

**SEXUAL HARASSMENT**

It shall be the policy of this district to:

1. prohibit and discourage any person in the work or educational setting from sexually harassing any other person in the work or educational setting;
2. provide a harassment-free work and educational environment;
3. remedy in a speedy manner any consequences of sexual harassment;
4. provide on-going education and awareness of the problem of sexual harassment;
5. provide information about how to pursue claims of sexual harassment;
6. encourage teachers to discuss this policy with their students in age-appropriate ways and to assure students that they must not endure any form of sexual harassment;
7. require students or staff to immediately report incidents of sexual harassment.
8. The Superintendent shall develop administrative regulations to implement this policy.

**DEFINITION OF SEXUAL HARASSMENT**

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and any other verbal, visual, or physical conduct of a sexual nature made by any person from or in the work or educational setting under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding the benefits and services, honors, programs, or activities available at or through the educational institution.
5. As it relates to students, subjects any pupil to discrimination on the basis of sex, including sexual harassment, in any district program or activity.
6. Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

- a. Unwelcome leering, sexual flirtations or propositions.
- b. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- c. Graphic verbal comments about an individual's body, or overly personal conversation.
- d. Sexual jokes, stories, drawings, pictures or gestures.
- e. Spreading sexual rumors.
- f. Teasing or sexual remarks about students enrolled in a predominately single-sex class.
- g. Touching an individual's body or clothes in a sexual way.
- h. Purposefully limiting a student's access to educational tools.
- i. Cornering or blocking of normal movements.
- j. Displaying sexually suggestive objects in the educational environment.
- k. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

**PROHIBITED SUPERVISORY OR MANAGERIAL BEHAVIOR**

1. No supervisor, manager, or other authority figure may condition any employment, employee benefit or continued employment in this district on an applicant's or employee's acquiescence to any of the sexual behavior defined above.
2. No supervisor, manager, or other authority figure may retaliate against any applicant, or employee, or student because that person has opposed a practice prohibited by Title VII or the California Fair Employment and Housing Act or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigative agency.
3. No person shall destroy evidence relevant to an investigation of sexual harassment.

**BEHAVIOR PROHIBITED BY ALL PERSONS:**

1. No supervisor, manager, student, or any other person in this district shall create a hostile or offensive work environment for any other person by engaging in any sexual harassment or by tolerating it on the part of any employee or student.
2. No supervisor, manager, student, or any other person in the district shall assist any individual in doing any act which constitutes sexual harassment toward any employee or student of the district.

**OBLIGATIONS OF SUPERVISORS/MANAGERS:****Preventive Action**

1. A copy of the sexual harassment policy and these regulations shall be provided to all employees, as well as displayed in prominent locations throughout the district.
2. All supervisors or managers shall make available to any new employees a copy of the sexual harassment policy and these regulations within one week of their employment.
3. A copy of the sexual harassment policy and these regulations as they pertain to students shall be provided as part of any orientation program conducted for new students at the beginning of each semester.
4. The district shall periodically notify employees and parents of pupils of the procedures for registering a complaint as well as available redress. Such notification shall occur through the normal channels of written communication.
5. The certificated and classified personnel offices shall make available information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission about filing claims of sexual harassment with these entities.
6. A copy of the sexual harassment policy shall appear in any publication of the district which sets forth the comprehensive rules, regulations, procedures and standards of conduct for the district.
7. That notification of parents required pursuant Education Code 48980, et sequens, shall also include a copy of the district's policy on sexual harassment as it relates to pupils.

**Investigative/Corrective Action**

1. All persons shall immediately report any evidence of sexual harassment or complaints regarding sexual harassment made to them to their school principal, supervisor, or manager.
2. All principals, supervisors, or managers shall, within three working days, investigate any incident of alleged sexual harassment reported to them.
3. All principals, supervisors, or managers shall immediately report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the Assistant Superintendent/Human Resources and to the complaining applicant, employee, or student.
4. All persons shall immediately report to the Assistant Superintendent/Human Resources any instances of sexual harassment which they have directly observed whether or not reported by the employee or student who is the object of the harassment.
5. All principals, supervisors, or managers shall, at minimum, issue a written reprimand to any employee or student observed sexually harassing any other person. The principal, supervisor, or manager shall take any other disciplinary action which he or she determines is warranted.
6. Under no circumstances shall an employee or student of the district who believes that he or she has been the victim of sexual harassment be required to first report that harassment to a

supervisor or other authority figure if that person or authority figure is the individual who has done the harassing. A certificated/classified employee or student who has a claim of sexual harassment against an immediate supervisor or other authority figure shall contact the Assistant Superintendent/Human Resources.

7. Under no circumstances shall a principal, supervisor, manager, or other authority figure retaliate in any way against an employee or student who has provided information as a witness to an incident of alleged sexual harassment.
8. All principals, supervisors, and managers are required to maintain confidentiality in investigating any claims of alleged harassment.
9. Any supervisor or manager or other authority figure who belatedly learns that a condition of employment, district program, or activity has already been withheld or denied as a consequence of sexual harassment shall immediately inform the Assistant Superintendent/Human Resources and shall take steps to rectify any harm suffered by the victim.
10. All supervisors or managers shall follow up within one month and again in three months of any reported incident of sexual harassment to determine whether the victim has been subject to any further forbidden conduct.

#### **OBLIGATIONS OF ALL EMPLOYEES**

1. All employees shall report any conduct, including that directed toward a student, which fits the definition of sexual harassment, to their immediate supervisor or appropriate authority figure. This includes conduct of non-employees, such as sales representatives or service vendors.
2. All employees shall cooperate with any investigation of any alleged act of sexual harassment conducted by the District or by an appropriate State or Federal agency.
3. No employee shall take any action to discourage a victim of alleged harassment from reporting such an instance or from attempting to use any internal grievance procedure.

#### **CONSEQUENCES FOR VIOLATION OF POLICY**

Any employee or person who violates this policy will be subject to disciplinary action up to and including discharge, suspension, expulsion or other appropriate disciplinary measures.

#### **LEGAL REFERENCE**

##### **CALIFORNIA EDUCATION CODE**

- 200 et al Prohibition of Discrimination on the Basis of Sex
- 212.5 Sexual Harassment, Defined
- 212.6 Notification Procedures
- 230 Particular Practices Prohibited, Including Sexual Harassment

**TITLE VII, CIVIL RIGHTS ACT**

As amended by Title IX, Equal Opportunity Employment Opportunity Act

**MERIFOR SAVINGS BANK**

FSB v. Vinson et al: 86 Daily Journal D.A.R. 2130

**CALIFORNIA GOVERNMENT CODE**

12900-12996

**CODE OF FEDERAL REGULATIONS**

29 CSR Chapter XIV (1604.11)