

COLORADO COMMUNITY COLLEGE SYSTEM
SYSTEM PRESIDENT'S PROCEDURE
SEXUAL HARASSMENT

SP 3-120a

Effective: February 10, 1994
Revised: July 1, 1997
Retitled: September 14, 2000
Retitled: August 25, 2001
Revised: March 2, 2009

Reference:
Board Policy on Affirmative Action, BP 3-120

ISSUED BY:
Nancy C. McCallin, System President

Application:

This procedure applies to all Administrators, Professional Technical employees, and Faculty at the System office and the Community Colleges. (Employees who are part of the state classified system have similar rights /responsibilities under the state personnel rules and regulations.)

Basis:

Board policy requires equal employment opportunity as well as affirmative action and references federal laws protecting the rights of individuals regardless of their sex. Sexual harassment of students and System employees is prohibited and will not be tolerated, and may be subject to corrective or disciplinary action, up to and including termination.

Definitions of Sexual Harassment

This policy prohibits "quid pro quo" and "hostile environment" sexual harassment as defined below.

Quid Pro Quo Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by one in a position of power or influence constitutes quid pro quo sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or of academic status in course, program or activity; or
- submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that student or employee.

Typically, as defined here, quid pro quo sexual harassment normally arises in the context of an authority relationship. This relationship may be direct, as in the case of a supervisor and subordinate or teacher and student, or it may be indirect when the harasser has the power to influence others who have authority over the victim.

Hostile Environment Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute hostile environment sexual harassment when such conduct is directed toward an individual because of her or his gender, is severe and/or pervasive, and has the purpose or effect of:

- creating an intimidating, hostile, or offensive academic or work environment; or
- unreasonably interfering with another's academic performance or work.

Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets, or requests repeatedly may constitute hostile environment sexual harassment.

Also, matters having sexual connotation which arise as part of the legitimate educational curricula and does not exploit students to a private advantage would not violate college policy unless it is used in an improper manner.

Procedure

Where a student or employee is uncomfortable with verbal or physical conduct of a sexual nature in the work/learning environment, he/she should ask the other party to stop the offending behavior. Where the student or employee is uncomfortable in discussing the harassing behavior with the individual involved, the student/employee may report the matter to the supervisor of the alleged harasser, the Affirmative Action Officer or the Director of Personnel.

All complaints that are timely filed are processed pursuant to Board Policy 3-50, Employee Grievances. The College and the System office shall investigate all credible allegations of sexual harassment which state a claim under this procedure.

In determining whether the alleged sexual harassing conduct warrants corrective or disciplinary action, all relevant circumstances, including the context in which the conduct

occurred, will be considered. The facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

If sexual harassment is found to have occurred, the College/System shall appropriately discipline the employee who is believed to have violated Board Policy or this procedure. Further, the person who believes he/she is being discriminated against or harassed in violation of BP 3-120 or this procedure may file grievance under appropriate procedures.

Notice of Policy and Procedure for grieving shall be made available to all employees and prominently posted.

Retaliatory Acts

It is a violation of this policy to engage in retaliatory acts against any employee or student who reports an incident of alleged sexual harassment, or any employee or student who testifies, assists or participates in a proceeding, investigation or hearing relating to such allegation of sexual harassment.

Questions or concerns about BP 3-120 and this Procedure should be directed to the Affirmative Action Officer or the Director of Personnel.