employment decisions affecting such an individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

3031.2

Complainant Responsibility

- A. All students and staff should understand the importance of informing an individual that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate. However, if the victim feels threatened or has difficulty expressing such disapproval, informal assistance and counseling should be sought from such persons as their supervisor, department head, Director of Staff Diversity/Affirmative Action, the Equal Employment Opportunity Commission or like agencies, i.e., local Department of Fair Employment and Housing or Office for Civil Rights regional office.
- B. If, after the complainant expresses disapproval, the behavior continues, it should be brought immediately to the attention of either an appropriate supervisor, dean, instructor, department head or Director of Staff Diversity/Affirmative Action. Complaints must be filed within one year of the most recent harassment incident.
- C. Anyone subjected to offensive sexual behavior should pursue the matter through either the informal or formal complainant procedures as follows:

3031.3 Informal Complaint Procedures

- A. Upon receiving a complaint of alleged sexual harassment the Director of Staff Diversity/Affirmative Action (or designee) shall attempt to resolve the complaint in an informal manner. The complainant will be asked to explain the problem and what resolution is sought. In the informal process, the complainant may maintain anonymity if desired and possible. The Director of Staff Diversity/Affirmative Action will investigate the charges and make recommendations for resolution of the alleged complaint. To the fullest extent possible, the proceedings will be conducted in a manner to protect the confidentiality interest of all parties.
- B. The informal process must be completed within thirty (30) days after being filed.
- C. The complainant may be accompanied by an advisor during the informal process.
- D. If the complaint is not resolved and a formal complaint is filed, the process shall proceed to the Formal Complaint Procedures.

3031.4 Formal Complaint Procedures

If the matter is unresolved at the Informal Procedures Level, the complainant should file a formal complaint in accordance with the District's "Policy on Allegations of Unlawful Discrimination," (see Policy No. 2920). A formal complaint form must be filed with the Director of Staff Diversity/Affirmative Action within one year of the date of the most recent sexual harassment incident. No formal action against the person accused will be taken unless the complainant consents to be identified to the accused in connection with the investigation.

3031.5 Protection From Reprisal

- A. At the time the investigation commences the accused will be informed of the allegations, the identity of the complainant and the facts surrounding the allegations.
- B. The District is committed to ensuring that students, applicants and employees are not adversely affected for having brought forward a charge of sexual harassment. Therefore, all participants in the complaint procedure are protected from retaliatory acts by the District, its employees and students.
- C. If retaliation or reprisal does occur, disciplinary action(s) will be imposed.

3031.6 Student and Staff Rights

Protection under this discrimination complaint process assures students and staff of:

- A. The right to a discrimination-free, educational and/or work environment.
- B. The right to an informal, confidential presentation of a complaint to a competent counselor.
- C. The right to keep their informal complaint confidential until such time as they give permission to do otherwise, in order to bring the complaint to the appropriate authority for remedy or until such time as a formal complaint is filed.
- D. The right to a full, impartial, and prompt investigation by a trained investigator.
- E. The right to review all relevant information developed and discovered during the course of any investigation and inquiry into the matter.
- F. The right to a timely decision of the complaint.
- G. The right to be represented by a person of the complainant's choosing at each and all steps of the process (informal and formal).
- H. The right to appeal the proposed resolution.
- I. The right to be free from reprisals after filing a complaint.

3031.7 Disciplinary Procedures or Corrective Measures

- A. Persons who commit acts of intimidation and harassment will be admonished verbally and in writing to discontinue such conduct and will be disciplined in proportion to the severity of the case up to and including letters of reprimand, suspension, demotion, termination or expulsion.
- B. The District will implement and disseminate a clear and direct policy forbidding intimidation and harassment and providing for disciplinary action against violators.
- C. The records of the complainant will be cleared where an adverse personnel action has taken place as a part of the sexual harassment or in retaliation for filing a charge. Other corrective action will be taken as necessary.

3031.8 Preparation and Dissemination of Information

The Director of Staff Diversity/Affirmative Action will disseminate information relative to this policy to all students and employees of the District and to all those who join the District in the future.

3031.9 Notice of Additional Options

Students and staff will be advised by the Director of Staff Diversity/Affirmative Action of their right to appeal an affirmative action office decision. In addition, the Director of Staff Diversity/Affirmative Action will provide information on filing a complaint with state and federal agencies. Information on federal agencies, state agencies and other formal and informal options will also be provided, including the option of civil proceedings if the pursuit of a remedy through affirmative action procedures does not result in a satisfactory resolution.