Harassment Policy & Complaint Procedure

South Orange County Community College District
WHAT IS HARASSMENT?

The South Orange County Community College District (the “District”) is committed to providing an academic and work environment free of unlawful harassment. This publication defines sexual harassment and other forms of harassment prohibited on campus, and sets forth the procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

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

DEFINITIONS

General Harassment: Harassment based on gender, gender identity, gender expression, sex, marital status, race, age, color, religion, national origin, ethnicity, disability, medical condition, genetic information, sexual orientation, or any legally protected characteristic, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derogative comments about a person’s competency to do the job, when based on that person’s gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person’s race, gender, sexual orientation, or other legally protected status. This may include, but is not
GENERAL HARASSMENT

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other legally protected status(es); or gratuitous comments regarding gender, race, sexual orientation, or other legally protected status(es) that are not relevant to the subject matter of the class or activities on the job. For example, a hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other legally protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual’s learning or work.

SEXUAL HARASSMENT

Sexual Harassment: Sexual harassing conduct can occur between people of the same or different gender. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as
victim would perceive the conduct as
ment based on sex. Sexual harassment
its of unwelcome sexual advances, requests
ual favors, and other conduct of a sexual
 when:

mission to the conduct is made a term
dition of an individual's employment,
omic status, or progress;
mission to, or rejection of, the conduct by
dividual is used as a basis of employment or
omic decisions affecting the individual;
conduct has the purpose or effect of
ng a negative impact upon the individual's
or academic performance, or of creating
imating, hostile or offensive work or
onal environment; or
mission to, or rejection of, the conduct
individual is used as the basis for any
ong the individual regarding paymen
ements, benefits, and services, or pro-
s, or activities available at or
gh the community college.

en definition encompasses two kinds of
harassment:

I pro quo" sexual harassment occurs
a person in a position of authority makes
otional or employment benefits conditional
n individual's willingness to engage in or
te unwanted sexual conduct.

le environment" sexual harassment occurs
unwelcome conduct based on a person's
er is sufficiently severe or pervasive so as to
he conditions of an individual's learning or
vironment, unreasonably interfere with an
ual's academic or work performance, or
n intimidating, hostile, or abusive learning
environment. The victim must subjectively
ive the environment as hostile, and the
ment must be such that a reasonable
n of the same gender would perceive the

environment as hostile. 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.

WHAT ARE YOUR RIGHTS?

Federal and state laws and District policies afford
employees and students the right to work or
learn in an environment free from discriminatory
intimidation, ridicule, and insult. The District and its
colleges are responsible for maintaining a climate
that is free of illegal harassment and extends
this right to all programs, services, and activities
carried out by the District and its colleges,
including, but not limited to, work experience,
apprenticeship, internship, clinical training,
extraducy, community services, and other
programs, services, and activities.

WHAT ARE THE COMPLAINT PROCEDURES?

Importance of Filing a Timely Complaint
Since failure to report harassment impedes the
District's ability to stop the behavior, the District
strongly encourages anyone who feels harassed
to file such complaints within 30 days of the
alleged incident. While all complaints are taken
seriously and will be investigated promptly, delay
in filing impedes the District's ability to investigate
and remediate. All supervisors and managers
have a mandatory duty to report incidents of
harassment or discrimination, the existence of a
hostile, offensive or intimidating work environment,
and acts of retaliation. The District will investigate
complaints involving acts that occur off campus if
they are related to an academic or work activity.

A complaint is related to an academic or work
ity if it involves any District program, whether programs take place in the District’s facilities, District vehicle, or at a class or training program scored by the District at another location.

Importance of Communicating that the Conduct will not be Tolerated
In cases where there has been an assault, the District further encourages students and staff to send a message to the offending person know immediately that the conduct or behavior is not welcome, offensive, in poor taste and/or inappropriate. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the plaintiff would perceive the conduct as harassment on sex.

Right of Complaint Procedure
Reported offenses are charged with receiving complaints, and coordinating their investigation. Actual investigations of complaints may be conducted by other staff or outside persons or organizations under contract with the District. In cases where the “designated officer” is named in the complaint or implicated by the allegations, complaint. Individuals who believe they have been subjected to unlawful harassment, including harassment, may report complaints by contacting any of the following designated officers:

Vice President of Student Services
Irvine Valley College
5500 Irvine Center Drive
Irvine, CA 92618
(949) 451-5624

Vice President of Student Services
Saddleback College
28000 Marguerite Parkway
Mission Viejo, CA 92692
(949) 582-4566

Vice Chancellor, Human Resources and Employer/Employee Relations
South Orange County Community College District
28000 Marguerite Parkway
Mission Viejo, CA 92692
(949) 582-4850

WHEN TO FILE A COMPLAINT

A student, employee or third party who believes he or she has been harassed in violation of these policies and procedures should make a complaint orally or in writing as soon as possible and within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

Any District employee who receives a complaint concerning employment harassment or discrimination shall notify the Vice Chancellor, Human Resources and Employer/Employee Relations immediately.

If a complainant decides to file a formal written complaint, unlawful discrimination or harassment complaint against the District, he/she may file the complaint on a form prescribed by the California Community Colleges Chancellor’s office. These approved forms are available on the California Community Colleges Chancellor’s website, or the District website.
mal resolution does not extend the time limitations for filing a formal complaint. The formal resolution process is intended to allow any individual who believes he or she has been mistreated to resolve the issue through an informal mediation process rather than the formal complaint process. A complainant may wish to opt for the informal process when there is a mutual misunderstanding or the complainant wishes to file a formal complaint. Examples of informal complaint resolutions include clarification of misunderstandings or an apology from the defendant and his or her assurance that he or she will cease the offending behavior.

