

Coast Community College District
BOARD POLICY
Chapter 5
Personnel Policies and Human Resources

BP 7803 Sexual Harassment Policy Statement

Legal References

Section 703, Title VII of the United States Civil Rights Act as interpreted by the United States Equal Employment Opportunity Commission, 29 CFR 1604.11.

Section 7287.6, Sub-chapter 2, Chapter 2, Division 4, Title 5 of the California Code of Regulations.

Subsection 1 (commencing with Section 53000), Section 2, Chapter 1, Division 4, Title 5, Part VI of the California Administrative Code.

Sections 87105 and 87106 of the California Education Code.

Title IX of the 1972 Educational Amendments and Regulations (45 CFR Part 86).

Section 504 of the Rehabilitation Act of 1973 and Regulations (45 CFR Part 84).

It is the policy of the Coast Community College District to provide an educational, employment, and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by state and federal statutes.

It shall be a violation of this policy for anyone who is authorized to recommend or take personal or academic action affecting an employee or student or who is otherwise authorized to transact business or perform other acts or services on behalf of or for the Coast Community College District to engage in sexual harassment as defined below.

Within the Coast Community College District, sexual harassment is prohibited regardless of the status and/or relationships the affected parties may have.

Definition

Definition of Sexual Harassment

Sexual harassment occurs when unwelcome sexual advances are made, sexual favors are requested, or other verbal/physical conduct of a sexual nature is made, either explicitly or implicitly, a term or condition of an individual's educational or employment status and has the purpose of having negative impact or effect of unreasonably interfering with an individual's educational or work performance or creating an intimidating, hostile, or offensive educational or working environment.

Specific Examples

For the purpose of further clarification, legal experts say the following behavior, if unwelcome, can be construed as sexual harassment:

1. Making unsolicited written, verbal, physical, and/or visual contact with sexual overtones.
 - A. Written. Includes but is not limited to suggestive or obscene letters, notes, or invitations.
 - B. Verbal. Includes but is not limited to derogatory comments, slurs, jokes, epithets.
 - C. Physical. Includes but is not limited to assault, touching, impeding, or blocking movement.
 - D. Visual. Includes but is not limited to leering, gestures, or display of sexually suggestive objects, pictures, cartoons, or posters.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Making reprisals, threats of reprisals, or implied threats of reprisals following rejection of sexual harassment. The following are examples of such reprisals:
 - a) Within the Work Environment. Either implying or actually withholding support for an appointment, promotion, or change of assignment. Included as part of a reprisal would be recommending a poor performance evaluation or that the employee will not be kept beyond an employment probationary period.
 - b) Within the Educational Environment. Either implying or actually withholding grades earned or deserved, suggesting a poor performance evaluation will be prepared, or suggesting a scholarship recommendation or college application will be denied.

Guidelines

The Coast Community College District will appoint sexual harassment and affirmative action officers at each of the district units within the district for the purpose of handling all sexual harassment complaints through the established informal and formal complaint procedures.

All complaints of sexual harassment and discrimination will be investigated in compliance with district complaint procedures. Throughout the investigative process, the confidentiality of all parties concerned will be protected within the limits and requirements of the law. All employees will report incidents of sexual harassment brought to their attention in accordance with approved district procedures. Retaliation against any person filing a complaint is prohibited and shall result in disciplinary action.

Sanctions

Employee Sanctions - If sexual harassment charges against an employee are deemed valid, in accordance with district policies and procedures, and/or bargaining agreement, and/or Educational Code, the district may impose sanctions such as verbal reprimands, enrollment in training programs pertaining to sexual harassment issues, written reprimands, reassignments, demotions, suspensions without pay, and dismissal from employment, depending upon the findings of the investigative process and/or hearing(s). In addition, cases involving alleged criminal misconduct will be referred to the county district attorney for possible criminal prosecution. All personnel are entitled to due process and the district will endeavor to ensure

that the rights of the alleged accuser be protected.

Student Sanctions - If sexual harassment charges against a student are deemed valid, in accordance with the District Student Code of Conduct, the district may subject the student to disciplinary action including verbal reprimands, written reprimands, dismissal from class and/or other college activities, suspension or expulsion from the district. In addition, cases involving serious misconduct may be referred to the county district attorney for possible criminal prosecution.

Notification

The district will provide annual notice of the Sexual Harassment Policy to students, employees, and others who may be affected while conducting business with the district. Posters which contain the basic legal requirements shall be posted in places readily accessible to students, job applicants, existing employees, the general public, and vendors.

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Revised January 8, 1986
Revised June 1, 1988
Revised November 28, 1990
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