



### SEXUAL HARASSMENT

The District will not tolerate sexual harassment in its work or academic environments. Sexual harassment, a form of sex discrimination, is defined and prohibited by both State and Federal law and is a violation of the district's non-discrimination policy. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment may also take the form of gender-based harassment, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. Sexual harassment includes sexual violence. Sexual harassment is prohibited in the workplace and in all programs and activities of the District between supervisors and employees; employees; employees and non-employees; employees and students; students; and non-students and students.

#### Definition

California Education Code, Section 212.5, defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

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 the benefits and services, honors, programs, or activities available at or through the educational institution.

#### Examples

For clarification, specific examples of sexual harassment include, but are not limited to:

1. Unsolicited written, verbal, physical, and/or visual contacts with sexual overtones such as suggestive or obscene letters, notes, invitations, derogatory sexual or gender-based comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, pictures, or cartoons.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Coercive sexual behavior used to control, influence, or affect the career, salary, and/or work environment of an employee or the educational opportunities, grades, and/or learning environment of a student including threats of reprisal following a rebuff of harassing behavior.

- a. Within the work environment, examples of this type of sexual harassment would include implying or actually withholding support or denying an appointment, promotion, transfer, or change of assignment; or suggesting a poor performance report will be prepared; or suggesting probation will be failed if the harassing behavior is rebuffed.
  - b. Within the educational environment, examples of this type of sexual harassment would include implying or actually withholding grades earned or deserved, course admission, or performance evaluation; or the limitation of limiting student benefits or services (e.g. scholarships, financial aid, or a work study job) if the harassing behavior is rebuffed.
4. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive work or educational environment.
  5. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluation, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.
  6. Sexual harassment also covers sexual violence which may include rape, sexual assault, sexual battery, and sexual coercion.

Students are protected against sexual harassment in the District's education programs and activities, including its academic programs, extracurricular, athletic, and other District programs.

Third parties who are present on District property or participating in District activities are protected against sexual harassment, including, for example, visiting student athletes or applicants for employment.

### **District Actions**

The District seeks to prevent sexual harassment from occurring, takes allegations of sexual harassment seriously, conducts thorough and impartial investigations when it becomes aware of potential problems, and takes appropriate steps to resolve problems. The District includes notice of the prohibition to discrimination and sexual harassment, including sexual violence, in the materials it provides to students and employees and to prospective students and employees. The District provides training in sexual harassment prevention to its supervisors and as part of its ongoing program of addressing sexual harassment. The District prohibits retaliation against any person who reports allegations of discrimination, including sexual harassment or who participates in investigations or otherwise opposes sexual harassment. If sexual harassment takes the form of sexual assault, the District notifies the complainant of the right to file a criminal complaint and provides support as described in Board Policy 308 (Sexual Assault Response Policy) and Administrative Regulation 308.1 (Sexual Assault Response Procedure).

The District's complaint/grievance procedure for discrimination, including sexual harassment, is set out in Administrative Regulation 307.1 and is overseen by the District's Equal Employment Opportunity Officer/Title IX Coordinator. The Equal Employment Opportunity Officer/Title IX Coordinator is also responsible for responding to inquiries regarding the District's prohibition to discrimination and sexual harassment.

*Adopted: July 7, 1999*

*Revised: December 9, 2013*