

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT (for employees and students)

4270

POLICY: The Board of Trustees hereby declares that it is the policy of the district to prohibit sexual harassment in the workplace and in all programs and activities of the district. The Board further declares that it intends to act promptly, visibly, and vigorously in demonstrating a strong disapproval of sexual harassment. The Board, therefore, directs the Superintendent/President to develop appropriate procedures to ensure that students and employees are free from sexual harassment and to provide a mechanism for resolution of complaints of sexual harassment which are consistent with applicable state and federal laws and regulations. The Board further directs the Superintendent/President to notify all employees and students of the adoption of this policy and personnel procedures and as he/she deems appropriate, to display in a prominent location in the main administration building or other areas where notices regarding the college's rules, regulations, procedures, and standards of conduct are posted, and to provide training to educate individuals regarding this policy and sexual harassment in general in accordance with the principle that prevention is the best tool for elimination of sexual harassment. All employees and supervisors shall be provided copies of the Board policy and procedures. Copies will be made available to students.

A. RESPONSIBLE DISTRICT OFFICERS

1. The Director of Human Resources, or in his/her absence or if the Director is named in the complaint, the Superintendent/President, shall be responsible for (1) implementation of this policy and its accompanying personnel procedures, (2) appropriate distribution of policy to administrative staff, employees, and students, (3) receipt of all complaints filed pursuant to this policy, (4) coordination of investigation of complaints. The Director of Human Resources may be contacted at

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

4000 Suisun Valley Road, Building 600, Room 616,
Fairfield, CA 94534-3197, 707-864-7000, x-122.

2. The Director of Human Resources, with the approval of the Superintendent/President, may initiate training and education programs to enable all employees and students, particularly management and supervisory employees, to better understand the problems and consequences of sexual harassment.

B. SEXUAL HARASSMENT DEFINED

Unwelcomed sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature or communications constituting sexual harassment made by someone in the workplace or educational setting constitutes sexual harassment when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors programs, or activities available at or through the district.

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

C. EXAMPLES OF SEXUAL HARASSMENT

1. Making unsolicited verbal, physical, written, and/or visual contact of a sexual nature.
 - a. Verbal: Offensive and/or inappropriate comments, epithets, whistling, jokes and innuendoes of a sexual nature, including but not limited to, comments of a sexual nature about another person's or one's own physical appearance, attire, sexual thoughts, sexual behavior, marital status or sexual orientation.
 - b. Physical: Offensive and/or inappropriate touching, interference with movement, or sexual assault, including but not limited to, kissing, touching intimate places, unnecessary and unwelcome touching of non-intimate places, or blocking of free bodily movement.
 - c. Written: Sending or delivering sexually suggestive or obscene letters, notes, invitations, electronic media transmissions, or other reading materials.
 - d. Visual: Displaying sexually suggestive posters, pictures, drawings, cartoons, computer graphics or objects; making sexually suggestive or obscene gestures; leering or staring at another person with sexual intent.

The above types of conduct of a sexual nature may be considered sexual harassment whether or not they are directed at a specific person. A workplace or educational setting which is permeated with sexual communications or behaviors may create a hostile environment to all persons within that setting. Whether an environment is hostile depends on the totality of the circumstances, including such factors as the frequency and severity of the conduct and whether the conduct has a negative impact on person's work or educational environment.

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

2. Continuing to express sexual interest after having been informed that the interest is unwelcome.
3. Coercive sexual behavior such as making reprisals, threats of reprisal, or implied threats following a rebuff of harassing behavior used to control, influence, or affect the career, salary, or work environment of another person, including but not limited to promises or threats regarding appointments, promotions, transfers, changes of assignment, or performance evaluations which are explicitly or implicitly made contingent on the person tolerating or submitting to the sexual behavior.
4. Coercive sexual behavior such as making reprisals, threats of reprisal, or implied threats following a rebuff of harassing behavior used to control, influence, or affect the educational opportunities, grades, or learning environment of a student, including but not limited to promises or threats regarding grades earned or deserved, course admission, suggesting poor performance evaluations, letters of recommendation, benefits or services such as scholarships, financial aid, or work study jobs which are explicitly or implicitly made contingent on the student tolerating or submitting to the sexual behavior.

