



Fair Treatment Policy

Definitions

Sexual Harassment

Sexual harassment includes, but is not limited to, making unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such requests, advances, or other conduct constitute sexual harassment in any of the following situations:

- It is an employment condition – submission to such conduct is made a term or condition of employment.
- It is an employment consequence – submission to or rejection of such conduct is used as a basis for employment decisions affecting individuals.
- It is offensive job interference – such conduct has a purpose or effect of unreasonably or substantially interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.

Unlawful harassment can take many forms, including:

- Verbal conduct, such as slurs, epithets, or unwelcomed sexual invitations or comments.
- Visual conduct, such as derogatory posters, cartoons, drawings, screen savers, computer backgrounds, or gestures.
- Physical conduct, such as assault, blocking normal movement, unwelcomed intentional touching of any part of the body, or interference with work because of an employee’s sex or other protected characteristic.

“I was just kidding” or “nobody complained” are not acceptable defenses against a claim of harassment.

Sexual harassment applies to both sexes and may include misconduct by women toward men, men towards women, men towards men, and women towards women.

Discrimination and Other Types of Unlawful Harassment

In addition to sexual harassment, SJVCi also prohibits unlawful discrimination and unlawful harassment based on the following protected characteristics:



- Pregnancy
- Childbirth
- Breastfeeding
- Sex
- Race (including historically associated traits)
- Color
- National origin or ancestry
- Religion/creed/religious dress/grooming practices
- Gender/gender identity/gender expression
- Sexual orientation
- Physical or mental disability
- Medical condition
- Genetic information
- Marital status
- Registered domestic partner status
- Age
- Military/veteran status
- Any other basis protected by federal, state, or other applicable law

Unlawful harassment (other than based on sex) can take many forms, including:

- Verbal conduct, such as slurs, epithets, or unwelcomed comments.
- Visual conduct, such as derogatory posters, cartoons, drawings, screen savers, computer backgrounds, or gestures.
- Interference with work because of an employee's protected characteristic.

Because it is impossible to know all people with whom we work well, and because each person has different life experiences and cultural influences, using one's own personal standard of what is offensive or welcome is not an effective way to determine if a behavior is considered unlawful discrimination or harassment.

Unlawful harassment can exist between people with the same protected characteristics, such as, same-sex, same-race and same-religion. If the behavior is unwelcome, offensive and/or prohibited by SJVCi, "same" is no excuse for behavior that is prohibited by the Organization.

Retaliation

Retaliation means adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:

- 1) shunning and avoiding an individual who reports harassment, discrimination or retaliation;
- 2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or
- 3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.



Title IX Applicability, Policy, and Procedures

Employees of San Joaquin Valley College and Carrington College (together, the “Colleges”) are bound by Title IX’s rules and regulations prohibiting sexual harassment, sexual assault, and retaliation for pursuing Title IX remedies or participating in Title IX proceedings. If an employee ever experiences such conduct, he or she should report the matter to the Title IX Coordinator assigned to the employee’s institution (see below) in addition to filing a complaint with Human Resources. The Title IX Coordinator will determine whether the incident, or some part of the incident, must be processed and resolved according to the Colleges’ Sexual Harassment and Sexual Assault Prevention Policy and Appendix A. Human Resources may concurrently investigate and resolve any allegation that does not fall under Title IX. It is also possible that a Title IX Coordinator will refer a complaint of sexual harassment, sexual assault, or Title IX retaliation to Human Resources when appropriate.

Each of the Colleges’ employees have been provided with a copy of the Sexual Harassment and Sexual Assault Prevention Policy and Appendix A for their institution, which includes important definitions and procedures. This Policy and the Appendix are available on the Colleges’ respective public and internal websites, and employees may also request a copy from the Title IX Coordinator.