

**GUAM COMMUNITY COLLEGE
Board of Trustees**

SEXUAL HARASSMENT AND SEXUAL DISCRIMINATION PREVENTION

WHEREAS, Guam Community College is committed to providing a safe and comfortable learning and working environment for students and employees; and

WHEREAS, sexual harassment and sexual assault is a form 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, the College complies with all territorial and federal laws, Title VII of the Civil Rights Act of 1964, and all executive orders and other applicable regulations which protects its employees, students, and applicants for employment or admission against sexual harassment and sexual assault.

NOW, THEREFORE, BE IT RESOLVED, that sexual harassment and sexual assault will not be tolerated in any part of the College's programs, services, and activities.

BE IT FURTHER RESOLVED, that sanctions will be imposed on employees, students, or other members of the College community who violate this policy in accordance with 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, territorial and federal law, and other procedures established by the College for purposes of implementing this policy.

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 may be subject to disciplinary action and/or charges in a separate case.

BE IT FURTHER RESOLVED, that sexual harassment is defined as unwelcomed sexual advances, or request for sexual favors, or other physical or expressive behavior of a sexual nature 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 that 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.

BE IT FURTHER RESOLVED, that 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.

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

BE IT FURTHER RESOLVED, that sexual harassment and sexual assault 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, 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. Sexual relationships where such relationships lead to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism may adversely affect other students or employees.
7. Examples of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, incest, fondling, and attempted rape.

BE IT FURTHER RESOLVED, that any questions about Title IX can be directed to the Title IX Coordinator, John Payne at john.payne2@guamcc.edu: 735-5597, Location: Rooms 2138 & 2139, 1st Floor of Building 2000, or to the Office of Civil Rights (OCR).

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

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

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Resolution 46-94