



## **BP 3430 Prohibition of Harassment**

All forms of harassment prohibited by state and federal law, as well as this policy, will not be tolerated. The 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: race or ethnicity, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he/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.

The District seeks to foster an environment in which all employees and students 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. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Investigations. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention to the Chief Human Resources Officer.

This policy applies to all aspects of the academic and work 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.

The Superintendent/President shall commit to academic freedom, but maintain that academic freedom does not allow sexual harassment or any other form of unlawful harassment or 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 harassment or discrimination. It is recognized that an essential function of



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education is a probing of received opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom ensures the faculty's right to teach and the student's right to learn. Finally, nothing in this policy shall be interpreted to prohibit bona fide academic requirements for a specific program, course, or activity. To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials and examples that are incompatible with the course objectives as outlined in the course outline of record, the faculty member will review that use with the Chief Human Resources Officer to determine whether or not this conflicts with the harassment policy.

The Superintendent/President shall establish administrative procedures to ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any unlawful harassment, including the creation of a hostile environment, that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish administrative procedures that define unlawful harassment in an academic and work environment. The Superintendent/President shall further establish administrative procedures that provide for the investigation and resolution of complaints regarding harassment and discrimination. All individuals who interact with the District are protected from retaliatory acts by the District, its employees, students, and agents.

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.

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

Policy  
Category: Executive Expectations



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*(Replaces former Board Policy 3.6)*