



CITRUS COMMUNITY COLLEGE DISTRICT

COMPLAINT PROCEDURE

Discrimination Sexual Harassment Complaints

All forms of discrimination are reprehensible and will not be tolerated by the District. Recognizing that sexual harassment is a form of sex discrimination that subverts the educational mission of the District, detracts from the learning environment, and threatens the well being of faculty, staff, and students, the District expressly prevents such behavior within the District. Behavior between or among District faculty, staff, or students that creates a hostile educational or work environment will not be tolerated.

Managers, supervisors, and faculty have an obligation to maintain a positive and productive work environment for employees, and a positive learning environment for students. They are expected to halt any harassment by calling attention to the Discrimination/Sexual Harassment Policy or, if necessary, by taking more direct disciplinary action.

Discrimination/sexual harassment is unacceptable conduct, is unlawful, and will not be tolerated by the District.

CONFIDENTIALITY AND RETALIATION

Confidentiality shall be maintained throughout the informal or formal process of the grievance procedure and any retaliation against the person for filing a harassment charge or making a harassment complaint is prohibited. Employees found to be retaliating against another employee or student shall be subject to disciplinary action.

DEFINITION OF DISCRIMINATION

Discrimination is the unfair treatment of a person because of race, color, ancestry, age (over 40), sex, national origin, religion, medical condition (including cancer), marital status, physical disability (including HIV and AIDS) or mental disability, sexual orientation, or military status as a Vietnam-era veteran.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature.

Example of Sexual Harassment – The guidelines under Title VII of the Federal Civil Rights Act of 1964 state that Sexual Harassment occurs when unwelcome sexual advances, requests for sexual favors, and other physical conduct of a sexual nature are made.

Such behavior may include but is not limited to:

- *Verbal harassment or abuse of a sexual nature.
- *Subtle pressure for sexual favors.
- *Sexist remarks about a person's body or sexual activities.
- *Demands for sexual favors accompanied by implied or overt threats, promises concerning one's job, grades, promotion, pay, letters of recommendation, etc.
- *Unwanted and unwarranted sexual touching, patting, pinching or brushing against another's body
- *Inappropriate physical exposure
- *Physical assault
- *Repeated inappropriate display of sexually suggestive or pornographic material
- *Repeated ogling of a person's body, brushing against another's body, or repeated sexist remarks about another's clothing.

The person making the complaint should make it known to the alleged offender that the behavior is not welcomed and should notify his or her supervisor, the Human Resources/Staff Diversity Officer, or the Vice President of Human Resources of the behavior.

INFORMAL COMPLAINT PROCEDURES

The complaint may be made by the person who alleges that he or she has personally suffered unlawful discrimination or by an employee of the district who has learned of such unlawful discrimination in his or her official capacity. The Human Resources/Staff Diversity Officer, his or her designee or any college administrator shall discuss the matter with the complainant and the alleged accused immediately.

The Human Resources/Staff Diversity Officer, or his/her designee shall serve as the channel of communication for the student, staff member, and/or applicants who wish to discuss an allegation of discrimination.

The Human Resources/Staff Diversity Officer or designee shall counsel the person and discuss ways to stop the discrimination/harassment, and shall advise the person of the district's procedures for filing a formal complaint.

If the problem involves sexual harassment by one student toward another, the Human Resources/Staff Diversity Officer or designee shall refer the student to the Vice President of Student Services who will informally discuss and assess the complaint, and take action as prescribed in the Student Conduct Code if such allegations are found to be true.

FORMAL PROCESS

Step 1.

The complaint should be filed as soon as possible but not later than one year after the alleged offense by the person who alleges that he or she has personally suffered unlawful discrimination, or by the person who has learned of such unlawful discrimination in his or her official capacity, within one year of the date of the alleged unlawful discrimination.

The complainant shall file the complaint in writing on the district's discrimination form available in the Affirmative Action Office. The complainant shall sign the complaint.

The person accused shall be notified in writing of the formal complaint and that an investigation will begin and shall be counseled that no perceived acts of retaliation shall take place.

Sensitivity to the confidential nature of this topic shall be maintained throughout the entire process. Any person involved in the investigation shall be advised that confidentiality must be maintained.

Step 2.

Immediately upon receipt of a complaint, which is properly filed, the district will begin an impartial fact-finding investigation led by either the Human Resources/Staff Diversity Officer, Dean of Human Resources or district designee.

The investigative report shall be in writing and shall contain:

- *The description of the circumstances giving rise to the complaint;
- *A summary of the testimony provided by each witness, including the complainant and any witness identified by the complainant in the complaint and the witnesses of the accused.
- *A summary of the testimony of the person accused of discrimination.
- *An analysis of any relevant data or other evidence collected during the course of the investigation.
- *Specific findings as to whether discrimination did or did not occur with respect to each allegation in the complaint.
- *Any other information deemed appropriate by the district.

Step 3.

Within 60 working days of receiving a complaint, the district shall complete its investigation and forward a summary of the investigation to the superintendent/president who will forward the information to the board of trustees.

A workday is defined as any day the college is in session.

The superintendent/president shall evaluate the evidence and render a written decision within six working days after receipt of the report. The decision as to whether discrimination did or did not occur, any action taken in the matter, as well as information regarding right of appeal, shall be forwarded in writing to the complainant and the board of trustees.

Step 4.

If the complainant is not satisfied with the superintendent/president's decision in the matter, the complainant may, within 15 working days of notification of the decision, submit a written appeal to the board of trustees.

The board shall review the original complaint, the investigative report, the superintendent/president's decision, and the appeal, and issue a final district decision in the matter within 45 days after receiving the appeal.

If the governing board does not act within 45 days, the superintendent/president's decision shall be deemed approved and shall become the final district decision in the matter.

Step 5.

Within 135 days from the receipt of the formal grievance, the nature and extent of the investigation conducted by the district, and any action taken shall be forwarded to the Chancellor's Office.

Step 6.

In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor within 30 days after the board of trustees' issues the final district decision. The Chancellor shall have discretion to accept or reject any such petition for review.

FINDINGS

After a formal complaint has been investigated, and if it has been determined that the employee has violated the Discrimination/Sexual Harassment Policy, the Board of Trustees will determine the appropriate disciplinary action up to and including termination.