

**SAN LORENZO  
UNIFIED SCHOOL DISTRICT  
BOARD POLICY**

**All Personnel**

BP 4119.11 (a)  
4219.11  
4319.11

**SEXUAL HARASSMENT**

Purpose To establish a policy to ensure freedom from sexual harassment in the workplace.

The Board declares that it is the policy of the District to prohibit sexual harassment in the workplace and in all programs and activities of the District.

Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment status, or promotion.
2. Submission to, or rejection of the conduct by the individual is used as the basis of employment decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance, or of creating an intimidating, hostile or offensive work environment based on sexual harassment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits, services or activities available at or through the District.

Examples of Sexual Harassment

By way of example, sexual harassment includes, but is not limited to:

1. Suggestive or obscene letters, notes, invitations; derogatory comments, slurs, jokes, epithets; assault, unwanted touching, impeding or blocking movement; leering, gestures, display of sexually suggestive objects, pictures or cartoons.

2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Coercive sexual behavior used to control, influence, or affect the career, salary, or work environment of another employee, such as threats of reprisal; implying or withholding support for an appointment, promotion, transfer, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.
4. Offering favors or benefits, such as a promotion, favorable performance evaluation, assignments, duties or shifts, recommendations, or reclassification, in exchange for sexual favors.
5. The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment based on sexual harassment.
6. Being made to feel uncomfortable or isolated for not participating in or responding to sexual jokes, cartoons, or comments.
7. Any other conduct which, at the time of the incident, is deemed by state or federal law or its implementing regulations to constitute sexual harassment.

The Board further declares that it is the policy of the District to act promptly, visibly, and vigorously in demonstrating a strong disapproval of sexual harassment. The Board, therefore, directs the Superintendent or designee to recommend procedures as appropriate to ensure that employees are free from sexual harassment and to provide a mechanism for resolution of complaints of sexual harassment that are consistent with applicable state and federal laws and regulation and consistent with due process requirements.

#### Retaliation Prohibited

It is the policy of this District not to discourage persons from filing sexual harassment complaints. Moreover, retaliation against any student or other person for the exercise of the right to file a sexual harassment complaint is strictly prohibited. To avoid retaliation and the appearance of retaliation, the employees are directed:

1. To refrain from taking any action that dissuades any person from exercising the right to file a sexual harassment complaint.
2. To keep confidential the facts of any complaints or investigation made pursuant to this policy, including the identity of any witnesses or any facts that disclose the identity of the claimants or witnesses, to the extent permitted by law.

3. The person against whom a complaint has been filed is directed not to communicate with any complainant, witness or other person involved in any complaint either in person, by mail or telephone, or through any intermediary.

### Allegation of Child Abuse

Allegations of child abuse, including violation of Penal Code Section 11165, 11165.1, and 11165.6, are not sexual harassment as defined by this Regulation. However, based on the facts and circumstances of a particular case and to the extent required by law, the District may, but is not required to, process such complaint under this Regulation.

Allegations of child abuse will be reported to the appropriate agency for their investigation. Additionally, allegations of child abuse will be reviewed for appropriate disciplinary action, if any.

#### Legal Reference:

##### UNITED STATES CODE, TITLE 42

Title VII of the Civil Rights Act of 1964

##### UNITED STATES CODE

42 U.S.C. Section 20003

##### GOVERNMENT CODE

Government Code Section 12920, *et seq.*

##### EDUCATION CODE

Education Code Section 200, *et seq.*

Board adopted: July 29, 2003