

Sexual Harassment Policy

LCCW is committed to providing a work environment that is free of sexual harassment, intimidation, threats, coercion or discrimination. In keeping with this policy, LCCW strictly prohibits harassment based on gender, pregnancy, childbirth, or related medical conditions as well as on the basis of sex, race, color, religion, age, mental or physical disability, medical condition, national origin, marital status, veteran status, sexual orientation or past, present or future status in the uniformed services of the United States in accordance with applicable federal, state or local ordinance. LCCW expects every employee to be treated with fairness, respect and dignity. This prohibition applies to all faculty, staff, students, other persons on LCCW's premises subject to control, and to those engaged to further the interests of the College.

Management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment. To ensure the seriousness of this policy, LCCW is in compliance with California's Sexual Harassment Training Requirements (AB 1825) which requires all supervisors/managers by law to take two hours of online sexual harassment training every two years. Once supervisors complete the training and acknowledge receipt of anti-harassment policy, they are fully accountable for knowing and applying the policies correctly. If a sexual harassment complaint arises, they can neither plead ignorance of the law nor accuse LCCW of failure to provide policy and training.

LCCW will take seriously all sexual harassment complaints and respond in accordance with its Sexual Harassment Policy; take appropriate action to provide remedies when sexual harassment is discovered; impose appropriate sanctions upon individuals who have been found to be in violation of LCCW's policy; and, to the greatest extent possible, protect the privacy of those involved in sexual harassment complaints.

LCCW is also committed to the principles of free inquiry and free expression and to creating an environment that encourages the active exploration and exchange of ideas. LCCW's discrimination and harassment policies are not intended to impair this freedom, nor will they be permitted to do so. Prohibited discrimination and harassment, however, is neither legally protected expression nor the proper exercise of academic freedom.

Sexual Harassment Defined

Federal law generally has recognized two different grounds for claiming sexual harassment. Quid pro quo harassment occurs when a person in authority, usually a supervisor or instructor, demands sexual favors in exchange for a job, promotion, grade, or other favorable treatment. In quid pro quo cases, the offense is directly linked to the individual's terms of employment or academic success, or forms the basis for employment or academic decisions affecting the individual.

A hostile work environment can exist when another person engages in unwelcome and inappropriate sexually based behavior severe or pervasive enough to render the workplace or academic atmosphere intimidating, hostile, or offensive. Usually a pattern of this sort of behavior is required, but one incident can be enough, if sufficiently severe or outrageous.

Sexual harassment involves unwelcome sexual advances, requests for sexual favors or verbal or physical conduct of a sexual nature. It is often imposed upon a person in an unequal power relationship through the abuse of authority. Central to this concept is the use of implied reward or threat of deprivation that interferes with the academic or work effectiveness of the victim.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes harassment when:

- Submission to, or rejection of, such conduct by an individual is made explicitly or implicitly a term or condition of an individual's employment or participation in academic activities;
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive working or study environment.

Sexual harassment can take different forms; accordingly, the determination of what constitutes sexual harassment will vary according to the particular context and circumstances. Examples of sexual harassment include, but are not limited to:

- Seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;
- Conditioning an employment related action (such as hiring, promotion, favorable work assignment, salary increase, or performance appraisal) on a sexual favor or relationship;
- Intentional and undesired physical contact, sexually offensive conduct by individuals in positions of authority, or by co-workers, students, clients, contractors, or visitors that unreasonably interferes with the ability of a person to perform her/his academic or employment-related responsibilities.

Sexual harassment can be exhibited using three types of behaviors - verbal, non-verbal behaviors and gestures, and physical contact. Some types of verbal behavior that might constitute sexual harassment, especially when occurring in combination with offensive touching are:

- Continuous and persistent sexual slurs or sexual innuendoes
- Offensive and persistent risqué jokes or kidding about sex or gender-specific traits
- Repeated unsolicited propositions for dates and/or sexual relations

Gestures or non-verbal behaviors might also be considered sexual harassment where they are persistent, severe, and offensive. Examples may include:

- Sexual looks and lewd gestures, such as leering or ogling with suggestive overtones
- Touching oneself sexually or persistent and unwelcome flirting
- Displaying sexually suggestive pictures, calendars, or posters
- Stalking

There is a range of unwanted physical contact, ranging from offensive behavior to criminal acts, which may also constitute sexual harassment. Some examples of unwanted physical contact include:

- Unwelcome touching, rubbing oneself sexually against another person, pinching or stroking
- Attempted or actual kissing or fondling, cornering or mauling
- Physical assault
- Coerced sexual activity
- Attempted rape or rape

Consensual Relationships

The relationship between teacher and student is central to the academic mission of the College. No non-academic or personal ties should be allowed to interfere with the integrity of the teacher-student relationship. Consensual sexual relations between teacher and student can adversely affect the academic enterprise, distorting judgments or appearing to do so in the minds of others, and provide incentives or disincentives for student-faculty contact that are equally inappropriate.

