

SEXUAL HARASSMENT

LEGAL BACKGROUND: 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). Interpretation of Title IX of the Education Amendments similarly delineates sexual harassment as discriminatory and unlawful.

DEFINITION: Sexual harassment is defined in GCCCD Policy 3430 as the following:

Unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual’s employment, academic status, or progress;
- Submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- 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 education environment; or
- Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual

If the alleged harasser is a student, initial action on the complaint shall be the joint responsibility of the Associate Dean, Student Affairs and the Director of Employee and Labor Relations.

If the alleged harasser is an employee, initial action on the complaint shall be the joint responsibility of the employee’s immediate supervisor and the Director of Employee and Labor Relations.