

BP 3430 Prohibition of Harassment

Reference: ***Education Code Sections 212.5, 44100, 66252, and 66281.5; Government Code Section 12950.1; Title VII of the Civil Rights Act of 1964, and 42 U.S. Code Annotated Section 2000e***

Adoption Date: August 21, 2001 Last Updated: April 16, 2013

The Grossmont-Cuyamaca Community College District (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: ethnic group identification, race or ethnicity, color, national origin, religion, age, gender, gender identity, gender expression, physical ~~disability, or~~ mental disability, medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

Harassment based on any of the protected statuses is prohibited and will not be tolerated.

It is illegal to retaliate against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation, and retaliation constitutes a violation of this policy.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- Submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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 education environment; or
- Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual.

The Chancellor shall establish procedures for the purpose of this policy that further define sexual harassment and other forms of harassment occurring on District property. The Chancellor shall further establish procedures for employees, students, and other members of the college community that provide for the investigation and resolution of complaints regarding sexual harassment and discrimination, and procedures for students to resolve complaints of sexual and other harassment and discrimination.

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

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.

To this end, the Chancellor shall ensure that the institution undertakes education activities to counter discrimination and minimize and eliminate a hostile environment that impairs access to equal education opportunity.

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. They shall be available for students and employees in all administrative offices.

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. A violation of this policy does not constitute a violation of state or federal law, although discriminatory harassment is prohibited by both.

See also: BP/AP 3435 Discrimination and Harassment Complaints and Investigations