

## 1.0 Statement of Intent

- 1.1 The Los Rios Community College District Board of Trustees is committed to providing an educational environment and workplace free from sexual harassment for all students and employees. Sexual harassment in any situation is unacceptable, and is in violation of state and federal laws and regulations. Sexual harassment is a form of discrimination based on sex and is prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C., sections 1681 and following (Title IX). Sexual harassment that takes place off campus and which has an effect on campus is covered by this policy. Inquiries and complaints about sexual discrimination and harassment may be directed to the District/College Title IX Officer or to the United States Department of Education Office of Civil Rights. The names, addresses, and telephone numbers of the District/College Title IX Officers and Equity Officers can be located [here](#).
- 1.2 Where evidence of sexual harassment is found:
  - 1.2.1 The District shall take appropriate steps to halt any sexual harassment and prevent its recurrence; and
  - 1.2.2 The District shall take appropriate steps to remedy the effects of any sexual harassment.
- 1.3 Formal complaints under those laws and regulations shall be processed through the procedures established by applicable state and federal agencies. (Civil Rights Act of 1964, tit. VII, § 703, as interpreted by Code of Fed. Regs., tit. 29, § 1604.11; Ed. Amendments of 1972, tit. IX; Ed. Code, § 200, et seq.; Gov. Code, § 11135; Title 2, § 7287.6 and Title 5, § 53000, et seq.)

## 2.0 Definition of Sexual Harassment (Ed. Code, § 212.5)

- 2.1 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:
  - 2.1.1 Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
  - 2.1.2 Submission to, or rejection of, the conduct by the individual is used as the basis of employment or an academic decision affecting the individual.
  - 2.1.3 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.
  - 2.1.4 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.

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- 2.2 Sexual Harassment encompasses two kinds of harassment:
- 2.2.1 “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.
- 2.2.2 “Hostile environment” sexual harassment occurs when unwelcome conduct based on a person’s sex or 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 sex or gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, e.g. a sexual assault.
- 2.3 Sexual violence is a form of sexual harassment and is prohibited by Title IX. Sexual violence means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion.
- 2.4 For the purpose of further clarification, sexual harassment includes, but is not limited to:
- 2.4.1 Making unsolicited written, verbal, visual, or physical contact with sexual overtones. Some examples are: epithets, derogatory comments, or slurs of a sexual nature; impeding or blocking movements or any physical interference with normal work; derogatory posters or cartoons.
- 2.4.2 Continuing to express sexual interest after being informed that the interest is unwelcome.
- 2.4.3 Within the work environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary, and/or work environment, or any other term or condition of employment; within the educational environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the educational opportunities, grades, and/or learning environment of the student.
- 2.4.4 Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to a sexual advance. For example, within the work environment: either suggesting or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed. Within the educational environment, either suggesting or actually

withholding grades earned or deserved, suggesting a poor performance evaluation will be prepared, or suggesting a scholarship recommendation or college application will be denied.

- 2.4.5 Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

### 3.0 Complaint Procedure

- 3.1 Any individual who believes that he or she has been sexually harassed is encouraged to follow the Discrimination and Harassment Complaint Procedures as set forth in the District Policy and Administrative Regulations (see R-2423, P-5172, R-6163, or R-9152, as appropriate). Throughout the procedures, the College President and the Equity Officers will insure that confidentiality will be maintained and that due process will be followed with respect to both parties. In matters of sexual violence, consent of the complainant shall be required prior to further action being taken by the District/College, however, the District/College may take action when the District's/Colleges' obligation to provide a safe and nondiscriminatory environment overrides the complainant's request for confidentiality.

### 4.0 Non-Retaliation

- 4.1 It is against District Policy and unlawful to retaliate against someone who files a discrimination or harassment complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, or who represents or serves as an advocate for a complainant or respondent. Raising a concern of sexual harassment or participating in the process as a witness or advocate shall not negatively affect the concerned individual's future dealings with the District, with his or her employment, or with compensation or work assignments. In the case of a student, it shall not negatively affect grades, class selection, or other matters pertaining to his or her status as a student of the District.
- 4.2 In a situation where evidence is found that an allegation of sexual harassment is brought solely for the purpose of vexation, the appropriate disciplinary action may be taken.

### 5.0 Administrative Regulations

- 5.1 The Chancellor shall develop such procedures as may be necessary to implement this District Policy and provide a means of enforcement. The District and each College shall designate a District Equity Officer and other appropriate District employees to administer and enforce this District Policy within the District and at the Colleges.

## 6.0 Special Assistance

- 6.1 Questions concerning the interpretation of this District Policy should be referred to the Equity Officers, the Title IX Officer, other designated District employees, or the Union representative. It is the responsibility of the Equity Officers to inform the complainant of other agencies available in pursuing a sexual harassment complaint. These include: the U.S. Equal Employment Opportunity Commission; the U.S. Department of Education, Office of Civil Rights; the California Department of Fair Employment and Housing; and the Office of the Chancellor, California Community Colleges.

(Formerly P-9117)

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Policy Adopted: 7/10/85  
Policy Revised: 2/21/90; 12/9/98; 4/8/15; 11/7/18  
Policy Reviewed: 4/8/15; 11/7/18  
Adm. Regulation [R-9152](#)