

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 7.67 Sexual Harassment Involving Students  
**Revision Date:** 5/09; 8/13; xx/xx  
**References:** Education Code Sections 212.5, 66252 and 66281.5

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It is the policy of the San Mateo County Community College District to prohibit, in any and all forms, the sexual harassment of its students and staff. Sexual harassment of students by other students, staff or members of the public while on district property and/or the harassment of staff by students or members of the public while on district property is considered intolerable behavior that will be investigated and acted upon immediately.

According to both State and Federal laws and guidelines issued by the Equal Employment Opportunity Commission (EEOC), sexual harassment is a form of discrimination. Sexual harassment is misconduct that can change the course of careers, disrupt the climate of an entire class, affect academic performance, and undermine the integrity of educational relationships. It is an abuse of power which confuses the boundaries of personal and professional roles and breaches trusting relationships which should exist among members of the College community.

1. It is the policy of the San Mateo County Community College District to provide its students with a learning environment free of sexual harassment and intimidation. This policy addresses interactions between a student and faculty, staff members, or other students. Because of the seriousness of these matters, the District will make every effort to assure that sexual harassment does not occur and will take disciplinary actions up to and including dismissal or expulsion for policy violation. It is the responsibility of each District employee and student to maintain a level of conduct that is in compliance with District policy.
2. For purposes of this policy, sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, physical, or visual conduct of a sexual nature which occur under any of four circumstances:
  - a. Submission is made, either explicitly or implicitly, a term or condition of admission to or retention in a course or program;
  - b. Submission or rejection by a student is used as a basis for grading, enrollment, or other educational decisions affecting the student;
  - c. Submission or rejection by a student affects negatively a student's class performance, opportunity to benefit from class participation, or constitutes a disruption of the learning process;
  - d. Such conduct creates, encourages, or condones an intimidating, hostile, or otherwise offensive environment for learning and/or teaching.
3. Sexual harassment includes, but is not limited to, the following:
  - a. Making unsolicited written, graphic, verbal and/or physical contact with sexual overtones. Written examples: suggestive or obscene letters, notes, invitations, or electronic communications (e.g. text messages, emails, videos.) Graphic examples: prurient display of objects, pictures, cartoons, or posters. Verbal examples: derogatory comments, slurs, jokes, innuendos and epithets. Physical examples: indecent exposure, lewd acts, assault, touching, gestures, impeding or blocking movement.

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- b. Continuing to express sexual interest after being informed that the interest is unwelcome. (Mutual attraction is not considered sexual harassment.)
- c. Making reprisal, or implied threats of reprisal, following a negative response. This can include denial of, or actually withholding, support or opportunities normally provided in the form of counseling or other services, suggesting the assignment of a poorer grade than earned.
- d. Engaging in implicit or explicit coercive sexual behavior which has the effect of controlling, influencing, or affecting the enrollment, grade, academic success, and/or learning environment of any student.
- e. Offering favors or preferential treatment such as: assignment of better grades than earned; opportunities for extra credit; recommendations, favorable assigned duties or shifts; or other benefits in exchange for sexual favors.

### 4. Complaint Procedures

- a. Staff to Student or Student to Student
  - i. If a student complainant feels that a specific act or environment is offensive and in violation of this policy, the complainant should first notify the offender in an effort to stop the offensive behavior. If the behavior does not stop, or the complainant does not wish to confront the offender directly, the student should notify the Vice President, Student Services or designee.
  - ii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Personnel Services will be notified of all claims of sexual harassment at the time the complaint is received. Investigations involving faculty or staff members will be coordinated by the Vice Chancellor of Human Resources and Employee Relations.
- b. Student to Faculty/Staff
  - i. If a faculty or staff member is the complainant and feels that a specific act committed or environment created by a student is offensive and in violation of this policy, the complainant ~~should~~ **may** first notify the offender in an attempt to stop the behavior.
  - ii. If the behavior continues, the complainant will then notify the Vice President, Student Services or designee. Such continued behavior constitutes a disruption of the learning and teaching environment.
  - iii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Personnel Services will be
  - iv. notified of all claims of sexual harassment at the time the complaint is received. Investigations involving faculty or staff members will be coordinated by the Vice Chancellor of Human Resources and Employee Relations.
- c. In accordance with the guidelines on sexual harassment of the Equal Employment Opportunity Commission, the District intends: 1) to raise the subject of sexual harassment affirmatively in formal staff training and other arenas; 2) to express strong disapproval for the inappropriate behavior; and 3) to implement this policy fully.
- d. District employees or students found to be in violation of this policy may be subject to full disciplinary measures up to and including dismissal or expulsion, as appropriate, pursuant to any and all established District procedures.
- e. For represented employees, any action taken in response to a complaint under this policy is subject to the provisions of collective bargaining agreements. Upon request by the collective bargaining units, the District will negotiate any issues related to the complaints or investigations under this policy that are mandatory subjects for bargaining.
- f. Non-represented employees found to be in violation of this policy may be subject to full disciplinary measures up to and including dismissal or expulsion, as appropriate, pursuant to any and all established District procedures.