

**Policy****3430 Prohibition of Harassment**

All forms of harassment are contrary to basic standards of conduct between individuals and unlawful harassment is prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of all forms of unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District 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 District 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.

Any student, employee, unpaid intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention. All employees, other than those defined as confidential, are responsible reporters when the incident involves sex/gender harassment, discrimination and sexual misconduct. For more information see YCCD Policy 3540.

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 Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize or eliminate any hostile environment, as defined by administrative procedure 3430 below, that impairs access to equal education opportunity or impacts the terms and conditions of employment.

1 The Chancellor shall establish procedures that define harassment on campus. The Chancellor shall further  
2 establish procedures for employees, students, unpaid interns, volunteers, and other members of the  
3 campus community that provide for the investigation and resolution of complaints regarding harassment  
4 and discrimination with due regard for collective bargaining unit agreements, and procedures for students  
5 to resolve complaints of harassment and discrimination. All participants are protected from retaliatory  
6 acts by the District, its employees, students, and agents.

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8 This policy and related written procedures (including the procedure for making complaints) shall be widely  
9 published and publicized to administrators, faculty, staff, and students, unpaid interns, and volunteers  
10 particularly when they are new to the institution. They shall be available for students, employees, unpaid  
11 interns, and volunteers in all administrative offices.

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13 Employees who violate the policy and procedures may be subject to disciplinary action up to and including  
14 termination, per their respective bargaining unit agreement or handbook. Students who violate this policy  
15 and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid  
16 interns who violate this policy and related procedures may be subject to disciplinary measure up to and  
17 including termination from the internship or other unpaid work experience program.

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19 **Cross References (see also):**

20 YCCD Policy 3435 – Discrimination and Harassment Complaints and Investigations  
21 YCCD Policy 3540 – Sex/Gender Harassment, Discrimination and Sexual Misconduct

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23 **References:**

24 Education Code Sections [212.5](#), [44100](#), [66252](#), and [66281.5](#); Government Code Sections [12940](#) and  
25 [12950.1](#); [Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000e](#); Collective Bargaining Agreements  
26 and Leadership Team Handbook

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28 **Adopted:** June 28, 2004

29 **Revision Adopted:** ~~October 14, 2009~~, August 26, 2016

30 **Last Reviewed:** August 26, 2016  
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**Administrative Procedure**

**3430 Prohibition of Harassment**

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students, employees, unpaid interns, and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities, a District bus, or at a class or training program sponsored by the District at another location.

I. Definitions

A. General Harassment.

Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the alleged harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource. Additional definitions and information about sex/gender harassment, discrimination and sexual misconduct can be found in BP 3540.

Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

1. 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, nationality, sexual orientation or other protected status.
2. 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.

- 1           3. Visual or Written: The display or circulation of visual or written material that degrades an  
2 individual or group based on gender, race, nationality, sexual orientation or other protected  
3 status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading  
4 materials, computer graphics, or electronic media transmissions.  
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- 6           4. Environmental: A hostile academic or work environment may exist where it is permeated by  
7 sexual innuendo; insults or abusive comments directed at an individual or group based on  
8 gender, race, nationality, sexual orientation or other protected status; or gratuitous  
9 comments regarding gender, race, sexual orientation, or other protected status that are not  
10 relevant to the subject matter of the class or activities on the job. A hostile environment can  
11 arise from an unwarranted focus on sexual topics or sexually suggestive statements in the  
12 classroom or work environment. It can also be created by an unwarranted focus on, or  
13 stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other  
14 protected statuses. An environment may also be hostile toward anyone who merely  
15 witnesses unlawful harassment in his or her immediate surroundings, although the conduct  
16 is directed at others. The determination of whether an environment is hostile is based on the  
17 totality of the circumstances, including such factors as the frequency of the conduct, the  
18 severity of the conduct, whether the conduct is humiliating or physically threatening, and  
19 whether the conduct unreasonably interferes with an individual's learning or work.  
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## 21 II. Academic Freedom and Freedom of Speech

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23 No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately  
24 related to the course content, teaching methods, scholarship, or public commentary of an individual  
25 faculty member or the educational, political, artistic, or literary expression of students in classrooms and  
26 public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure  
27 will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.  
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### 29 **References:**

30 Education Code Sections [212.5](#), [44100](#), and [66281.5](#); Government Code Section [12940](#); [Title IX, Education](#)  
31 [Amendments of 1972](#); Title 5 Sections [59320 et seq.](#) ; [Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. §](#)  
32 [2000e](#); Collective Bargaining Agreements and Leadership Team Handbook  
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34 **Procedure Last Revised:** ~~April 11, 2007~~, August 26, 2016

35 **Last Reviewed:** August 26, 2016