



## FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

### SEXUAL HARASSMENT AT WORK

#### INFORMATION FOR EMPLOYEES

##### What is sexual harassment at work?

Sexual harassment is a form of sex discrimination that is prohibited under Title VII of the Civil Rights Act of 1964, California Fair Employment & Housing Act, California Code of Regulations, Title 5, and Foothill-De Anza Community College District (FHDA) policy. In general, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and unwelcome verbal or physical conduct of a sexual nature.

Federal and state laws prohibit two generally recognized forms of sexual harassment: *quid pro quo* and hostile environment.

"*Quid pro quo*" is a Latin phrase meaning something for something." Typically, an employee must submit to unwelcome sexual conduct in exchange for receiving a term or condition of employment, such as a promotion, benefits, or the job itself.

"*Hostile environment*" sexual harassment entails unwelcome sexual conduct that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Generally, for such conduct to be sexual harassment, it must be sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment. Continuous expressions of sexual jokes, vulgar or obscene language, and suggestive innuendo or touching-all might characterize a hostile environment. One episode of such behavior, although offensive, likely would not constitute sexual harassment; however, when the behavior occurs so frequently that it is pervasive in the work setting, a hostile environment may exist.

##### Why is it important to know about sexual harassment at work?

The employer is responsible for sexual harassment by its supervisory personnel--regardless of whether the specific acts complained of were authorized or even forbidden by the employer, and regardless of whether the employer knew or should have known of their occurrence.

An employer may also be liable for actions of persons other than supervisors who commit sexual harassment. Unless it can be shown that it took immediate and appropriate corrective action, an employer may be liable for sexual harassment between fellow employees if the employer (or its supervisors) knew or should have know of the conduct. The employer may even be responsible for sexual harassment that is exhibited by non-employees (such as visitors, outside vendors, service persons, etc.) if the employer knew or should have known of the conduct.

A victim of sexual harassment in the workplace may file a lawsuit against not only the employer, but also against the individual (supervisor, fellow employee or non-employee) who engaged in the harassing conduct. A plaintiff in a sexual harassment lawsuit may obtain compensatory damages (to replace the loss caused by the conduct) and punitive damages (to remedy mental anguish or punish wrongful conduct).

## **Sexual Harassment at Work/Information for Employees** *(continued)*

The FHDA policy states that an individual proven to have engaged in sexual harassment is also subject to disciplinary action. Sexual harassment, per se, is never within the scope and course of employment.

Before complaints have the opportunity to arise, it is important that all employees are made aware of what sexual harassment is, and the implications of engaging in such behavior. This can be done through attendance at a District-sponsored sexual harassment workshop and by becoming familiar with the FHDA Sexual Harassment Policy. The comprehensive District policy for sexual harassment is contained in District Board Policy 4640.

### **What can a victim of sexual harassment do?**

An employee who experiences sexual harassment, or is in need of assistance in determining whether he or she has been or is a victim of sexual harassment, should report that conduct as soon as possible following the most recent occurrence to the appropriate Campus Coordinator.

The designated Campus Coordinator for Foothill College is Don Dorsey, Dean of Student Affairs and Activities, (650) 949-7241; the designated Campus Coordinator for De Anza College is Trudy J. Walton, Dean of Student Development and EOPS, (408) 864-8828; for Central Services, please call Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity, (650) 949-6210.

An employee may first attempt to resolve the problem informally; however, participation in the informal process is optional and not a prerequisite to filing a formal complaint.

Finally, an employee may report the conduct to an appropriate governmental agency such as the Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing.

### **How a complaint of sexual harassment is treated?**

The Campus Coordinator who receives an informal report of sexual harassment by an employee will undertake efforts to informally resolve the complaint. This may include meeting with the alleged harasser to make him or her aware of the offensive behavior and the impact the behavior has had. The Campus Coordinator will also provide the alleged harasser with a copy of the District's Sexual Harassment Policy, and may suggest attendance at a sexual harassment workshop, and urge greater awareness of behaviors that may be perceived as sexual harassment. Employees will not be required to confront or work out problems with the alleged harasser.

Instead of seeking informal resolution of a claim of sexual harassment, an employee may submit a formal complaint. Formal complaints by employees should be submitted to the Human Resources Office to the attention of Jane Enright, Vice Chancellor of Human Resources and Equal Opportunity, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-6210.

Employees must file complaints within six months of the date of the alleged unlawful harassment or discrimination.

## **Sexual Harassment at Work/Information for Employees** *(continued)*

### **INTERNAL COMPLAINT PROCEDURES**

The internal complaint process for allegations of sexual harassment and discrimination filed by an employee against a fellow employee, student or non-employee are contained in the District's

***Administrative Procedures: Investigation and Resolution of Complaints Regarding Harassment and Discrimination.***

The above complaint procedures and the District's unlawful Discrimination Complaint forms are available in the District Human Resources Office, the Office of the Dean of Student Development and EOPS (De Anza), the Office of the Dean of Student Affairs and Activities (Foothill) and the Office of the Vice President for Student Services (De Anza).

Complaint procedures and forms are also available online and can be accessed via the District's Web site at <http://hr.fhda.edu/diversity/harassment>. An approved complaint form can also be obtained from the State Chancellor's Web site at <http://betasite.cccco.edu/divisions/legal/Discrimination/discrimination.htm>.

Retaliation against an employee or student for filing a sexual harassment complaint or for participating in an investigation is strictly prohibited.