

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile offensive working or educational environment or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment or career development
4. 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

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

1. Unwelcome leering, sexual flirtations or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body, or overly personal conversation
4. Sexual jokes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Touching an individual's body or clothes in a sexual way
7. Cornering or blocking of normal movements
8. Displaying sexually suggestive objects in the educational or work environment

All Personnel

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9. 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

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the District's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

Notifications

A copy of the District's policy on Harassment in Employment shall: (Education Code 231.5)

1. Be displayed in a prominent location near each school principal's office
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired
3. Appear in any school or District publication that sets forth the school or District's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of District information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The District's complaint process available to the employee
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission

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6. Directions on how to contact the Fair Employment and Housing Department and Commission

Complaint Procedure

1. Informal Resolution Process: To accommodate the unique nature of sexual harassment complaints, an informal process is provided for the primary resolution of a complaint at the earliest possible date. The process shall, at a minimum, include the following elements:
 - a. Employees shall first present their complaint to their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee may present the complaint to the next level of supervision. Upon receiving a sexual harassment complaint, the appropriate supervisor shall:
 - (1) Counsel the alleged victim and outline the options available
 - (2) Obtain a factual written statement of the complaint
 - (3) Assist in the follow-up investigation, interviewing the accused, witnesses and supervisor, as appropriate and recommending the disposition of the complaint.
 - b. The immediate supervisor or other appropriate supervisor/administrator will review the factual information collected to determine whether the alleged conduct constitutes sexual harassment, giving consideration to the record as a whole and the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred, and will take and/or authorize appropriate action.
2. Formal Resolution Process: If the complaint is not resolved by the informal process to the satisfaction of the alleged victim, the following formal procedures are available:
 - a. The complaint shall be reduced to writing and sent to the Assistant Superintendent of Human Services (not the employee's immediate supervisor) within ten working days of the completion of the informal process.
 - b. The Assistant Superintendent of Human Services, shall investigate the complaint and respond within ten working days after receiving the complaint.

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- c. If the complaint is not satisfactorily resolved at the level of the Assistant Superintendent, the employee, within ten days of the receipt of the Assistant Superintendent of Human Services' response, may request that the complaint be reviewed by the Superintendent.
- d. The Superintendent shall then take action deemed appropriate to resolve the situation including, but not limited to discipline, training or other remedial measures.
- e. An effort will be made to protect the privacy of the parties involved in a complaint. Files which pertain to complaints handled under the informal process shall be kept confidential and will not be made available to the general public.
- f. Time limits may be extended by mutual agreement of the alleged victim and the person whom the complaint is addressed at the respective level(s).
- g. No retaliation of any kind will occur because an employee has made a sexual harassment complaint.

Obligations of All Employees

- 1. All employees shall report to their immediate supervisor any conduct on the part of other employees or non-employees, such as sales representatives or service vendors, who sexually harass any employee of the District. Immediately following notification of the supervisor, the employee shall submit, in writing, a detailed and specific account of the incident, which will be used in investigation the allegations.
- 2. All employees shall cooperate with any investigation of an alleged act of sexual discrimination/harassment conduct by the District or by an appropriate state or federal agency.
- 3. No employee of the District shall take any action to discourage a victim of sexual harassment from reporting such an instance.
- 4. Because different procedures apply after a formal governmental administrative charge or complaint is filed, any employee receiving such a charge or complaint is directed to deliver it to the Superintendent immediately.