

Instead of seeking informal resolution of a claim of sexual harassment, a student may submit a formal complaint with the Dean or Director of Student Services. A fact-finding investigation must be conducted following receipt of a formal complaint.

Records from an investigation of sexual harassment allegations will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with the legal obligation to investigate and resolve issues of sexual harassment. Any individual who knowingly provides false information pursuant to filing an allegation of sexual harassment or during an investigation shall be subject to employment or academic discipline.

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

For more information on MCCCCD's nondiscrimination policy, visit our website:

<http://www.maricopa.edu>

or call the Legal Services Department

at

480.731.8877

The Maricopa County Community College District is an EEO/AA Institution.

Legal Services Department
Maricopa County Community College District
2411 West 14th Street
Tempe, AZ 85281-6942

SEXUAL HARASSMENT

Sexual Harassment on Campus

What is sexual harassment on campus?

Sexual harassment is a form of sex discrimination that is prohibited under Title IX of the Education Amendments of 1972. This federal legislation holds that no person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity receiving federal financial assistance. Under Title IX, it is unlawful to engage in sexually harassing conduct toward a student.

Title IX prohibits the two generally recognized forms of sexual harassment: *quid pro quo* and *hostile environment*.

Quid pro quo sexual harassment occurs when a student must submit to unwelcome sexual conduct in exchange for receiving a grade or similar opportunity in the academic environment.

Hostile environment sexual harassment entails unwelcome sexual conduct that unreasonably interferes with a student's work performance or creates an intimidating, hostile, or offensive academic setting.

Under the Maricopa County Community College District Governing Board policy, no employee, student or campus visitor may:

- make unwelcome sexual advances to a student.
- make unwelcome requests for sexual favors, regardless of whether or not such requests are accompanied by promises or threats to the academic relationship.
- engage in verbal or physical conduct of a sexual nature with a student that may threaten or insinuate that the student's submission to, or rejection of, sexual advances will influence the student's grades, participation in or access to academic programs, class standing or other educational opportunities.

- engage in conduct of a sexual nature that has the purpose or effect of substantially interfering with a student's ability to learn or participate in a class, or creates an intimidating, hostile or offensive academic environment.

- commit any act of sexual assault or public sexual indecency against a student, or continue to express sexual interest in a student after being informed that the interest is unwelcome.

A variety of behaviors might constitute sexual harassment as prohibited under Title IX and District policy. Sexually degrading words to describe a student, sexually aggressive language or jokes, or commentary about a student's body or appearance—all might be considered sexual harassment on campus.

Why is it important to know about sexual harassment on campus?

Federal and state courts have determined that an institution of higher learning may be liable for monetary damages to a student who is the victim of sexual harassment by the institution's employee. Under Title IX, however, an institution may also be responsible for the conduct of more than just its employees.

The law requires that *students* comply with the institution's policies against sexual harassment. These policies prohibit sexual harassment by students against other students, as well as sexual harassment by students against employees of the Maricopa Community Colleges.

A student who violates the District's sexual harassment policy may be suspended or expelled. An employee who violates the policy is subject to disciplinary action up to and including termination of employment.

What can a victim of sexual harassment do?

A student who experiences sexual harassment should report that conduct as soon as possible following the most recent occurrence to the responsible academic or administrative official, or to the Dean of Students.

The student may first attempt to resolve the problem informally, through discussions with the alleged offender. A victim of sexual harassment is encouraged (but not required) to inform perceived offenders of Maricopa's policy against sexual harassment and that the conduct is offensive and unwelcome.

Finally, a student may report the conduct to an appropriate governmental agency such as the U.S. Department of Education's Office of Civil Rights. A pamphlet detailing the procedures is available from the Dean of Students' Office or the Legal Services Department.

How a complaint of sexual harassment is treated.

The academic or administrative official who receives an informal report of sexual harassment against a student by an employee or student must seek to have a meeting with the alleged harasser. (A supervisor, manager, administrator, or faculty member who disregards or fails to report allegations of sexual harassment by a student is in violation of District policy.)

The meeting must include identifying the behavior described in the report, making the alleged harasser aware of the impact the behavior has had, providing the individual with a copy of Maricopa's Sexual Harassment Policy, suggesting attendance at a sexual harassment workshop, and encouraging greater awareness of behaviors that may be perceived as sexual harassment.