



## RIVERSIDE COMMUNITY COLLEGE DISTRICT

MORENO VALLEY COLLEGE | NORCO COLLEGE | RIVERSIDE CITY COLLEGE

3801 Market Street ▪ Riverside, CA 92501 ▪ (951) 222-8595 ▪ TTY (951) 382-3539

### Academic Year 2016-2017

#### **ATTENTION: STUDENTS, FACULTY, STAFF, ADMINISTRATORS AND THIRD PARTIES**

#### **ANNUAL NOTICE OF RIVERSIDE COMMUNITY COLLEGE DISTRICT'S POLICIES AND PROCEDURES FOR PROVIDING AN ACADEMIC AND WORK ENVIRONMENT FREE OF UNLAWFUL DISCRIMINATION, HARASSMENT AND RETALIATION**

##### **I. POLICY STATEMENT**

The Riverside Community College District (the District) is committed to providing an academic and work environment free of unlawful discrimination, harassment and retaliation. The District hereby reaffirms its commitment to creating and maintaining an academic and working environment free of all forms of unlawful discrimination, harassment and retaliation.

You are reminded that the District neither condones nor tolerates any form of unlawful discrimination, harassment or retaliation of and/or by its members. This notification defines unlawful discrimination, harassment (including sexual harassment) and retaliation on campus and identifies the District's Policies and Procedures which set forth a procedure for the investigation and resolution of complaints by or against any employee, student, or third party within the District.

##### **II. DEFINITIONS**

**Unlawful Discrimination:** The denial of benefits or admission to the District or to any of its programs or activities, either academic or nonacademic, curricular or extracurricular, based on perceived or actual race, religion, religious creed, color, national origin, ethnic group identification, ancestry, physical disability, mental disability, sex, gender (including gender identity and gender expression), age, sexual orientation, or any other protected characteristic of any person, or based on the individual's association with a person or group with one or more on these actual or perceived characteristics is illegal and violates District policy.

**Unlawful Harassment (Other Than Sexual Harassment):** Verbal or physical conduct which has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment or has the purpose or effect of unreasonably interfering with an individual's academic or work performance that disparages or shows hostility or aversion toward any student or employee based on perceived or actual race, religion, religious creed, color, national origin, ethnic group identification, ancestry, physical disability, mental disability, sex, gender (including gender identity and gender expression), age, sexual orientation, or any other protected characteristic of any person,

or based on the individual's association with a person or group with one or more on these actual or perceived characteristics is illegal and violates District policy.

The law also protects employees from discrimination and harassment based on medical condition, marital status, pregnancy, military or veteran status, and genetic information. 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 mocking comments about a person's competency to do their 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 protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, sexual orientation or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, as well as whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions (including postings on social media)

**Environmental:** A hostile academic or work environment exists where it is permeated by insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not germane to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of circumstances, including such factors as the frequency of

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 (a form of unlawful harassment):** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, physical touching, sexual comments of a provocative or suggestive nature, suggestive looks or gestures, sexually explicit jokes, electronic media/communication, printed materials or innuendos intended for and directed to another, and other conduct of a sexual nature when:

- Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic status or progress;
- Submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available through the District.

This definition encompasses two kinds of sexual harassment:

**“Quid pro quo”** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

**“Hostile environment”** sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile.

Sexually harassing conduct can occur between persons 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 victim would perceive the conduct as harassment based on sex.

## **Unlawful Retaliation**

It is unlawful to fire, demote, harass, or otherwise retaliate against applicants, and/or employees for the following reasons:

- filing a charge of discrimination
- complaining to the District or outside Governmental entity about discrimination or harassment in the academic or work environment;
- participating in a discrimination, harassment proceeding such as an investigation or lawsuit.

The law forbids retaliation when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, transfers, layoffs, training, benefits, and any other terms or conditions of employment.

For students unlawful retaliation occurs when any unfavorable action is taken, unfavorable condition created, or other action taken by a student or employee for the purpose of intimidation that is directed toward a student because the student initiated an allegation or complaint of unlawful discrimination or harassment or participated in an investigation of alleged unlawful conduct.

An individual is protected from retaliation, regardless of whether his/her charges are substantiated. This is to preserve and protect the rights of affected individuals, and to encourage reporting of alleged discrimination, harassment and retaliation.

### **III. POLICIES, PROCEDURES, COMPLAINT FORM**

- You Have the Right to File a Complaint English and Spanish (Attachment A) page 1 of 81
- Board Policy/ Administrative Procedure 3410 – Nondiscrimination (Attachment B) page 5 of 81
- Board Policy 3420- Equal Employment Opportunity (Attachment C) page 9 of 81
- Board Policy/ Administrative Procedure 3430 – Prohibition of Harassment and Retaliation (Attachment D) page 47 of 81
- Administrative Procedure 3435 – Handling Complaints of Unlawful Discrimination, Harassment or Retaliation (Attachment E) page 51 of 81
- Administrative Procedure 3445-Handling Accommodations for Persons with Disabilities for Non Classroom-Related Activities (Attachment F) page 66 of 81
- Administrative Procedure 3447- Reasonable Accommodation Process for Employment (Attachment G) page 71 of 81
- Board Policy 7100- Commitment to Diversity (Attachment H) page 80 of 81
- Unlawful Discrimination Complaint Form (Attachment I) page 81 of 81

The District has detailed procedures for filing complaints. If, at any time, you believe you have experienced or witnessed unlawful discrimination, harassment or retaliation, please contact Lorraine Y. Jones, District Compliance Officer/Title IX Coordinator/ADA and Section 504 Coordinator at 951-328-3874 or via email at [lorraine.jones@rccd.edu](mailto:lorraine.jones@rccd.edu). The District has identified multiple avenues for submitting complaints of unlawful discrimination, harassment or retaliation. You may submit complaints to the following individuals:

Name	Title	Location	Contact Information
Georgina Villaseñor	Human Resources and Employee Relations Analyst/Deputy Title IX Coordinator	District Human Resources and Employee Relations	<a href="mailto:georgina.villasenor@rccd.edu">georgina.villasenor@rccd.edu</a> 951-328-3725
Martha Arellano	Senior Human Resources Liaison/Deputy Title IX Coordinator	District Human Resources and Employee Relations and Riverside City College	<a href="mailto:martha.arellano@rccd.edu">martha.arellano@rccd.edu</a> HR 951-222-8591 RCC 951-328-3703
Susan Boling	Human Resources Liaison/Deputy Title IX Coordinator	District Human Resources and Employee Relations and Norco College	<a href="mailto:susan.boling@rccd.edu">susan.boling@rccd.edu</a> HR 951-222-8356 NC 951-95; -7801
Silvester Julienne	Human Resources Liaison/Deputy Title IX Coordinator	District Human Resources and Employee Relations and Moreno Valley College	<a href="mailto:silvester.julienne@rccd.edu">silvester.julienne@rccd.edu</a> HR 951-222-8593 MVC 951-571-6279

Click on the link below to view the board policies and procedures and to download the Unlawful Discrimination Complaint Form.

**[Riverside Community College District  
Board Policies and Procedures](#)**