For these reasons, LCCW's policy prohibits sexual relations between a teacher and a student during the period of the teacher/student relationship. In addition, it includes sexual relations between academic advisors, program directors, and all others that have supervisory academic responsibility for a student, and that student. Teachers and academic supervisors in a sexual or romantic relationship with a student may not evaluate or supervise the student. Nor should a teacher or academic supervisor involved in a sexual or romantic relationship with a student evaluate comparable students where such evaluation could give rise to an apparent or actual conflict of interest.

The VPAA, Department Chairs, and other administrators must respond to reports of prohibited sexual relations that are brought to them by conducting an investigation, and if such reports appear to be accurate with the Guidance of the Human Resources Department and LCCW Title VII Officer they must take appropriate disciplinary action or remedial measures against the teacher or supervisor involved.

LCCW's policy also strongly discourages any sexual relations between a supervisor and subordinate. Even when both parties have consented to the relationship, serious concerns may be raised about the validity of the consent, a conflict of interest, and/or unfair treatment of others.

Sexual Harassment – Perception vs. Intent

An individual's perception of what is, or is not, sexual harassment, adds greatly to the complexity of the sexual harassment issue. Well intentioned gestures such as a pat on the shoulder, touching, lewd remarks, jesting comments of a sexual nature, or physical contact may be interpreted as acts of sexual harassment by one recipient, while another may dismiss them as merely annoying. Likewise, some individuals may perceive leering or ogling as sexual harassment, while others may perceive the same behavior as looking or staring and may attribute no meaning to it.

Often people accused of sexual harassment may not realize that they have committed acts of harassment. Accused harassers may have intended only to be funny or even complimentary, and may believe that their conduct is not only appropriate and acceptable, but also appreciated. They are often truly shocked when they are told that someone considered their behavior to be sexual harassment.

General Questions and Answers about Sexual Harassment:

Can I compliment one of my students or coworkers?

Yes, as long as your compliments are free from sexual undertones. Compliments such as "Nice legs" or "You look really sexy in that outfit" can make your co-worker or student feel uncomfortable or threatened. Even if the person you're complimenting isn't bothered by the comments, others might be.

How about asking for a date? Do I have to take "no" for an answer?

You may want to get together outside of work socially with a co-worker. This is perfectly acceptable as long as you make sure the desire and attraction are mutual. If you are turned down for a date, don't use pressure. Accept the answer and move on. Be aware, though, that some people don't feel comfortable saying no to that type of question, for fear of offending you, or provoking some type of retaliation. Use your judgment.

What's wrong with hanging sexy pictures in my own office or work area?

Sexually oriented objects and visuals, such as pinups, centerfolds from sex magazines and calendars portray people as sexual objects in demeaning circumstances. They can contribute to an offensive, intimidating and hostile work or academic environment and create the potential for a sexual harassment complaint.

Can I be accused of harassing someone if we are both the same gender?

Yes. Harassment is not limited to conduct directed towards a different gender. In addition, harassment of someone because of actual or perceived sexual orientation or gender identity is prohibited.

If an employee believes that the comments, gestures, or conduct of any co-employee, supervisor or person doing business with or for LCCW constitutes harassment (either of the employee or others), LCCW requests that the employee immediately report the facts of the incident to the Human Resources Department.

LCCW's policy is to immediately conduct a thorough, objective and complete investigation of the complaint. At the conclusion of its investigation, LCCW will attempt to determine whether harassment has occurred. LCCW will look at the totality of the circumstances, including the nature of the conduct and the context in which it occurred.

LCCW will, as promptly as possible, communicate its finding to the accused and to the accuser, and the remedial action (if any) to be taken to the complainant, and, when appropriate, to other persons who are directly concerned.

If the outcome of the investigation determines that harassment has occurred, LCCW will take remedial action commensurate with the severity of the offense. This action may include

disciplinary action against the harasser, up to and including termination of employment. Steps will be taken as necessary, to prevent any further harassment.

LCCW will not tolerate retaliation against an individual who in good faith reports, complains about, or participates in an investigation into an allegation of unlawful discrimination or harassment. Any member of the community who believes that he or she has been retaliated against should file a complaint with the Human Resources Department.

Problem Resolution

LCCW is committed to provide the best possible working condition for its employees. Part of this commitment is encouraging an environment in which any problem, complaint, suggestion, or question receives a timely response from LCCW supervisors and management.

Employees with concerns affecting their employment are encouraged to follow the sequence of steps below:

1. Present their concern to their immediate supervisor.
2. Supervisor responds to the concern during the discussion or within a reasonable amount of time.
3. If the concern is not resolved, the employee contacts the Human Resources Department.
4. The Human Resources Director will discuss the concerns with the employee and the immediate supervisor. A plan of action will be developed to address the employee and supervisor's concerns.
5. If the employee feels that his/her concerns are still not resolved, he/she may contact the Executive Vice President or the Vice President of Academic Affairs.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual concerns and issues can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.