

## Chapter 3 – General Institution

### BP 3430 Prohibition of Harassment

#### References:

Education Code Sections 212.5; 44100, 66252; 66281.5 **and 66262.5**; Government Code Section **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.C.A. § 2000e; **Age Discrimination in Employment Act of 1967 (ADEA); Americans with Disabilities Act of 1990 (ADA).**

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 College is committed to providing an academic and work environment that respects the dignity of individuals and groups. The College 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~~ **characteristics**: race, religious creed, color, national origin, ancestry, **immigration status**, physical disability, mental disability, mental condition, genetic information, marital status, sex, gender, gender identity, gender expression, **reproductive health decisionmaking**, age, sexual orientation, military status, or veteran status of any person, or because ~~he or she is~~ **they are** perceived to have one or more of the foregoing characteristics.

Any student, ~~or~~ employee, **unpaid intern, or volunteer** who believes that ~~he or she has~~ **they have** been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures delineated in the Administrative ~~Regulations and Procedures~~ **3430 and 3435**. ~~Supervisors~~ **All employees** are mandated to report all incidents of harassment and retaliation that come to their attention.

The College seeks to foster an environment in which all employees, ~~and students,~~ **unpaid interns, and volunteers** feel free to report incidents of harassment without fear of retaliation or reprisal. **State and federal law and this policy prohibit retaliatory acts by the College, its employees, students, and agents.** Therefore, the College ~~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 College 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.

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 College President/CEO shall ensure that the institution undertakes education activities and training to counter discrimination **and 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 College President/CEO shall establish procedures that define harassment on campus. The College President/CEO 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 discrimination ~~and procedures for students to resolve complaints of harassment and discrimination.~~ All participants are protected from retaliatory acts by the College, 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, **employees, unpaid interns, volunteers,** and students, particularly when they are new to the institution. They ~~This~~ **This policy** shall be available for students and employees **on the College website** in all administrative offices, **and in print by request.**

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. Volunteers who violate this policy may be dismissed from volunteering in college programs or activities.**

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