

El Centro College

Office of the Ombudsman

TO: All ECC Faculty

FROM: Bettie Tully, Ombudsperson and Counseling Faculty

DATE: 2010-2011 Academic Year

SUBJECT: Sexual Harassment Policy and Procedures Update

DCCCD Sexual Harassment Policy... I am not attaching a copy of the current District Policy and Procedures, as I usually do. In case you have lost or misplaced your original copy, the same document can be found in the DCCCD Policy and Procedures Manual and in the ECC Employee Handbook. There are two fairly recent significant changes to the policy. **One change addresses consensual relationships and the other describes third party reporting. Please review the policy and this update carefully.**

- El Centro College Informal Sexual Harassment Complaint Process... There is an informal process available to students who believe they have experienced harassment on our campus.

Students who think they are being harassed by other students should bring their complaints to the Ombudsperson (Dr. Bettie Tully) or to the Executive Dean of Student and Enrollment Services. These complaints will be heard respectfully and treated seriously and confidentially. They will be informed of all options for resolution, and then assisted with implementation. The student might choose to learn assertive responses and handle the problem on her/his own, request an informal mediation process, or decide to file a formal complaint. **Our revised DCCCD policy now requires that an administrator, supervisor or faculty member who becomes aware of any sexual harassment activity involving students or staff should report this to the College Ombudsman or other appropriate college officers.** (The formal complaint, of course, requires that the student identify himself/herself through a written statement to the appropriate investigating office. If the accused party is another student, the formal complaint is handled as a discipline problem by the Executive Dean of Student and Enrollment Services at ECC. If the accused party is a staff member, then college officers are by-passed and the complaint is forwarded to the DCCCD Vice Chancellor for Educational Affairs, and subsequently investigated by the District Human Resources Office.)

The same informal and formal procedures are available to faculty and staff members who experience sexual harassment by students or other staff.

Students who have concerns about harassment by a faculty member or a “hostile environment” in the classroom should present them to a Division Dean, the Ombudsperson (Dr. Bettie Tully) or the Executive Dean of Student and Enrollment Services. If the student chooses informal resolution, then he is offered the same range of assistance as described previously. A major difference occurs in the process when the perceived harasser is a faculty or staff member. In such a case, the college is legally and ethically required to take some precautionary action, even if the complainant wishes to remain anonymous (as allowed in an informal process). This action would typically consist of notifying the person’s supervisor that an informal anonymous complaint was made and then the supervisor and/or the Ombudsperson would discuss the complaint with the accused party. This also works to the faculty or staff member’s advantage because there might be infrequent occasions when a person fabricates harassment or misperceives behavior. If this is the case, the supervisor/Ombudsperson/teacher conference can provide useful information and advice about responding to such charges.

- “Hostile Environment” Concept in Relation to the ECC Classroom... Several of you have asked for clarification regarding the specific responsibility of a faculty member in providing a harassment-free classroom environment. The easy part of this, of course, is assuming responsibility for your own behavior by not engaging in any verbal or physical activity with students (male or female) that could be construed as “unwelcome” sexual advances, and by not using language, gestures, double entendres, etc. that connote sexual meanings and have no redeeming relevance to course content. The teacher most blatantly at risk for a student complaint would be one who develops a dating relationship with a student (male or female). Since sexual harassment is a power issue, common sense dictates avoidance of such teacher/student relationships.

The DCCCD revised sexual harassment policy requires that if such a “consensual” relationship (as described above) does exist, then it must be reported to the College Human Resources Director. (See policy).

A less definitive but equally significant responsibility of the teacher is to not allow student/student harassment behavior to occur in the classroom. In other words, if an instructor observes or is made aware of any harassment activity during the class in which he/she is the authority figure, then that same instructor would be expected to intervene in some manner. If no action is taken, she/he is seen by the law as allowing a “hostile” environment to exist. At El Centro, intervention would consist of confronting the student; if the student or students do not refrain from the offending behavior, then they would be sent to the Executive Dean of Student and Enrollment Services for formal disciplinary action.

NEW: The DCCCD Board of Trustees has recently directed that sexual orientation be included in the District Sexual Harassment Policy as an illegitimate target for any discriminatory or harassing behavior. Federal laws that currently exist specify race and disability as protected groups and any abuse of persons relating to race or disability will result in disciplinary sanctions at El Centro. While harassment because of sexual orientation is not directly addressed by the law, the DCCCD and El Centro College will not tolerate any discriminatory or harassment behavior on campus or at any El Centro College sponsored activity or event. Students or staff who have been harassed, or witnessed such harassment should report it to the Executive Dean of Students or the Ombudsperson immediately.

A simple but effective way to avoid “hostile environment” problems is to develop a set of standards or norms for your classroom (either on your own or collaboratively with each class) that requires students to behave considerately and respectfully toward one another. These standards could include a specific reference to sexual harassment, disability harassment and racial harassment. If such standards are included in your syllabus, it provides you with a reference point that would not be open to debate. Remind your students that El Centro is an inclusive learning environment where all students, staff and visitors are expected to be courteous, respectful and helpful to one another.

- More Information Than You Probably Need or Want... I am available to tell you more about this anytime you want to hear it. I’d be happy to come to your division meeting anytime, or happy to visit with you in your office or mine.

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