PM 3.29——SEXUAL HARASSMENT—EMPLOYEES

I. District Policy

It is the policy of the District to:

A. Prohibit any person in the work or academic setting from sexually harassing any other person in the work or academic setting. The District will not tolerate or condone sexual harassment by or towards its employees or by or towards its students. It is the intention of the District to take appropriate actions to prevent, correct, and if necessary, to discipline behavior which violates this policy.

B. Provide a work and academic environment free of sexual harassment.

C. Investigate allegations of sexual harassment in a timely and thorough way.

D. Take appropriate and timely corrective action with respect to information or allegations that employees or students are being subjected to sexual harassment in the work or academic environment.

E. Provide on-going education and awareness regarding sexual harassment. Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

F. Provide information about how to pursue claims of sexual harassment.

II. Definitions

Sexual Harassment—For purposes of this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

A. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.

B. Submission to, or rejection of, the conduct by the individual is used as the basis for employment or academic decisions affecting the individual.

C. 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.

D. 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 at or through the educational institution.

No person in a supervisory or authority position shall retaliate against an applicant, employee or student for opposing conduct prohibited by this policy.
Complaint. A complaint is a formal, written allegation that sexual harassment has been experienced by an individual.

III. Unwelcome Conduct

Sexual harassment is unwelcome conduct. The same conduct may or may not be sexual harassment, depending on whether it is acceptable to the person(s) affected by it. Supervisors or faculty who are in the position to review the work or the academic progress of an employee or a student must be careful that conduct is truly welcome as opposed to a reaction to the real or perceived authority of the supervisor or faculty. When individuals are in inherently unequal positions (such as teacher and student or supervisor and employee), the conduct may be less welcome than the individual whose position confers power believes.

Furthermore, conduct that was previously welcome may become unwelcome. Past consent does not prevent a charge of sexual harassment based upon subsequent unwelcome conduct.

Even when conduct is clearly welcome, the individual whose position confers power must be careful that the consensual relationship does not give undue access or advantage, restrict opportunities, or create a hostile and unacceptable environment for others.

IV. Preventive Action

The San Francisco Community College District will not tolerate sexual harassment of or by its students or of or by its employees and will take preventive action so that sexual harassment does not occur. The District will inform students and employees of the right to challenge sexual harassment under District policies and state and federal law, including the right to oppose sexual harassment without fear of retaliation for such opposition.

The District will make known that it will thoroughly investigate sexual harassment allegations and will pursue appropriate sanctions in proven cases of sexual harassment. Appropriate sanctions in a given case may include reprimand, suspension, dismissal or other appropriate action.

The following statement of preventative action includes the following:

A. The District will conduct staff development, educational and training activities for administrators, faculty, staff and students regarding sexual harassment.

B. As soon as practicable following Board action to adopt this policy, a copy of this sexual harassment policy shall be provided to all employees in the District, as well as displayed in prominent locations throughout the District, including display at each campus.

C. Every new employee shall be provided a copy of this policy upon their employment along with other District employment documents.

D. A Copy of this policy shall appear in each College Catalog.

E. A copy of this policy shall be provided as part of the orientation program conducted at the beginning of each semester for new students.
F. The District shall periodically notify students and employees of the procedures for registering a complaint that this policy has been violated.

G. The Human Resources Department shall make available to applicants and employees information from the California Department of Fair Employment and Housing and the U.S. Equal Employment Opportunity Commission about claims of sexual harassment with these entities.

H. The District shall make available to students information from the U.S. Department of Education, Office for Civil Rights about claims of sexual harassment with that entity.

V. Implementation of Policy

This policy shall be implemented through procedures designed to encourage persons who experience sexual harassment to report prohibited conduct. The procedures shall be broadly and regularly distributed to students and employees. They shall provide for timely, thorough and fair investigation and resolution of allegations of sexual harassment and shall include a means for pursuing both informal and formal resolution of allegations. The procedures shall protect the privacy of the individuals involved to the extent possible while meeting the District’s obligation to investigate and take appropriate corrective action.

VI. Filing and investigating Complaints

A complaint may be filed by the individual who alleges he or she has personally experienced sexual harassment or may be filed by one who has learned of sexual harassment in his or her official capacity. The Affirmative Action Officer is responsible for receiving sexual harassment complaints and for coordinating their investigation. The Affirmative Action Officer is also responsible for advising individuals regarding this sexual harassment policy and its implementing procedures and for monitoring the dissemination of this policy and related procedures.

VII. Time Limit on Complaints

Complaints must be filed within one year of the date on which the complaining party knew or should have known of the facts underlying the allegation of sexual harassment.

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