

Prohibited Harassment

OPERATIONAL POLICY STATEMENT

Yavapai College is committed to maintaining a harassment free environment, for employees, students, and visitors. Harassment consists of unwanted behavior toward another person (whether verbal, physical or visual) that is offensive, demeaning, insulting, hostile, or persecuting based upon a person's status protected under federal or state law or College operational policy including sex, color, race, religion, national origin, age, sexual orientation, gender identity, disability, veteran status, citizenship status, genetic information, or other legally protected status.

Yavapai College will not tolerate harassing conduct which affects tangible job or educational benefits, which interferes unreasonably with an individuals' work or educational performance, or which creates an intimidating, hostile or offensive working or learning environment. Necessary action will be taken to prevent and correct harassment, and if needed, discipline persons whose behavior violates this operational policy. Disciplinary action may result in measures up to and including termination of employment or expulsion from enrollment.

Harassment may occur in the form of unwelcome conduct that is sufficiently severe, or pervasive that it alters the work or academic environment and creates a hostile environment for employees and students. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation for harassment complaints. Harassment by and between students and/or employees, both on and off campus, is prohibited by this operational policy.

Sexual harassment is included as prohibited harassment under this operational policy and is defined as unwanted sexual advances or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. Complaints based upon sexual harassment that fall within the scope and jurisdiction of Title IX, will be referred to the College Title IX Coordinator and must utilize the Title IX grievance process set forth in **Operational Policy 10.14**.

SCOPE

All Employee Groups, Students and Visitors

PROCEDURE

The College is committed to creating a harassment free environment for all employees, students and visitors. Necessary action will be taken to prevent, correct, and if needed, discipline persons whose behavior violates this operational policy. Disciplinary action may result in measures up to and including termination of employment or expulsion from enrollment.

1. Reporting Prohibited Harassment

Employee complaints of prohibited harassment under this operational policy should be reported to the [Human Resources Office](#).

Student and visitor complaints of prohibited harassment under this operational policy should be reported to the [Student Conduct & Community Standards Office](#)

2. Filing a Complaint with State or Federal Offices

In addition to use of the College's internal procedures, College employees, students and visitors have the right to file claims of harassment or retaliation with outside agencies. A Complainant should verify the time frame for filing a complaint with the applicable agency.

External agencies include:

The Office of the Arizona Attorney General
Civil Rights Division (ACRD)
402 W. Congress Street, Suite S215
Tucson, Arizona 85701-1367
Phone: (520) 628-6500
TDD: 628-6872

The United States Equal Employment Opportunity Commission
(EEO/AA/ADAC)
3300 N. Central Avenue, Suite 690
Phoenix, Arizona 85012
Phone: (602) 640-5000
Phone: (800) 669-4000
TTY: (800) 669-6820
Fax: (602) 640-50717

United States Department of Education
Office for Civil Rights (OCR)
1244 Speer Blvd., Suite 310
Denver, Colorado 80204
Phone: (303) 844-5695
Fax: (303) 844-4303
Email: OCR.Denver@ed.gov

3. Grievance Process for Complaints Involving Prohibited Harassment

Any individual in the college community, including applicants, employees, students, and visitors may file a complaint alleging harassment or retaliation for reporting harassment by following the grievance process set forth in **Operational Policy 10.05 Student and Employee Grievances Based on Discrimination, Harassment, or Retaliation**.

Due process is afforded any employee or student accused of harassment. Upon receipt of a complaint, an immediate preliminary review will be conducted to determine if there is reasonable cause to believe the Prohibited Harassment operational policy may have been violated. If so, then a prompt, thorough, impartial investigation and grievance process will be conducted by the authorized administrator(s), or designee(s). If the final decision is that harassment occurred, the college will take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. Remedies for the complainant may also be sought. Violations of this operational policy may result in disciplinary action up to and including termination for employees, sanctions up to and including suspension or expulsion for students, and appropriate sanctions against campus visitors. This operational policy applies to prohibited conduct that occurs both on and off campus.

