



**Chaffey
Community
College**

5885 Haven Avenue
Rancho Cucamonga, CA 91737-3002

Executive Expectations
Policy Category 3:
General Institution

Prohibition of Harassment

Date: 7/26/01

Section 3.6

Revised:

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3.6 PROHIBITION OF HARASSMENT

[References: Education Code Sections 212.5; 66252; 66281.5, Cohen v. San Bernardino Valley College (1995), California Code of Regulations, Title 5, Sections 51023, 59302; Accreditation Standard 2.2]

3.6.1 Commitment

Chaffey Community College is committed to providing an academic and work environment that respects the dignity of individuals and groups. In addition to freedom from discrimination, the district affirms its commitment to provide an educational environment free from harassment, intimidation or exploitation.

3.6.2 Harassment Based on Status - Definition

The district shall be free of unlawful harassment, including that which is based on any of the following statuses: race, color, national origin, ancestry, religion, creed, sex, age (over 40), physical disability (including HIV and AIDS) or mental disability, marital status, medical condition (including cancer and genetic characteristics), sexual orientation, or military status as a Vietnam-era veteran, or the perception that a person has one or more of the foregoing characteristics.

Harassment includes making derogatory written, verbal, physical and/or visual expression relating to a person's protected status when such behavior interferes with the individual's work performance or creates an intimidating work or study environment.

- A. Written examples include, but are not limited to: slurs in letters, notes, or postings.
- B. Verbal examples include, but are not limited to: derogatory and/or condescending comments, jokes and epithets.
- C. Physical examples include, but are not limited to: assault, touching, impeding or blocking movement.
- D. Visual examples include, but are not limited to: gestures, pictures, cartoons or posters.



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3.6.3 Harassment Based on Gender Status - Definition

The district shall be free of sexual harassment and all forms of sexual intimidation and exploitation. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- A. Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- B. Submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- C. The conduct has the purpose or effect or 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
- D. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual.

3.6.4 Determination of Sexual Harassment

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex. For the purpose of further clarification, sexual harassment includes, but is not limited to making written, verbal, physical and/or visual contact with sexual overtones.

- A. Written examples include, but are not limited to: suggestive or obscene letters, notes, or invitations
- B. Verbal examples include, but are not limited to: derogatory comments, slurs, jokes and epithets.
- C. Physical examples include, but are not limited to: assault, touching, impeding or blocking movement.



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- D. Visual examples include, but are not limited to: leering, gestures, or display of sexually suggestive objects, pictures, cartoons, or posters.
- E. Continuing to express sexual interest after being informed that the interest is unwelcome. Private, personal conduct may at some point become unwelcome. Any conduct of a sexual nature following such notice may be determined to be sexual harassment.
- F. Making reprisals, threats of reprisals, or implied threats of reprisals following a response that the interest is unwelcome; for example:
 - 1. Within the Work Environment – either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.
 - 2. 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.
- G. Within the work environment, engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee.
- H. Within the educational environment, engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
- I. Offering favors, educational or employment benefits including, but not limited to grades, promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification in exchange for sexual favors.

3.6.5 Interventions



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The superintendent/president shall establish administrative procedures that:

- A. Prohibit and discourage any person in the work or educational setting from harassing any other person in the work or educational setting.
- B. Provide that all persons shall report any conduct, including that directed toward a student, which fits the definition of unlawful harassment, to their immediate supervisor or to any administrator. This includes the conduct of non-employees, such as sales representatives or service vendors.
- C. Provide that all persons shall cooperate with any investigation of any alleged harassment conducted by the district or by any appropriate State or Federal agency.
- D. Remedy in an expeditious manner allegations of harassment.
- E. Provide on-going education and awareness of harassment.
- F. Provide information on how to pursue claims of harassment.

3.6.6 Retaliation

The superintendent/president shall prohibit any retaliation against a person for filing a harassment complaint, for referring a matter for investigation or complaint, for participating in an investigation of a complaint, for representing or serving as an advocate for an alleged victim or alleged offender, or for furthering the principles of the unlawful harassment policy.

3.6.7 Academic Freedom

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 insures 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.

3.6.8 Consequences for Violation of the Policy

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Further, employees are placed on notice that if they engage in acts which the district determines to be acts of harassment, such acts are outside of the scope and course of their employment and may incur personal liability for their actions. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.