D. ACADEMIC FREEDOM

The Board of Trustees reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow sexual harassment or any other form of unlawful discrimination. The lecture, content, and discourse that are an intrinsic part of the course content shall in no event constitute sexual harassment or other form of unlawful discrimination. It is recognized that an essential function of education is a probing of received opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirement for a specific community college program, course or activity.

E. DISSEMINATION OF POLICY AND TRAINING

1. A copy of these written policies on unlawful discrimination and sexual harassment will be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.
2. Every district employee will receive this training and a copy of the unlawful discrimination and sexual harassment policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory bi-annual training. Thereafter, in years in which a substantive policy or procedural change has occurred all district employees will attend a training update and receive a copy of the revised policies and procedures.
3. A training program will be made available to all students at least once annually. The student training should include an explanation of the policy in existence, how it works, and how to file a complaint. In addition, a copy of the district's written policy on unlawful discrimination and sexual harassment, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each semester or summer session, as applicable.
4. All employees shall be knowledgeable of this policy and their responsibilities for its implementation.

F. RETALIATION

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

It is unlawful for anyone to retaliate against someone who files a sexual harassment or other unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

G. WHAT TO DO IF YOU BELIEVE YOU HAVE BEEN SUBJECTED TO SEXUAL HARASSMENT

1. A person who believes that he/she has been subjected to sexual harassment at the Solano Community College District may obtain a copy of the District's Unlawful Discrimination Complaint Resolution Procedures at the Human Resources Department, 4000 Suisun Valley Road, Building 600, Room 616, Fairfield, CA 94534-3197, 707-864-7000, x-122. Students may also obtain a copy of the procedures at the Vice President of Student Services Office at 4000 Suisun Valley Road, Building 100, Room 144, Fairfield, CA 94534-3197, 707-864-7000, x-102.
2. The district provides both informal and formal complaint resolution procedures.
3. The district is committed to ensuring that persons complaining of sexual harassment will not be subject to retaliation of any kind.

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

H. OBLIGATIONS OF ALL EMPLOYEES AND STUDENTS

1. All employees and students shall report to their immediate supervisor or school official any conduct on the part of other employees and students or non-employees, such as sales representatives or service vendors, who sexually harass any District employee, student, or other persons. If the immediate supervisor is the alleged harasser, contact the Director of Human Resources. Immediately following notification to the supervisor or school official, the party shall notify the Director of Human Resources and provide all information relevant to the complaint.
2. Because different procedures apply after a formal governmental administrative charge or complaint is filed, any employee receiving such a charge or complaint is directed to the Director of Human Resources immediately.
3. All employees and students shall cooperate with any investigation of an alleged act of sexual harassment conducted by the District or by an appropriate state or federal agency.
4. No employee or student of the District shall take any action to discourage a victim of sexual harassment from reporting such an instance.

I. DISTRICT OBLIGATION

The District has an obligation to respond to any report of conduct which may constitute sexual harassment as it deems appropriate including but not limited to an internal investigation of reported conduct and will take appropriate disciplinary action up to and including discharge, expulsion, or termination of contract if such is justified.

REFERENCES/

SOLANO COUNTY COMMUNITY COLLEGE DISTRICT

SEXUAL HARASSMENT – Continued

4270

AUTHORITY: California Community College Chancellor's Office
Regulations: 5 C.C.R. 59300-59362

Sex Equity in Education Act (Chapter 2 of Division 1 of
Title I of the Education Code): Education Code Section 210
et seq. And 66250 et seq.

California Fair Employment and Housing Act (Government
Code 12900-12996)

California Department of Fair Employment and Housing,
Administrative Regulations 2 C.C.R. 7287.6.

Title IX of the Education Amendments of 1972: 20 U.S.C.
1681 et seq.

U.S. Department of Education Administrative Regulations:
34 C.F.R. 106.8.

Section 703 of Title VII: 42 U.S.C. 2000e to 2000e-17

Equal Employment Opportunity Commission
Administrative Regulations: 29 C.F.R. 1604.11

California Education Code, Section 66281.5

California Government Code, Sections 11135 – 11139.5

Revised Sexual Harassment Guidance: Harassment of
Students by School Employees, Other Students, or Third
Parties, Title IX, Office of Civil Rights, January 19, 2001

Cohen v. San Bernardino Valley College (1995) 883
F.Supp. 1407, 1412-1414 affd. in part and revd. In part on
other grounds, (1996) 92 F.ed968

RDC/zg:BP 4270

ADOPTED: November 7, 2001
January 17, 2007