

**REAFFIRMATION OF THE EQUAL EMPLOYMENT POLICY
CONCERNING DISCRIMINATION/HARASSMENT**

It is the policy of the Board that there be no discrimination or harassment against any employee or student of the District on the basis of any legally protected status. Accordingly, the Board prohibits sexual, racial and other harassment based on protected group status and will not tolerate any form of harassment, including sexual harassment, in violation of this policy against any employee or student of the District by anyone, including co-workers, students, supervisors, teachers, principals, administrators, or vendors. Everyone at the District is responsible for assuring that the work and academic environment is free from prohibited discrimination and harassment and is expected to avoid any behavior or conduct that could reasonably be interpreted as prohibited discrimination or harassment.

The conduct prohibited by this policy includes harassment, including unwelcome conduct, whether verbal, physical or visual, that is based upon the individual's protected status, such as sex, color, race, ancestry, religion, national origin, age, disability, medical condition, marital status, veteran status, citizenship status, sexual orientation or other protected group status. Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping or intimidating acts based on an individual's protected status and the circulation or posting of written or graphic materials that show hostility toward an individual because of his or her protected status.

Sexual harassment is a matter that deserves special mention. Sexual harassment is a violation of the Board's rules of conduct. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- * Submission to the conduct is made either an explicit or implicit condition of employment or academic status or progress;
- * Submission to or rejection of the conduct is used as the basis for any employment or academic decision affecting the individual employee or student; or
- * The conduct has the purpose or effect of unreasonably interfering with an employee or student's work or academic performance or creating an intimidating, hostile or offensive work or academic environment.

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Any employee who feels he or she has been discriminated against and/or harassed on the basis of sex, or any legally protected status, should immediately report such conduct to his or her supervisor, the Associate Superintendent for Human Resources, or any other member of the Administration, without fear of reprisal. The employee need not first report the harassment to his or her supervisor, especially if the employee believes the supervisor engaged in or knowingly tolerated any harassment of the employee.

Any student who feels he or she has been discriminated against and/or harassed on the basis of sex, or any other legally protected status, should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any harassment of the student.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incidents occurred will be investigated. The Associate Superintendent for Human Resources or designee has the responsibility of investigating and resolving complaints of harassment of employees. The Director of Student Services or designee, in conjunction with school principals, has the responsibility of investigating and resolving complaints of harassment of students.

The Board considers harassment, including sexual harassment, to be an offense which can result in discipline including the suspension or discharge/expulsion of the offender.

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Legal Reference:

CALIFORNIA ADMINISTRATIVE CODE, TITLE 5

30-31 Affirmative Action Employment programs

GOVERNMENT CODE

3543.5 Interference with employee's rights prohibited

Title VII, Civil Rights Act as amended by Title IX, Equal Employment Opportunity Act

EDUCATION CODE

20-240 Prohibition of Discrimination on the basis of sex, especially
212.5 Definition: Sexual Harassment

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political Activities of Employees
1102.1 Discrimination: Sexual Orientation

Policy Adopted:

HS BD: 11/20/85

EL BD: 7/6/82

Policy Revised:

HS BD: 9/25/86

EL BD: 10/14/86

Policy Revised: TUSD 8/24/99

Policy Revised:

HS BD: 7/24/86

EL BD: 8/12/86

Policy Revised:

HS BD: 6/22/93

EL BD: 6/1/93

Joint Board: 2/25/97