

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT
POLICY MANUAL**

Title: HARASSMENT	Number: BP 2.31
Legal Authority: California Education Code Sections 66281.5, 67382, 67385, 67385.7 and 67386; California Government Code Sections 12923, 12940 12950, 12950.1 and 12950.2; Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq., 34 C.F.R. Part 106, et seq.; Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, 20 U.S.C Section 1092(f), 34 C.F.R. Section 668.46(b)(11) et seq; Pub. Law No. 89-329	

The District shall provide an academic and work environment free of unlawful harassment. This policy directs the Chancellor to adopt a procedure for the investigation and resolution of complaints of harassment by or against any *employee* or student within the District.

Complaint Procedures

Any person who believes that *they have* been harassed, as defined in the accompanying Administrative Procedure 2.31, is encouraged to follow the complaint procedures as set forth in the San Francisco Community College District Title 5/EEO/ADA Compliance Office & Title IX Compliance Office procedures, in Administrative Procedure 2.30. Throughout the complaint procedure, Title 5/EEO/ADA Compliance Office and/or Title IX investigators will ensure that confidentiality will be maintained to the fullest extent possible, and that due process will be followed with respect to both parties.

A. Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District's policies against unlawful discrimination and/or sexual harassment. *Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination and/or retaliation as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination.*

B. Notice of Procedures

The Chancellor or his or her designee shall develop such procedures as may be necessary to implement this policy and provide a means of enforcement. A copy of written procedures regarding resolving complaints of harassment shall be displayed in prominent locations such as the main administrative building or other areas where notices regarding the District's rules, regulations, procedures and standards of conduct are posted, as well as on the District's website, in Class Schedules, in the District's Catalog and other handout materials.

C. Responsible District Officer

The San Francisco Community College District will identify at least one employee as the District officer(s) pursuant to Title 5, section 59328 and/or Title IX, 20 U.S.C. §§ 1681, et seq., who is responsible for coordination of its efforts to comply and carry out its responsibilities, including any investigation of any complaint communicated to the District alleging noncompliance with

Revisions: 2/28/08, 6/28/18, 6/27/19
Recommended by Participatory Governance Council on 4/18/19

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this policy, or alleging any actions which would be prohibited by state and/or federal law. *The employee responsible for receiving complaints is the Title 5/EEO/ADA/Title IX Compliance Officer.* The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District who would not otherwise create a conflict of interest, in the event that the officer designated to receive complaints is named in the complaint, or is implicated by the allegations in the complaint.

District employees and students shall direct all complaints of harassment to the responsible District officer.

D. Notice, Training and Education

The San Francisco Community College District's responsible officer shall coordinate or provide training to employees and students regarding the District's policy and procedures regarding harassment, *harassment based on gender identity, gender expression, sexual orientation, bystander intervention, retaliation, and available remedies to victims of harassment and retaliation.* Employees shall be provided a copy of the District's policy on harassment upon adoption of this policy, and thereafter on a periodic basis, *and is available on the Title 5/EEO/ADA and Title IX webpages.*

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