

PROHIBITION OF HARASSMENT

BP No. 3430

Board Adopted:12/8/82; 5/13/98; 11/9/05; 2/18/09; 7/11/12

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- I. All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information marital status, sex, gender, gender identity, gender expression age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.
- II. The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.
- III. Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.
- IV. This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.
- V. To this end the President / Superintendent shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.
- VI. The President / Superintendent shall establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of

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harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

VII. This policy and related written procedures including the procedure for making complaints shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution.

VIII. Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Non-employees, such as sales representatives, service vendors, contractors or consultants are also covered by this Policy and will be subject to corrective measures.

IX. Source/Reference

- California Code of Regulations, Title 5, sections 59300 et seq
- California Code of Regulations, Title 2, sections 7285.0 et seq (7291.1 & 7287.6)
- California Education Code, section 212.5;44100; 66252; 66281.5
- California Government Code 12940.1
- Civil Rights Act of 1964 (Title VII) and amendments thereto
- Education Amendments of 1972 (Title IX)
- EEOC Policy Guidance on Current Issues of Sexual Harassment
- Sex Equity in Education Act (Education Code sections 200 et seq)
- Title 29 Code of Federal Regulations, section 1604.11
- United States Department of Education Office of Civil Rights Sexual Harassment Guidance, May 1997