Riverside Community College District Administrative Procedure
No. 3430
General Institution

DRAFT

AP 3430 PROHIBITION OF HARASSMENT AND RETALIATION

References:
Education Code Sections 212.5, 44100, 66252, and 66281.5;
California Code of Regulations, Title 5 Sections 59320 et seq.;
Government Code Section 12950.1
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e
Title IX, Education Amendments of 1972;

The District is committed to providing an academic and work environment free of all forms of harassment outlined in Board Policy 3430.

This procedure protects students and employees in connection with all the academic, educational, extracurricular, athletic, workplace and other activities programs of the District, whether those activities programs take place in the District’s facilities, a District bus, or at a class or training program sponsored by the District at another location.

RETALIATION

The District strictly prohibits retaliation toward any individual who files a complaint of discrimination and/or harassment, 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.

REPORTING DISCRIMINATION AND/OR HARASSMENT

Incidents of alleged discrimination, harassment or retaliation shall be investigated promptly and equitably through Administrative Procedure 3435, titled “Handling Complaints of Unlawful Discrimination or Harassment.” Any concerns or questions shall be immediately reported to the Director, Diversity, Equity & Compliance:

Ms. Chani Beeman
Diversity and Human Resources Department
450 E. Alessandro Blvd.
Riverside, CA 92508 Phone: (951) 222-8039
TRAINING AND DISSEMINATION OF INFORMATION

District policies and procedures relating to non-discrimination, prohibition of harassment and handling complaints of unlawful discrimination or harassment, as well as complaints of hostile environment or bullying, shall be disseminated to all employees and students.

A summary handout explaining the legal right to file a complaint, the District complaint procedures and processes, complainants’ appeal rights and complaint contact information shall be distributed annually to all employees and students, and shall be given to any individual raising concerns of discrimination and/or harassment. The handout shall be posted in prominent locations on each campus and in District offices.

The District shall make training available for all employees and students. However, because of their special responsibilities under the law, supervisors (including department chairs) will undergo mandatory training within six months of assuming their position. Updated training shall be mandatory for all District administrators, department chairs, managers, and supervisors when the policy, procedure or applicable laws substantially change, and they will strive to prevent all forms of harassment. The District will take immediate and appropriate corrective action whenever it is made aware of a suspected violation, whether this information comes from the complainant or a third party.

Copies of all pertinent policies and procedures related to harassment and unlawful discrimination are available at the following District locations:

- Office of Diversity, Equity and Compliance, Riverside Community College District Systems Office, (951) 222-8039.
- Riverside City College, Bradshaw Building, Student Activities Office, 2nd floor, Rm. 207, (951) 222-8570.
- Moreno Valley College: Student Activities Building – Student Activities (951) 571-6105.
- Norco College: Student Activities Office – Center for Student Success, 1st Floor, Room 107, (951) 372-7003.

In addition to the above locations, these documents can also be found on the District’s website at [http://www.rccd.edu/administration/board/Pages/BoardPolicies.aspx](http://www.rccd.edu/administration/board/Pages/BoardPolicies.aspx).

APPLICABLE DEFINITIONS

“Unlawful Harassment” – Physical, verbal or visual conduct, based on the complainant’s protected status, which is objectively and subjectively offensive,
and so severe and/or pervasive that it interferes with the complainant’s work or educational opportunity. Hostile and/or offensive conduct that is systematic, persistent, unwanted and annoying, includes threats and demands. Gender-based harassment does not necessarily involve conduct that is sexual.

Forms of Harassment:

- **Verbal**: Hostile or offensive remarks, slurs, jokes, innuendoes, unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes toward protected bases.

- **Physical**: Hostile or offensive touching, assault, or physical interference with free movement. Including, but is not limited to: kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation based on protected bases. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

- **Visual or Written**: Display or circulation of visual or written material that degrades individuals or groups included in the list of protected bases. Including, but not limited to: posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

“Hostile Environment” -- Unwelcome and offensive pattern of conduct that creates an intimidating and antagonistic environment that unreasonably interferes with an individual’s ability to work or learn. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe. i.e. a sexual assault.

“Sexual Harassment” – Unlawful harassment of a sexual nature, which includes but is not limited to, unsolicited and unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature.

“Unlawful Discrimination, Harassment and/or Retaliation” means -- Conduct based on a category protected under Title 5, Section 59300 and the other regulations.

“Bullying” – Physical, verbal or visual behavior, that is both objectively and subjectively offensive and that is either so severe or so pervasive that it unreasonably interferes with an employee’s ability to work or a student’s ability to learn. The behavior may be carried out by an individual or can also be an aspect of group behavior or “mobbing”.
Examples of Bullying:

- **Verbal communication**: Abusive and offensive language; insults; teasing; spreading rumor and innuendo; unreasonable criticism; trivializing of work and achievements.
- **Manipulating the work environment**: Isolating people from normal work interaction; excessive demands; setting impossible deadlines.
- **Psychological manipulation**: Unfairly blaming for mistakes; setting people up for failure; deliberate exclusion; excessive supervision; practical jokes; belittling or disregarding opinions or suggestions; criticizing in public.
- **Physical**: Pushing; shoving; kicking; poking; tripping; assault; or threat of physical assault; damage to a person’s work area or property.
- **Gesture**: Non-verbal threatening gestures; glances which can convey threatening messages.
- **Mobbing**: Behavior carried out by a group; bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse.

CONSENSUAL RELATIONSHIPS

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members, or with students are strongly discouraged. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

ACADEMIC FREEDOM

The District reaffirms its commitment to academic freedom, but recognizes that academic freedom does not permit unlawful discrimination or harassment. To the extent that these policies and procedures are in conflict with the District’s policy on academic freedom, the harassment policies and procedures shall prevail. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific District program, course or activity.

It is recognized that an essential function of education is a probing of opinions and an exploration of information and ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty’s right to teach and the students’ right to learn. If a faculty member wishes to use sexually explicit materials in the classroom, the District strongly recommends that faculty member work with the
Director of Diversity, Equity and Compliance as well as academic discipline colleagues to assure that sexual harassment regulations are not violated.

When investigating unlawful discrimination or harassment complaints containing issues of academic freedom, the designated investigator will consult with a group of one to three (1-3) faculty members in that subject area appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

FILING A COMPLAINT

To file a complaint of unlawful discrimination, harassment and/or retaliation, refer to the steps outlined in Administrative Procedure 3435 titled, “Handling Complaints of Unlawful Discrimination or Harassment.” To file a complaint of bullying and/or hostile environment, refer to steps outlined in Administrative Procedure 3437 “Handling Complaints of Bullying and/or Hostile Environment”.

Office of Primary Responsibility: Director, Diversity, Equity and Compliance

Administrative Approval: April 21, 2008
Revised: December 8, 2008
Revised: June 15, 2011
Revised: September 24, 2012
Revised: (Replaces current Riverside CCD Regulations 3110/4110/6110 and addendum)