

**General Institution
BP 3430****PROHIBITION OF HARASSMENT AND RETALIATION****References:**

Education Code Sections 212.5, 44100, 66250, et seq, 66271.1, 66281.5
66700, 70901 and 72011;
California Code of Regulations, Title 5, Sections 59320, et seq;
Government Code Sections 11135-11139.5, and 12950.1;
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e;
Title IX, Education Amendments of 1972
Penal Code Section 422.55 and 422.6
Title 20, United States Code, Section 1681
Title 29, United States Code, Section 794
Title 42, United States Code, Sections 6101, 2000d and 12100, et seq.

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. It shall also be free of other unlawful harassment, including that which is based on actual, perceived or association with others' ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation or physical or mental disability or any characteristic listed or defined in Section 11135 of the government code or any characteristic that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code.

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

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Retaliation may involve, but is not limited to, the making of reprisals or threats of reprisals, intimidation, coercion, discrimination or harassment following the initiation of an informal or formal complaint. Such conduct is illegal and constitutes a violation of this policy.

Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint, who refers a matter for investigation or complaint, who participates in an investigation, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of unlawful discrimination or harassment.

All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will pursue all measures 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.

The Chancellor shall establish procedures that define harassment and establish reporting procedures for employees, students, and other members of the District community that provide for the investigation and resolution of complaints regarding discrimination and harassment.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled "Handling Complaints of Unlawful Discrimination or Harassment". A copy of the procedure is available at <http://www.rcc.edu/administration/board/policies.cfm?new>, in each College library and all administrative offices in the District. Supervisors are required to report all incidents of harassment and retaliation that come to their attention.

To this end, the Chancellor shall ensure that the institution undertakes at least education and training activities to counter discrimination 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. However, because of their special responsibilities under the law, supervisors will also undergo mandatory training within six (6) months of assuming a supervisory position. This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution.

Employees found in violation of this policy may be subject to disciplinary action up to and including termination. Students found in violation of this policy may be subject to disciplinary measures up to and including expulsion.

Date Adopted: February 26, 2008

Revised: November 18, 2008

(Replaces Policies 3110/4110/6110)