

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)

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code [212.5](#); 5 CCR [4916](#))

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

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, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal or a district compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR [4964](#))

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for

confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations