

All Personnel

BP 4119.11(a)

4219.11

SEXUAL HARASSMENT

4319.11

Purpose

It is the position of this Board that sexual harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student, or party with which the district has a cooperative agreement, to engage in sexual harassment.

It is the policy of the Governing Board of the Northern Humboldt Union High School District to provide an employment environment free of sexual harassment. To accomplish this, the policy is designed to secure, at the earliest level possible, an appropriate resolution to incidents and allegations of harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

Definition

For the purposes of this policy, sexual harassment is defined by Education Code Section 212.5, "Sexual harassment means unwelcome sexual conduct including, advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- (a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (c) 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.
- (d) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution."

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Examples of conduct which may constitute sexual harassment include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons this

SEXUAL HARASSMENT (continued)

includes, but is not limited to anything sent electronically or through technological devices.

- (2) Among peers, continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Reporting Procedure

Any employee who believes he or she has been sexually harassed by an employee, agent or student of the District should report the facts of the incident(s) to the Site Principal, Superintendent, or designee of the Superintendent. If the Site Principal or designee is the alleged harasser, the employee should report to the Superintendent. If the Superintendent is the alleged harasser, the employee should report to the Board President. If a Board member is the alleged harasser, the employee should report to the Superintendent. A written report of the alleged incident will be filed and forwarded to the appropriate district official for action. A copy of Board policy will be provided to the employee who makes the complaint.

Employees who feel aggrieved because of unwelcome conduct that may constitute sexual harassment are not required to inform the person that the conduct is unwanted, offensive, and must stop, but are encouraged to do so.

Filing Complaints with State and Federal Agencies

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

Equal Employment Opportunity Commission
901 Market Street, San Francisco, CA 94103
(415) 356-5061

The State Fair Employment and Housing Commission
30 Van Ness Avenue, San Francisco, CA 94102,
(415) 557-2005.

SEXUAL HARASSMENT (continued)

Confidentiality

An allegation of sexual harassment and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The Site Principal, Superintendent, or designee will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation is Prohibited

The initiation of an allegation of sexual harassment will not cause any reflection on the individual reporting the incident or on witnesses nor will it affect such persons' future business dealings with the District, his or her employment, compensation or work assignments, or other matters pertaining to his or her status in any District programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place.

Disciplinary Action

Employees who violate this policy shall be subject to disciplinary action up to and including dismissal. Such disciplinary action will be in accordance with applicable policies, laws, and/or collective bargaining agreements.

When disciplinary action is necessary the Superintendent will be consulted to determine what course of action is appropriate.

Investigation

The Superintendent is authorized to develop regulations by which reports of sexual harassment shall be addressed. Such process shall include an informal resolution process, an investigation, and issuance of a summary report.

SEXUAL HARASSMENT (continued)

Appeal Procedure

Either the complaining party or the accused may appeal the summary report to the Governing Board of the District. Appeals should be made within 10 business days from the date of the issuance of the summary report. Procedures shall be set forth in the Administrative Regulations.

Administrative Regulations

The Superintendent shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy.

Training and Curriculum

To implement this policy, Northern Humboldt Union High School District will provide appropriate training programs for staff and students. Employees in a supervisor capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisors.

Notification

There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the District Summer Mailing.

Special Assistance

It is expected that questions may arise concerning this policy. For assistance in these matters, individuals may contact the Superintendent.

Legal Reference:

*Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
California Fair Employment and Housing act
Government Code section 12940
Education Code section 212.5
Government Code section 12950.1*