In employment-related cases, if the complainant files a charge with the Department of Fair Employment and Housing (DFEH), a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the DFEH.

The District is committed to maintaining a safe and harassment-free educational environment and may determine that serious allegations may need to be investigated even if the complaining party considers the matter resolved. The District may also determine that the complaint will no longer be held informally, and instead proceed to the formal complaint procedure stage. The District will provide the complainant with written notice of this determination via United States mail.
Investigation of the Complaint

Investigation Steps
The District will fairly and objectively investigate harassment complaints utilizing the following steps: interviewing the complainant(s); interviewing the alleged harasser(s); identifying and interviewing witnesses; identifying evidence brought forth by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; and reviewing where appropriate. The District will reach a written conclusion as to the allegations and any appropriate disciplinary and remedial action and see that all recommended action is carried out in a timely fashion.

Cooperation Encouraged
All students and employees are expected to cooperate with a District investigation into allegations of harassment. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it discovers that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Timeline for Completion of Investigation Report
The District will undertake its investigation as promptly and swiftly as possible. The District shall complete the investigation and prepare a written report within 90 days of receiving the complaint.
Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement. The District shall also take reasonable steps to protect the complainant from further harassment and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and will further investigate any new complaints of retaliation or harassment. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District’s ability to investigate and respond effectively to the complaint. If the District cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it will use its discretion to pursue other steps, if any are available or appropriate, to limit the effects of the harassment and to prevent recurrence.

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District’s administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his or her designee shall notify the complainant of his or her appeal rights as follows:
The complainant has the right to file an appeal with the California Community College Chancellor’s Office in case not involving employment-related matters within 30 days from the date that the Board of Trustees decision becomes final. The appeal must be accompanied by a copy of the Board of Trustees decision or evidence of the date on which the complainant was notified of the decision. All appeals must be submitted in writing.

150 days of receiving a complaint, the Board of Trustees will forward the following to the State Chancellor:

• A copy of the final District decision rendered by the governing board or a statement indicating the reason for the administrative determination made as a result of taking no action on the appeal within 45 days.

• Any other information the State Chancellor may require.

EXTENSIONS

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor’s Office, the District will file a written request that the State Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials. The District will forward a copy of the request to the complainant, who may file written objections within 10 days of receipt. The State Chancellor may grant the request unless delay would be prejudicial to the complainant. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

EXTERNAL FORMAL PROCEDURE

The complainant has the right to file a complaint with any of the external agencies that have the jurisdiction of enforcement of the applicable statutes at any time during the District process. A list of external agencies is provided in the “What Help is Available” section of this document.

WHAT ARE THE REMEDIES?

A victim of harassment may be entitled to remedies or damages as a resolution to their complaint. Remedies for losses incurred by
level of appeal: The complainant has the right to file an appeal to the District’s Board of Trustees 15 days from the date of the administrative determination. The Board of Trustees will review the initial complaint, the investigative report, the administrative determination, and the appeal.

The Board of Trustees will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the Board of Trustees may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed final and shall become the District’s final decision on the complaint. The District will forward the complaint and the State Chancellor’s Office any other information the State Chancellor may require.

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WHAT ARE THE REMEDIES?

A victim of harassment may be entitled to remedies or damages as a resolution to their claim. Remedies for losses incurred by
WHAT HELP IS AVAILABLE?

Additional information or to file a formal complaint, contact:

STUDENTS

Valley College:
President of Student Services
Santiago Center Drive
CA 92618
451-5624
ju

La Verne College:
President of Student Services
71 Marguerite Parkway Mission Viejo, CA 92692
582-4566
la verne.edu

Toll Free Office:
Chancellor, Human Resources and
Employee Relations
South Orange County Community College District
Marguerite Parkway
Mission Viejo, CA 92692
582-4850
cd.edu

DEPARTMENT OF EDUCATION
Office for Civil Rights • Region 9
2121 Broadway Building
200 S. Dearborn Street, #239
Chicago, IL 60606
437-7700 • TDD: (415) 437-7786
oc.gov

EMPLOYEES
South Orange County Community College District
28000 Marguerite Parkway
Mission Viejo, CA 92692
(949) 582-4850
socccd.edu

California Department of Fair Employment and
Housing (DFEH)
28 Civic Center Plaza
Santa Ana, CA 92701
(714) 558-4159 • TTY: (213) 897-2840
or (800) 864-1684
dfeh.ca.gov

Equal Employment Opportunity Commission (EEOC)
Los Angeles District Office
255 East Temple Street, Fourth Floor
Los Angeles, CA 90012
(213) 894-1000 or (800) 669-4000
TTY: (213) 894-1121 or (800) 669-6820
eeoc.gov

Equal Employment Opportunity Commission (EEOC)
San Diego District Office
401 “E” Street, Suite 510 San Diego, CA 92101
(619) 557-7235 or (800) 669-4000
TTY: (619) 557-4548 or (800) 669-6820
eeoc.gov

Equal Employment Opportunity Commission (EEOC)
National Headquarters
1901 “L” Street, N.W.
Washington, D.C. 20507
(202) 663-4264 • TTY: (202) 663-4494
eeoc.gov

The deadline to file a complaint with the California Department of Fair Employment and Housing (“DFEH”) is 365 days. The deadline for the Equal Employment Opportunity Commission (“EEOC”) is 360 days, and the deadline for the Office for Civil Rights (“OCR”) is 180 days after the occurrence of the alleged sexual harassment, or within 60 days of receipt of a final determination by the District.