



**Mt. San Antonio College
Human Resources**

1100 N. Grand Ave. ■ Walnut, CA 91789 ■ (909) 274-4225

May 5, 2015

ATTENTION: STUDENTS, FACULTY, STAFF, ADMINISTRATORS AND THIRD PARTIES

**Annual Notice of Mt. San Antonio Community College District's Policies and
Procedures for Providing an Academic and Work Environment Free of
Unlawful Discrimination, Harassment and Retaliation**

I. POLICY STATEMENT

The Mt. San Antonio Community College District (the District) is committed to providing an academic and work environment free of unlawful discrimination, harassment and retaliation. The District hereby reaffirms its commitment to creating and maintaining an academic and working environment free of all forms of unlawful discrimination, harassment and retaliation.

You are reminded that the District does not condone and will not tolerate any form of unlawful discrimination, harassment or retaliation of and/or by its members. This notification defines unlawful discrimination, harassment (including sexual harassment) and retaliation on campus and identifies the District's Policies and Procedures which set forth a procedure for the investigation and resolution of complaints by or against any employee, student, or third party within the District.

II. DEFINITIONS

Unlawful Discrimination: The denial of benefits or admission to the District or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, based on perceived or actual race, religion, religious creed, color, national origin, ethnic group identification, ancestry, physical disability, mental disability, sex, gender (including gender identity and gender expression), age, sexual orientation, or any other protected characteristic of any person, or based on the individual's association with a person or group with one or more on these actual or perceived characteristics is illegal and violates District policy.

Unlawful Harassment (Other Than Sexual Harassment): Verbal or physical conduct which has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment or has the purpose or effect of unreasonably interfering with an individual's academic or work performance that disparages or shows hostility or aversion toward any student or employee based on perceived or actual race, religion, religious creed, color, national origin, ethnic group identification, ancestry, physical disability, mental disability, sex, gender (including gender identity and gender expression), age, sexual orientation, or any other protected characteristic of any person, or based on the individual's association with a person or group with one or more on these actual or perceived characteristics is illegal and violates District policy.

The law also protects employees from discrimination and harassment based on medical condition, marital status, pregnancy, military or veteran status, and genetic information. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute

prohibited harassment. For example, repeated mocking comments about a person's competency to do their job, when based on that person's gender, could constitute gender-based harassment.

Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions (including postings on social media)

Environmental: A hostile academic or work environment exists where it is permeated by insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not germane to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of circumstances, including such factors as the frequency of conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment (a form of unlawful harassment): Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, physical touching, sexual comments of a provocative or suggestive nature, suggestive looks or gestures, sexually explicit jokes, electronic media/communication, printed materials or innuendos intended for and directed to another, and other conduct of a sexual nature when:

- Submission to the conduct is made, either explicitly or implicitly, 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 educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available through the District.

This definition encompasses two kinds of sexual harassment:

“Quid pro quo” sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

“Hostile environment” sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between persons of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Unlawful Retaliation

It is unlawful to fire, demote, harass, or otherwise retaliate against applicants, employees for the following reasons:

- filing a charge of discrimination;
- complaining to the District or outside Governmental entity about discrimination or harassment in the academic or work environment;
- participation in a discrimination, harassment proceeding such as an investigation or lawsuit.

The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, transfers, layoffs, training, benefits, and any other terms or conditions of employment.

For students unlawful retaliation occurs when any unfavorable action is taken, unfavorable condition created, or other action taken by a student or employee for the purpose of intimidation that is directed toward a student because the student initiated an allegation or complaint of unlawful discrimination or harassment or participated in an investigation of alleged unlawful conduct.

An individual is protected by law from retaliation whether his or her charges are substantiated. This is to preserve and protect the rights of affected individuals, and to encourage reporting of alleged discrimination, harassment and retaliation.

III. POLICIES, PROCEDURES, COMPLAINT FORM

- Board Policy 3410 – Nondiscrimination (Attachment A)
- Board Policy 3430 – Prohibition of Harassment (Attachment B)
- Administrative Procedure 3410 – Nondiscrimination (Attachment C)
- Administrative Procedure 3430 – Prohibition of Harassment (Attachment D)
- Administrative Procedure 3435 – Discrimination and Harassment Investigations (Attachment E)
- Unlawful Discrimination Complaint Form (Attachment F)

The District has detailed procedures for filing complaints. If at any time you believe you have experienced or witnessed unlawful discrimination, harassment or retaliation please contact Lorraine Y. Jones, Director Equal Employment Opportunity Programs at 909.274.4225 or via email at ljones31@mtsac.edu. The District has identified multiple avenues for submitting complaints of unlawful discrimination. You may submit complaints to the following individuals:

1. James P. Czaja, Vice President Human Resources
2. Lorraine Y. Jones, Director Equal Employment Opportunity Programs
3. Dr. Audrey Yamagata-Noji, Vice President Student Services
4. Dr. Irene Malmgren, Vice President Instruction
5. Michael Gregoryk, Vice President Administrative Services

Draft Email: Annual Notice of DHR Programs

TO: Students, Faculty, Staff, Administrators, and Third Parties

FROM: Lorraine Y. Jones, Director Equal Employment Opportunity Programs

SUBJECT: Annual Notice of Mt. San Antonio Community College District's Policies and Procedures Regarding the District's Commitment to Providing an Academic and Work Environment Free of Unlawful Discrimination, Harassment and Retaliation

Dear members of the Mt. San Antonio College Community:

Mt. San Antonio Community College District (the District) is committed to equal opportunity in educational programs, employment and all access to institutional programs and activities. The District, and each individual who represents the District, shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, 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. The District hereby reaffirms its commitment to creating and maintaining a learning and working environment free all forms of unlawful discrimination, harassment and retaliation.

Therefore, you are reminded that the District does not condone and will not tolerate any form of unlawful discrimination, harassment or retaliation of and/or by its members. Accordingly, the District's policies and procedures prohibits discrimination and harassment (including sexual harassment) and outlines the steps involved in reporting and responding to related complaints.

I encourage you to review the District's [Annual Notice of Policies and Procedures for Providing an Academic and Work Environment Free of Unlawful Discrimination, Harassment and Retaliation](#) and its related policies and procedures. This document contains definitions of unlawful discrimination, harassment (including sexual harassment) and retaliation. It also contains each of the District's individual policies and procedures for the investigation and resolution of complaints by or against any student, employee, administrator or third party within the District.

All members of the Campus Community are expected to act according to the behavioral standards set by our nondiscrimination and prohibition of harassment policies, and to take responsibility for maintaining discrimination and harassment-free environments in accordance with applicable law.

If you believe you have been subjected to unlawful discrimination, harassment or retaliation, you have the right to file a complaint with a District official appointed to receive such complaints.

Draft Email: Annual Notice of DHR Programs

If you have questions regarding the policies and procedures included in this message, please contact Lorraine Y. Jones, Director, Equal Employment Opportunity at 909.274.4225 or ljones31@mtsac.edu.