



BP 3430

PROHIBITION OF HARASSMENT

References:

- Education Code Sections 212.5, 44100, 66252, and 66281.5;
- Government Code Sections 12923, 12940 and 12950.1;
- Civil Code Section 51.9;
- Title 2 Sections 10500 et seq.;
- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e;
- Title 5 Sections 59300 et seq.

The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. 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 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 protected classes defined in statute and delineated in BP 3400 Protected Classes. Employees who engage in harassment may be subject to disciplinary action up to and including termination. Students who engage in harassment may be subject to disciplinary measures up to and including expulsion.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers 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. Employees who engage in retaliatory conduct may be subject to disciplinary action up to and including termination. Students who engage in retaliatory conduct may be subject to disciplinary measures up to and including expulsion.

Students, employees, unpaid interns, or volunteers who believe they have been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 Discrimination and



Harassment Complaints and Investigations. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the District environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any District 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 Superintendent/President shall ensure that the institution undertakes education and training activities to counter harassment 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.

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment, and procedures for students to resolve complaints of harassment. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and the related procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns, and volunteers, particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers on the District's website, the college catalog, and in Human Resources.

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. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measures up to and including termination from the internship or other unpaid work experience program.



Date Adopted: October 22, 2015
Legal Reference Update #26: April 2015
Legal Reference Update #29: October 2016
Legal Reference Update #30: April 2017
Reviewed/Readopted: June 14, 2018
Legal Update #24: March 2019