4. Retaliation

Students and employees are prohibited from retaliation, intimidation, threats, or coercion against any individual for exercising that individual's rights or responsibilities under this operational policy. Any such acts of retaliation should be reported to the Chief Human Resources Officer or the Director of Student Conduct & Community Standards.

5. Mandatory Reporting

All employees are considered mandatory reporters and are expected to report harassment (whether reported by the person who is the subject of the harassment or a witness to the harassment) based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status, age, disability, veteran status or genetic information. Failure to report may be an operational policy violation subject to discipline up to and including dismissal.

6. Academic Freedom

YC affirms its commitment to supporting the academic and personal freedom of all members of the community. In particular, the operational policy against harassment shall not be applied in a manner that contradicts the principle of academic freedom: Faculty and other members of the community are entitled to freedom of expression, and faculty members are entitled to freedom in the classroom to pursue controversial matters related to their disciplines. However, this right to teach controversial material entails the responsibility that it be carried out in a way that would be judged by peers as not violating the District's non-discrimination operational policy.

7. Consensual Amorous Relationships – Procedure to Avoid Conflict of Interest

Faculty members, supervisors, athletic coaches, advisors, and other members of the College community who have professional responsibility for other individuals should be aware that any romantic or sexual involvement with a student or employee for whom they have a responsibility may raise questions as to the mutuality of the relationship and may lead to charges of sexual harassment. For this reason, the College prohibits any consensual amorous relationship involving a college employee and student, supervisor and employee, or tutor/advisor and student where the faculty, supervisor, or tutor/advisor has direct authority, influence, or responsibility with respect to that student or employee.

Authority, influence, or responsibility includes, but is not limited to: in the employment setting, carrying out assignments, evaluations and promotions, or disciplinary decisions; and in the instructional setting, being responsible for a student's evaluation and grading, awarding of financial aid, academic progress, or employment offers.

In the event the prospect of a consensual amorous relationship develops, the supervisor, tutor/advisor, or faculty member must immediately inform his/her supervisor so that steps can be taken to remove the relationship of authority of the supervisor, tutor/advisor, or faculty over the employee or student for all purposes. Supervisors, tutors/advisors, or faculty members who engage in such consensual relationships and do not resolve the conflict of interest will be subject to disciplinary action up to and including termination.

8. Examples of Policy Violations

It shall be a violation of the Prohibited Harassment operational policy for any employee, student or campus visitor to engage in any unwelcome conduct that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status, age, disability, pregnancy, veteran status or genetic information. Such as, but not limited to:

- Engage in offensive conduct that is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Such conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
- Engage in unwelcome verbal or physical conduct, including intimidation, ridicule, insult, or comments, when the behavior can reasonably be considered to adversely affect the work or academic environment, or an employment decision based upon the employee's acceptance or rejection of such conduct. Such verbal or physical conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information or on their protected activities under applicable laws and operational policies.
- Continue to express sexual interest in another employee, student, or campus visitor after

being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment).

- Engage in other harassing conduct in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), degrading words to describe an individual, offensive or derogatory comments, epithets, slurs or jokes, suggestive language or innuendoes, and suggestive objects or visual pictures, print or digital media, cartoons or posters. Such conduct must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status, age, disability, pregnancy, veteran status or genetic information.
- Treat a complainant or witness of harassment in a manner that could dissuade a reasonable person from pursuing or participating in the complaint and investigation. Such treatment must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status, age, disability, pregnancy, veteran status or genetic information.

OPERATIONAL POLICY HISTORY

Formerly Policy 2.4.1: Workplace & Sexual Harassment, Adopted 1/25/2000

Revised 11/10/2009 and renamed Sexual & Other Prohibited Harassment

Revised 7/10/2012

Renumbered to 2.22 in 10/2014

Renumbered to 10.8 in 2/2017

Renumbered to 10.08 in 05/2018

Revised 8/30/2020

Revised to "Operational" Policy 3/5/2021
