

Ohlone College Prohibition of Sexual Harassment

The Ohlone Community College District is committed to all provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other human rights and equal opportunity laws. These laws include prohibitions of discrimination in employment and educational programs and services on the basis of sex.

Recent guidelines of Title VII of the Civil Rights Act focus upon sexual harassment as an unlawful practice. "Sexual harassment like harassment on the basis of color, race, religion or national origin has long been recognized by the Equal Employment Opportunity Commission as a violation of Section 703 of Title VII of the Civil Rights Act as amended" (Federal Register, April 11, 1980). Recent interpretations of Title IX of the Education Amendments similarly delineate sexual harassment as discriminatory and unlawful.

Sexual harassment is unacceptable conduct and will not be tolerated by the Ohlone Community College District. The following criteria shall determine whether actions constitute the unlawful behavior of sexual harassment:

- A. Submission to the conduct is either an explicit or implicit term or condition of employment and/or pursuit of educational objectives.
- B. Submission to or rejection of the conduct is used as a basis for employment, educational, and/or service decisions affecting the persons who did the submitting or rejecting.
- C. The conduct has the purpose or effect of substantially interfering with an individual's work, academic, or other educational performance or creating an intimidating, hostile or offensive environment.

It is the duty of all District staff to maintain an environment free of sexual harassment, intimidation or other discrimination. District staff who hold supervisory positions are responsible for assuring that their areas of supervision are free of sexual harassment, intimidation or other discriminatory practices.

Any member of the College community who believes that he or she has been the victim of sexual harassment as defined above, may bring the concerns to the attention of the Vice President, Student Services, or designee who will provide information and assistance for resolution of the matter. Special attention will be given to the sensitivity of the issues involved and to confidentiality.

Sexual Harassment: Definitions

The following definitions of sexual harassment are from documents of the American Council on Education and a California legal firm. They are presented as examples and clarifying descriptions.

Common Elements of Sexual Harassment

The task of developing a basic statement of what constitutes sexual harassment is an important part of the educative process for the campus. This paper does not attempt to give a model definition suitable to all campuses, but instead presents some of the elements to consider in developing a basic statement.

Sexual harassment is a form of sex discrimination which is illegal under Title VII of the Civil Rights Act of 1964 for employees under Title IX of the Elementary/Secondary Education Act of 1972 for students. Some state laws and/or regulations also render it illegal.

Sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a person could get an "A" if a particular sexual favor is granted. Or, it can consist of persistent, unwanted attempts to change a professional relationship to a personal one. Sexual harassment can range from inappropriate put-downs of individual persons, unwelcome sexual flirtations, or classes of people, to serious physical abuses such as rape. It is coercive and threatening; it creates an atmosphere that is not conducive to teaching, learning, and working.

For general policy purposes, sexual harassment may be described as unwelcome sexual advances, requests for sexual favors, and other physical and expressive behavior of a sexual nature where:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education.
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or demeaning employment or educational environment.

Sexual Harassment: Definition

Harassment includes, but is not limited to:

- A. Verbal Harassment - For example: epithets, derogatory comments or slurs on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- B. Physical Harassment - For example: assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex or age.
- C. Visual Forms of Harassment - For example: derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical conditions, marital status, sex or age.
- D. Sexual Favors - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is conditioned upon an employment benefit, unreasonably interferes with an individual's work performance or creates an offensive work environment.