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COMMUNITY COLLEGE LEAGUE OF CALIFORNIA (CCLC) ANNUAL TRUSTEES CONFERENCE

#MeToo and Abusive Behavior in Community Colleges

5/5/2018

PRESENTED BY:

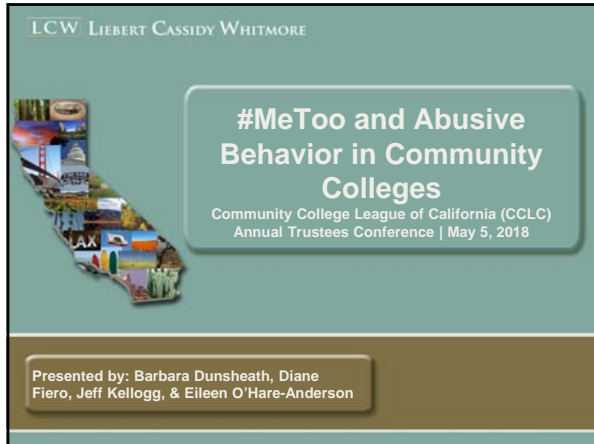
Barbara Dunsheath, Diane Fiero, Jeff
Kellogg & Eileen O'Hare-Anderson

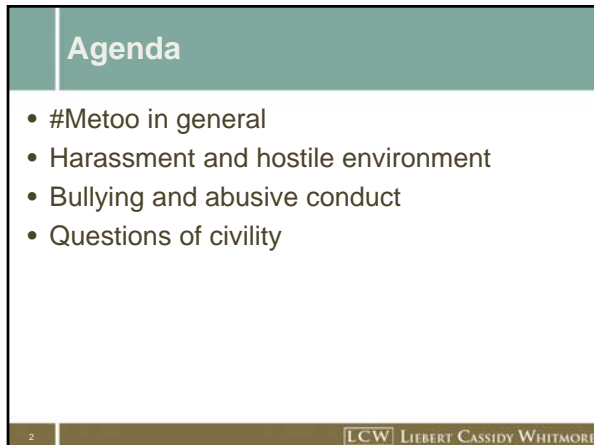
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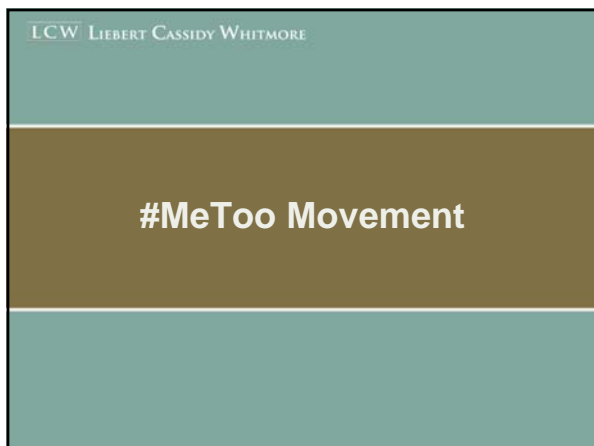
Community College League of California (CCLC) Annual Trustees Conference

May 5, 2018

Presented by: Barbara Dunsheath, Diane Fiero, Jeff Kellogg, & Eileen O'Hare-Anderson







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Background of #MeToo Movement

- “Me Too” or “#MeToo” started in 2006
 - Tarana Burke
 - Support for survivors of sexual violence
- Became a viral hashtag in October 2017
- Within 1 week – More than 2 million social media posts with #MeToo
- #Timesup

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Goals of #MeToo Movement

- Reframe and expand the conversation around sexual violence
- Hold perpetrators accountable
- Strategies for long-term, systemic change
- Finding healing for victims

metoomvmt.org

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Harassment and Hostile Environment

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What is Sexual Harassment?

- Conduct that is:
 - Physical
 - Verbal
 - Visual
- Taken “**because of**” a protected classification
- Two types:
 - Quid Pro Quo
 - Hostile Work/Education Environment

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“Quid Pro Quo”

- Job/Education Benefits Promised;
- Explicitly or Implicitly;
- In Exchange for:
 - Sexual Favors

or

 - Denied if Sexual Favors are Not Given

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What is a “Hostile Work/Education Environment”?

- Protected Classification
- Physical, Verbal, or Visual Conduct
- Objectively and Subjectively Offensive
- Severe **or** Pervasive
 - Single incident is enough, especially if physical
- Interferes with work or learning opportunities

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What is a District Required to Do?

- Stop the behavior
- Prevent it from happening again
- Prevent retaliation
- How do we do that?
 - Investigate
 - Discipline perpetrator appropriately
 - Counseling for Victim
 - Preventative training
 - Republish/update District's Policy

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Title IX vs #MeToo

- Title IX prohibits sex discrimination on campus
 - Especially student on student sexual misconduct
- #MeToo has become focused on sexual harassment in the workplace
 - Employee on employee, on or off campus
- #MeToo claims may be many years old
 - Affects our ability to discipline
 - Affects our legal obligation to investigate
 - Does not affect public perception issues

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Bullying or Abusive Conduct

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Key Definition

- Bullying not defined in codes
- “Abusive Conduct” is the term
 - Malicious conduct
 - Objectively and Subjectively Hostile or Offensive
 - Unrelated to employer’s legitimate business interests

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Examples – “Abusive Conduct”

- Repeated verbal abuse
- Threatening, intimidating, or humiliating verbal or physical conduct
- Gratuitous sabotage or undermining of person’s work

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“Abusive Conduct” v. Illegal Harassment

- Harassing conduct is directed at someone’s membership in a protected classification
 - Harassment is illegal
- “Abusive Conduct” is NOT directed at someone’s membership in a protected classification
 - NOT illegal, but should be addressed internally
 - Violates policy and procedure

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Did You Know?

- If Trustees receive compensation, salary, stipend
- Required to have 2 hours' SH training
- Every two years
- Can be at home, in person, on-line
- District must recommendation source

Gov't Code § 53237 et seq.

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Civility – Is It Dead?

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Issues with Uncivil Behavior

- Where can the employee effectively complain?
- How do we define "civil"?
 - Don't people have a right to be rude?
 - One person's "uncivil" is another person's "truth"
- How does the BOT address this kind of behavior?
 - What if it is a Trustee?
- Is this also micromanaging?

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Power Differential

- Situations most often arise where there is a power differential
- All of us have an obligation to respect differences in role and power
 - Faculty members with students
 - Administrators with employees
 - Trustees with just about everyone

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Examples

BOT has a protocol that Trustees should not contact administrators or employees directly. Trustee A repeatedly calls the Exec. Dir. of the Foundation. In her calls, Trustee A is rude, and raises her voice, criticizes the most recent Foundation event.

What can the Director do?

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Examples

Trustee B used the District's credit card to pay for a dinner with family and friends. The VP of Business contacts Trustee B and explains she must reimburse the District. Trustee B, who has concerns about the VP, responds "do you know who you are talking to? I always knew you were incompetent. I will destroy you!"

Where can the VP go?

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Examples

Trustee C announces in a BOT meeting that he will be getting an office on campus and holding regular office hours. He encourages faculty, staff, and students to come by and let him know "how everything is going." This is the first anyone, including the Supt/Pres, heard about this.

What can the Supt./Pres do?
What can the Board President do?

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Creating a Positive Environment

- Make respect a core value
- Create a policy addressing expectations/ethics
 - Apply to employees, students, trustees
 - Include complaint procedure
 - Consequences for violators
 - Anti-retaliation provisions
 - Santa Clarita CCD example – BP 3050
- Practice what you preach
- Attitude comes from the top

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Thank You!

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