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Owner: *Chancellor's Cabinet*
Chancellor's Cabinet:
Policy Area: *Chapter 3 General Institution*
References:

BP 3430 Prohibition of Harassment

Prohibition of Harassment (Replaces current SBCCD BP 3430)

This policy prohibits District employees, students, and student organizations from engaging in unlawful discrimination and harassment including sexual misconduct. Allegations that an employee, student or student organization has violated the Discrimination and Harassment Policy will be resolved consistent with AP 3430: Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals and are 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 sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful discrimination and 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, pregnancy, gender, gender identity, gender expression, age, sexual orientation, military and veteran status, or because an individual is perceived to have one or more of the foregoing characteristics. Sexual violence (e.g.: non-consensual sexual intercourse and non-consensual sexual contact) and interpersonal/relationship violence are always violations of the sex and gender-based discrimination and harassment policies and stalking often can be as well.

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 discrimination or harassment or for participating in a related 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. Retaliation is defined below.

Any individual who believes that they have been harassed, discriminated against, or retaliated against in violation of this policy may report such incidents by following the procedures described below. Supervisors are mandated to report all incidents of discrimination, harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to admission, 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.

This policy applies to behaviors that take place on campus and at school-sponsored events and may also apply off-campus and to actions online when the Title IX Coordinator/Institutional Equity Officer determines that the off-campus conduct affects a substantial school interest or impacts the educational mission of the District.

A substantial school interest includes:

- a) Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the school is located;
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others;
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
- d) Any situation that is detrimental to the educational interests of the school.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc. occurring completely outside of the District's control will only be subject to this policy when those online behaviors can be shown to cause a substantial on campus disruption. Off-campus discriminatory or harassing speech by employees may be regulated by the District only when such speech is made in an employee's official or work-related capacity. The District's policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom.

The District reserves the right to address offensive conduct and/or harassment that does not rise to the level of discrimination, or that is of a generic nature not on the basis of a protected status. Addressing such issues may not result in the imposition of discipline under District policy, but will be addressed through civil confrontation, remedial actions, education and/or effective conflict resolution mechanisms.

Questions about this policy should be directed to the Title IX Coordinator/Institutional Equity Officer.

The Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and harassment and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices.

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;

Government Code Sections 12923, 12940 and 12950.1;

Civil Code Section 51.9;

Title 2 Sections 10500 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

Attachments

[BP 3430 Prohibition of Harassment - Comments](#)
[BP 3430 Prohibition of Harassment- Legal Citations](#)
[BP 3430 Update #30.pdf](#)

Approval Signatures

Step Description	Approver	Date
	Policy Stat	01/2020
	Policy Stat	01/2020

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