

MONTEREY PENINSULA COLLEGE
GOVERNING BOARD POLICIES

5000 SERIES PERSONNEL

B. Equal Employment Opportunity and Non Discrimination

5105 Sexual Harassment

1. General Purpose

It is the policy of the Monterey Peninsula Community College District to maintain an institutional environment free of sexual suggestions or advances, expressed or implied requests for sexual favors, and/or other conduct constituting sexual harassment, as defined and otherwise prohibited by state and Federal law.

Engaging in sexual harassment shall be a violation of this policy for those authorized either to recommend or take personnel or academic actions affecting employees or students, those otherwise authorized to transact business or perform other acts or services on behalf of the Monterey Peninsula Community College District.

Sexual harassment is inappropriate and is prohibited within the college institution. No person in the institution, whether an elected member of the Board of Trustees, an appointed officer of the District, a member of the administration, a member of the faculty, employee, student, or any other person who is a supervisor, teacher, mentor, tutor, or who otherwise exercises authority within the institution, whether in a paid position or as a volunteer, shall engage in any conduct which constitutes a sexual threat or suggestion in violation of this policy.

The complete Procedure for the Prevention of Sexual Harassment is maintained as Appendix 5105 and as part of the District Affirmative Action Plan, Appendix 5100, and contains definitions, examples, timelines, and procedures for filing a claim and for investigating complaints.

2. Definition of Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other 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 on the basis of employment or academic decisions affecting the individual.

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- (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. (Added by Stats. 184, c.1371, SS 1)

3. Disciplinary Action

Monterey Peninsula Community College District forbids any form of sexual harassment, including the acts of non-employees. Prompt disciplinary action, up to and including expulsion or termination, will be taken against any student or employee determined to be engaging in sexual harassment. Employees committing harassment as defined in this policy are deemed to be acting outside the scope of their employment.

4. Complaint Procedure

Recognizing that the failure to act may threaten the status of a victim, sexual harassment is a matter requiring prompt attention by the College. Since the College recognizes the delicate nature of such situations, each step in the complaint procedure (as described in the Procedure for the Prevention of Sexual Harassment) must be conducted with discretion in order to maintain confidentiality. It is the intent of this procedure to result in prompt recourse and to ensure fairness and equity to both the individual alleging sexual harassment and to the person accused of such behavior.

5. Responsible Officer

The Affirmative Action Officer is designated as the officer to receive and process complaints.

6. Reporting

The President will present an annual status report to the Governing Board.

7. Campus Awareness

The Monterey Peninsula Community College District will distribute annually information about the Sexual Harassment Policy and Procedure for

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the Prevention of Sexual Harassment. Training sessions related to sexual harassment will be conducted to make employees aware of the policy and to aid in the prevention of sexual harassment.

References: Civil Rights Restoration Act of 1987
California Code of Regulations, Title 5
California Education Code Section 212.5
Title IX of the Education Amendments of 1972
Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991
California Fair Employment and Housing Commission, California Code of Regulations, Title 2, SS 7291.1 & 7287.6
Equal Employment Opportunity Commission, Policy Guidelines on Issues of Sexual Harassment
Sex Equity in Education Act
Monterey Peninsula College's Affirmative Action Plan, Appendix 5100

Originally adopted as Governing Board Policy: May 11, 1983

Revised: May 10, 1989

Revised and Re-Adopted: September 28, 1993