

APPENDIX III

Sexual Harassment Complaint Procedures

A. Introduction

It is the policy of the Ventura County Community College District to provide an educational, employment and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications (including voice and e-mail telecommunications, or other electronic communication, etc.) constituting sexual harassment as defined and otherwise prohibited by state and federal statutes.

The Ventura County Community College District prohibits sexual harassment regardless of the status or relationship of the affected individual. It shall be a violation of this policy for any person, including faculty, employees, students and contractors, to engage in sexual harassment.

Disciplinary action, up to and including dismissal or expulsion, may be initiated for behavior described in the definition of harassment set forth in this policy.

Further, any retaliation against a student or employee for filing a harassment charge, making a harassment complaint or assisting in a harassment investigation is prohibited. Any persons found to be retaliating against another employee or student shall be subject to disciplinary action up to and including dismissal or expulsion.

Any employee who receives a harassment complaint, observes, or otherwise learns of harassing behavior in the educational/business environment or workplace, must direct the concerns to the appropriate Title IX Coordinator or to the Vice Chancellor of Human Resources at the District Administrative Center. Students are encouraged to follow the same procedure.

B. Complaint Procedure

Any job applicant, student, employee, or contractor who believes he/ she may have been the victim of harassment should direct concerns to any of the following individuals:

1. Title IX Coordinator (for gender-based cases involving students):
2. Moorpark College - (805) 553-4138
3. Oxnard College - (805) 678-5195
4. Ventura College - (805) 289-6507
5. Vice President, Student Services (or designee) (for cases of harassment or discrimination based on factors other than gender):
6. Moorpark College - (805) 553- 4065
7. Oxnard College - (805) 678-5937
8. Ventura College - (805) 289-6113
9. Vice Chancellor of Human Resources, Ventura County Community College District: (805) 652-5506 (for concerns related to employees)
10. Title IX Administrator, Ventura County Community College District: (805) 289-6230 (for concerns related to process or procedures)

Any person who receives a harassment complaint, observes, or otherwise learns of harassing behavior in the work place must submit a BIT/ Care Report (cases involving student accusations) or, in the event of a complaint against an employee, direct the complaint and/or the complainant to a campus Title IX Coordinator at Moorpark College,

Oxnard College, Ventura College, or to the Vice Chancellor of Human Resources at the District Administrative Office.

Investigative Procedure

In the case of gender-based complaints involving students, the Title IX Coordinator (or designee), will coordinate follow-up steps in accordance with AP 3434 Responding to Harassment Based on Sex under Title IX and SB 493 (http://catalog.vcccd.edu/moorpark/appendices/appendix-iii/AP_3434_Responding_to_Harassment_Based_on_Sex_under_Title_IX_and_SB_493.pdf) (under review). In other cases, the Vice Chancellor of Human Resources (or designee) will initiate a sexual misconduct investigation that shall include, but may not be limited to:

1. Interviews with the complainant, the respondent/accused party, and any other persons the investigator has reason to believe may have relevant knowledge concerning the complaint;
2. Review of the factual information gathered during the investigation to determine whether the alleged conduct occurred and whether such conduct constitutes misconduct under this policy, based on the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incident(s) occurred;
3. A written report setting forth the results of the investigation. In cases in which employees have been accused of sexual misconduct, the findings shall be reported to the Vice Chancellor of Human Resources (or designee);
4. Final disposition shall be reported back to the complainant and the respondent/accused in a timely manner. In cases of employee accusations, the final disposition will be filed with the State Chancellor's office in Sacramento. In cases in which accusations are made about a student or students, the final disposition will be filed with the campus Conduct Officer/Vice President, Student Support (or designee), and sanctions, if any, will be applied to students out of the Conduct Office.

C. Remedial Action

1. Upon determination that a violation of this policy has occurred, prompt and corrective action shall be taken.
2. Reasonable steps shall be taken to protect the complainant from further harassment, misconduct, and/or retaliation.

D. The Definition of Sexual Harassment

Reference: AP 3433 Prohibition of Sexual Harassment under Title IX and SB 493 (http://catalog.vcccd.edu/moorpark/appendices/appendix-iii/AP_3433_Prohibition_of_Sexual_Harassment_under_Title_IX_and_SB_493.pdf) (under review)

Sexual Harassment has been defined by the Equal Employment Opportunity Commission Guidelines (29 C.F.R. § 1604.11) and the California Education Code (§ 212.5) to include unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature made by someone from or in a work or education setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;

3. 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 educational environment;
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the District.

Examples of behavior which could constitute sexual harassment include but are not limited to:

1. Verbal: repeated sexual innuendos or sexual epithets, derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
2. Visual/non-verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
3. Physical: unwanted physical contact including touching, interference with an individual's normal work movement, such as blocking or assault.

E. The Definition of Sexual Misconduct

Sexual Misconduct comprises a broad range of unwelcome behaviors focused on sex and/or gender that may or may not be sexual in nature.

- Any intercourse or other intentional sexual touching or activity without the other person's Consent is Sexual Assault, and is a form of Sexual Misconduct under this Policy.
- Sexual Misconduct encompasses Sexual Harassment, Sexual Assault, Sexual Exploitation, or Gender-based Harassment, which is a form of Harassment based on gender identity, gender expression, or non-conformity with gender stereotypes.
- Sexual Misconduct may also encompass acts of a sexual nature, including acts of Sexual Stalking, Domestic Violence, and Dating Violence, Intimidation, or for Retaliation following an incident where alleged Sexual Misconduct has occurred.
- Sexual Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender.

F. Additional State and Federal Procedures

In addition to the District's procedure for reporting sexual or other prohibited types of harassment, both the State of California and the federal government have established processes by which student and employee claims of sexual harassment may be reported.

- Department of Fair Employment and Housing: (800) 884-1684
- Equal Employment Opportunity Commission: (213) 894-1000
- Chancellor's Office of the California Community Colleges: (916) 445-8752
- California Department of Education: (916) 319-0800
- Department of Education: (800) 872-5327

If you feel you are a victim of sexual harassment, please report the incident immediately. Keep records to track dates, places, times, witnesses, and the nature of the harassment.