

How a complaint of sexual harassment is treated.

The law requires that an employer investigate every complaint of sexual harassment in the workplace. Accordingly, the District's Governing Board has held that supervisors, managers, administrators and faculty who disregard or fail to report claims of sexual harassment (whether alleged by the person who is the subject of sexual harassment or a witness) are in violation of District policy.

A supervisor, dean or administrator who receives a filed report of sexual harassment must have a meeting with the alleged harasser. The meeting must include identifying the behavior as described in the report; alerting the individual of the perceived impact of the behavior; and providing the individual with a copy of the District's Sexual Harassment Policy. The supervisor should also suggest attendance at a sexual harassment workshop, and encourage greater awareness of behaviors that may lead to perceptions of sexual harassment.

An employee who wishes to complaint about sexual harassment at work may contact the District's Affirmative Action Office at 480.731.8885.

For more information about sexual harassment, visit our website:
<http://www.maricopa.edu>

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

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SEXUAL HARASSMENT

Sexual Harassment at Work

Legal Services Department
Maricopa County
Community College District



What is sexual harassment at work?

Sexual harassment is a form of employment discrimination that is prohibited under both Title VII of the Civil Rights Act of 1964 and Maricopa County Community College District (MCCCD) policy. In general, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and unwelcome verbal or physical conduct of a sexual nature. There are two forms of sexual harassment:

Quid pro quo sexual harassment entails some sort of exchange. *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.

When unwelcome sexual conduct unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive work environment, the employer may also be liable for sexual harassment. This form of sexual harassment is known as hostile environment.

Generally, for such conduct to be sexual harassment, it must be sufficiently severe or pervasive enough to alter the conditions of the victim’s employment and create an abusive working environment.

Continuous expressions of sexual jokes, vulgar or obscene language, suggestive innuendo or touching— all might characterize a hostile environment. One episode of such behavior, although offensive, would likely not constitute sexual harassment. But when behavior occurs so frequently that it’s pervasive in a work setting, then a hostile environment may exist.

Why is it important to know about sexual harassment?

The employer is typically 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 show 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 known of the conduct. The employer may even be responsible for sexual harassment that is exhibited by non-employees (such as 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).

In the Maricopa County Community College District, an employee proven to have engaged in sexual harassment is also subject to disciplinary action. Sexual harassment is never within the scope and course of employment.

Before offensive conduct gives rise to a complaint, 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 workshops and by becoming familiar with Maricopa’s Sexual Harassment Policy.

What can a victim of sexual harassment do?

Every Maricopa employee must avoid offensive or inappropriate sexual or sexually harassing behavior at work. Employees who feel they are being harassed are encouraged (but not required) to inform perceived offenders of the District’s policy and that the commentary or conduct is offensive and unwelcome.

An employee who experiences sexual harassment at work is urged to report such conduct to the employee’s supervisor, college president or provost, or the District Affirmative Action Office.

If the complaint involves an employee’s supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with an immediate supervisor, the employee may contact the Affirmative Action Office directly.

Retaliation against an employee for filing a sexual harassment complaint or for participating in the investigation of a complaint is strictly prohibited by District policy. Appropriate disciplinary action, up to and including termination of employment, will be taken if evidence of retaliation exists.

Internal complaint procedures for allegations of sexual harassment are contained in a pamphlet available from college or center administration, or from the Affirmative Action Office.

While employees are encouraged to use these procedures for resolution of sexual harassment concerns, they also have the right to file complaints with appropriate state and federal agencies. Such agencies include the Office of the Arizona Attorney General, the United States Department of Education, and the Equal Employment Opportunity Commission.