

---

## **BP 3430 ~~Unlawful Discrimination~~ Prohibition of Harrassment**

Reference:

**Education Code Sections 212.5; 44100; 662520, 66281.5 et seq.; 72010, et seq. Title 5, California Code of Regulations, Section 59300, et seq. Government Code 12950.1; Title VII of the Civil Rights Act of 1964; 42 U.S.C.A. Section 2000e**

- 1.0 ~~It is the~~ **The** policy of the North Orange County Community College District **is** to provide an educational, employment, and business environment **including but not limited to access to its services, classes, and programs in which no person shall be subjected to unlawful harassment and where such environment is free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment. It shall also be free of other unlawful harassment, including but not limited to harassment that is based on: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation, military and veteran status of any person, or because he or she is perceived to have one or more of the foregoing characteristics.** ~~in which no person shall be unlawfully subjected to discrimination or sexual harassment, nor unlawfully denied full and equal access to the benefits of any program or activity of the District that is administered by, directly funded by, or that receives any financial assistance from the Chancellor or Board of Governors of the California Community Colleges.~~
- 2.0 **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 Administrative Procedure 3410, Unlawful Discrimination.**

~~It shall be a violation of this policy for anyone who is authorized to recommend or take personal or academic action affecting an employee or student, or who is otherwise authorized to transact business or perform other acts or services on behalf of the North Orange County Community College District, to engage in unlawful discrimination, as defined below, or for anyone to retaliate against a person who files an unlawful discrimination complaint, who participates in an investigation of a complaint, or who represents or serves as an advocate for the complainant or for the person against whom a complaint is made.~~

~~2.1 The District will take preventive, corrective, and disciplinary action for any act that violates this policy or the rights and privileges it is designed to protect.~~

~~2.2 Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination or retaliation may be subject to discipline, up to and including discharge, expulsion, or termination of contract.~~

~~2.3 Employees should be aware that if they engage in of unlawful discrimination, such acts are outside the course and scope of their employment and may result in personal liability to the employee.~~

## **BP 3430 ~~Unlawful Discrimination~~ Prohibition of Harrassment**

~~2.4~~ The District supports the principle of academic freedom, and the provisions of this policy are not intended to prohibit bona fide academic program and course requirements. However, the exercise of academic freedom with respect to course content and discourse does not extend to any form of unlawful discrimination in violation of this policy.

### 3.0 Unlawful Discrimination

~~3.1~~ "Unlawful Discrimination" means discrimination on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability as defined and otherwise prohibited by state and federal statutes, and includes sexual harassment.

**The Chancellor shall establish procedures that define harassment on campus or in connection with District-sponsored events. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.**

### ~~3.2~~ Sexual Harassment

~~3.2.1~~ "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made by someone from the work or educational setting, under any of the following conditions:

~~3.2.1.1~~ Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.

~~3.2.1.2~~ Submission to, or rejection of, the conduct by an individual is used as the basis of employment or academic decisions affecting the individual.

~~3.2.1.3~~ The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive work or educational environment.

~~3.2.1.4~~ Submission to, or rejection of, the conduct by an individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities

**BP 3430 ~~Unlawful Discrimination~~ Prohibition of  
Harrassment**

~~available through the North Orange County Community College District.~~

~~3.2.2 Specific Examples: For the purpose of further clarification, sexual harassment may include, but is not limited to, the following conduct, when it occurs under one or more of the conditions described in section 3.2.1 above:~~

~~3.2.2.1 Making unsolicited written, verbal, physical, or visual contact with sexual overtones.~~

~~3.2.2.1.1 Written: Includes, but is not limited to, suggestive or obscene letters, notes, or invitations.~~

~~3.2.2.1.2 Verbal: Includes, but is not limited to, derogatory comments, slurs, jokes, or epithets.~~

~~3.2.2.1.3 Physical: Includes, but is not limited to, assault, touching, impeding, or blocking movement.~~

~~3.2.2.1.4 Visual: Includes, but is not limited to, leering, gestures, or display of sexually suggestive objects, pictures, cartoons, or posters not germane to the employment setting.~~

~~3.2.2.2 Continuing to express sexual interest after being informed that the interest is unwelcome.~~

~~3.2.2.3 Making reprisals, threats of reprisals, or implied threats of reprisals following rejection of sexual harassment:~~

~~3.2.2.3.1 Within the Work Environment: Either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting that a poor performance report will be prepared; or suggesting that probation will be failed.~~

~~3.2.2.3.2 Within the Educational Environment: Either implying or actually withholding grades earned or deserved; suggesting that a poor performance evaluation will be prepared; or suggesting that a scholarship recommendation or college application will be denied.~~

---

**BP 3430 ~~Unlawful Discrimination~~ Prohibition of Harrassment**

~~3.2.3 Within the North Orange County Community College District, sexual harassment is prohibited regardless of the status and/or relationship the affected parties may have.~~

~~3.2.3.1 Private, personal conduct may at some point become unwelcome. Employees placed on notice that the co-employee or student now finds the conduct unwelcome shall cease such conduct immediately. Any conduct of a sexual nature following such notice may be determined to be sexual harassment. Such conduct is subject to investigation by the District on the complaint of an individual who finds it to be unwelcome.~~

~~3.2.3.2 Employees who participate in a consensual relationship, and at some point wish to discontinue the relationship, must clearly state to the other participant that the conduct is no longer consensual or welcome, and that all such conduct must cease.~~

~~3.2.4 Employees with supervisory responsibilities who witness or receive reports of sexual harassment are required to immediately report such conduct to the District Director of Human Resources.~~

**4.0 District Administrative Procedure 3410 contains information regarding the specific rules and procedures for reporting charges of sexual harassment and pursuing available remedies. The following applies for the distribution of this policy:**

**4.1 This policy shall be displayed in a prominent location in the main administrative building of each campus or other areas where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.**

**4.2 The policy shall be provided to students as part of any orientation program conducted for new students ant the beginning of each quarter, semester, or summer session, as applicable.**

**4.3 This policy shall be provided to all faculty, administrators, and staff at the beginning of the first quarter or semester of the school year, or at the time that there is a new employee hired.**

**4.4 This policy shall appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.**

~~4.0 Responsible District Officer: The Vice Chancellor of Human Resources is designated by the District as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to section 59328 of Title 5 of the California Code of Regulations, and for coordinating their investigation. The actual acceptance and investigation of~~

**BP 3430 ~~Unlawful Discrimination~~ Prohibition of  
Harrassment**

~~complaints may be assigned to other staff or to outside persons or organizations under contract with the District.~~

- ~~5.0 Information on where to obtain specific rules and procedures for reporting charges of unlawful discrimination may be obtained by contacting the District Director of Human Resources, Anaheim Campus, 1830 W. Remneya Drive, Anaheim, CA 92801-1810, telephone (714) 808-4818.~~
- ~~6.0 A copy of this policy will be displayed in a prominent location in the main administrative building of each campus or other area where notices regarding the District's rules, regulations, procedures, and standards of conduct are posted.~~
- ~~7.0 Faculty and staff will be provided with a copy of this policy at the beginning of the first quarter or semester of the college year after the policy is adopted, or at the time of hire as a new employee.~~
- ~~8.0 A copy of this policy, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.~~

See Administrative Procedure AP 3430.

**Date Adopted:** December 10, 2002

**Date of Last Revision:** March 23, 2004  
October 11, 2005

North Orange County Community College District  
**BOARD POLICY**  
Chapter 3  
General Institution

---

**BP 3430 ~~Unlawful Discrimination~~ Prohibition of  
Harrassment**

Presented to DCC 10/27/14