

POLICY REVIEW TOOL
Criteria for BOT Policy Review
Academic Year 2020-2021

Policy No 1035
Title of Policy Sexual Harassment
Category _____
Date of Policy Amended and Adopted 03/11/14
Age of policy (in years) 4 yrs. + 11 mos

REVIEW CRITERIA

1. **Currency or Timeliness**

a. Does the existing policy use references to current practice in the field?

☒ yes
☐ no

b. Does the existing policy as written reflect verbiage that is consistent with current usage?

☒ yes
☐ no

2. **Institutional Need and Direction**

a. Does the existing policy reflect the needs and direction of the institution as it now enters its 44th year of existence?

☒ yes
☐ no

b. Does the existing policy take the current structure of the college's programs and services into account?

☒ yes
☐ no

3. **Changing Institutional and Societal Context**

a. Does the existing policy reflect the changing context of industry needs on the island?

☒ yes
☐ no

b. Does the existing policy reflect the way GCC has changed to accommodate the demands of the community through the years?

☒ yes
☐ no

Total YES

Total NO

RECOMMENDATION: () Revise/update () Delete ☒ Remain

REASON: _____

Reviewed by

Gina Lytle
(Print name)

(Signature)

AM
(Dept/School)

Form Approved by OCC BOT - February 15, 2011

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GUAM COMMUNITY COLLEGE
Board of Trustees

SEXUAL HARASSMENT AND SEXUAL DISCRIMINATION PREVENTION

WHEREAS, Guam Community College is committed to maintaining a safe, comfortable and non-discriminatory learning and working environment for all members of the College community – students, employees, visitors, applicants, and third-party vendors; and

WHEREAS, sexual harassment, sexual assault, and fraternization are forms of sex discrimination that can undermine the foundation of trust and mutual respect that must prevail if the College is to fulfill its educational mission; and

WHEREAS, per Title VII of the Civil Rights Act of 1964, the College adopts the following definition of sexual harassment: "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects individual's employment or educational environment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive work or educational environment." Sexual harassment occurs when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits or services.
2. Submission to or rejection of such conduct is used for the basis for employment or academic decisions affecting the individual's welfare.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's professional or academic performance or creating an intimidating, hostile, or offensive educational school experience or working environment.
4. Such conduct is sufficiently severe or pervasive as to alter the conditions of an individual's employment or education or create an abusive working, learning environment; and

WHEREAS, sexual assault is defined as any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Sexual assault is a form of sexual harassment; and

WHEREAS, fraternization at the College is defined as a situation in which an employee engages in an emotional, romantic, or sexual relationship with a student or an employee for whom he or she has a professional responsibility as a faculty, staff, or administrator; and

WHEREAS, the College complies with the Title VII of the Civil Rights Act of 1964, all local and federal laws (as amended), and all executive orders and other applicable regulations which protect its students, applicants, employees, visitors, and third party vendors against sexual harassment, sexual assault and fraternization.

NOW, THEREFORE, BE IT RESOLVED, that the College hereby adopts zero tolerance toward sexual harassment, sexual assault and fraternization in any part of the College's programs, services, and activities. Zero tolerance means any proven sexual harassment, sexual assault or fraternization will result in immediate and appropriate action to stop such action and prevent its recurrence. No employee should engage in any romantic or sexual relationship with a student or employee for whom he or she has a professional responsibility as an instructor, advisor, evaluator, or supervisor. Disciplinary action such as demotion, suspension, or dismissal will be imposed upon employees, students, or other members of the College community who violate this policy, in accordance with the Guam Community College adopted employee/student codes of conduct and disciplinary procedures, personnel rules and regulations, guidelines contained in employee/student handbooks, the College catalogue, Board/Union collective bargaining agreements, local and federal laws, and other procedures established by the College for purposes of implementing this policy. Zero tolerance also will apply to an employee who fails to report a witnessed (visual or verbal) incident of sexual harassment, sexual assault or fraternization.

GCC Board of Trustees Policy 185 – Sexual Harassment and Sexual Discrimination Prevention

BE IT FURTHER RESOLVED, that no faculty, administrator, staff, applicant for employment, or student be subject to restraint or reprisal for action taken in good faith seeking advice concerning a sexual harassment matter, filing a complaint, or serving as a witness or a panel member in a sexual harassment complaint.

BE IT FURTHER RESOLVED, that a complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action and/or charges in a separate case.

BE IT FURTHER RESOLVED, that sexual harassment, sexual assault and fraternization may involve the behavior of a person of either sex against a person of the opposite or same sex. Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcomed sexual propositions, invitations, solicitations and flirtations.
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom work or assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Unwelcome verbal, written or digitally sent expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls, emails, text messages, or website publications.
4. Sexually suggestive objects, pictures, posters, videotapes, audio recordings or literature, placed in the work or study area that may embarrass or offend individuals.
5. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
6. Examples of sexual assault are sexual activities including, but not limited to, forced sexual intercourse, forcible sodomy, incest, fondling, and attempted rape.

BE IT FURTHER RESOLVED, that this policy sets forth the framework for victim-centered procedural guidelines regarding issues of sexual harassment, sexual assault and fraternization.

BE IT FURTHER RESOLVED, that the College adheres to affirmative consent with regard to sexual activity. Affirmative consent is defined as an understandable exchange of affirmative words that indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely and actively given. It shall not be a valid excuse for the accused to allege belief that the complainant consented to sexual activity while the accused was intoxicated or reckless, or for the accused to not have taken reasonable steps to ascertain whether the complainant affirmatively consented. It is the policy of the College that a person cannot render affirmative consent while asleep, unconscious, or incapacitated due to the influence of drugs (including medication) or alcohol, or due to inability to communicate because of a physical or mental condition. It is hereby the policy of the College to adopt the standard of preponderance of evidence with regard to elements of a sexual assault or harassment complaint.

BE IT FURTHER RESOLVED, that any questions about Title IX of the Education Amendments of 1972, which states that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." can be directed to the College Title IX Coordinator.

Amended & Adopted: March 11, 2016
Resolution 1-2016

Amended & Adopted: July 24, 2014
Resolution 38-2014

Amended & Adopted: September 5, 2008
Resolution 33-2008

Adopted: April 20, 1994
Resolution 46-94