

ALL PERSONNEL

**Sexual Harassment**

The Board of Trustees prohibits sexual harassment in the working environment of district employees or applicants by any person in any form.

The District is committed to providing a work environment free of sexual harassment. The District maintains a strict policy prohibiting sexual harassment which applies to all persons involved in the operations of the District and prohibits unlawful harassment by any employee of the District including supervisors and coworkers. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

Unlawful harassment, as defined by the law, includes but is not limited to:

Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments, including comments related to sexual orientation and/or gender identity.

Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures, or inappropriate use of technology.

Physical conduct such as unwanted touching, blocking normal movement, or interfering with work because of the employee's sex or any other protected basis.

Threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors.

Retaliation for having reported or threatened to report harassment.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions.

Any district employee or job applicant who feels that they have been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to their supervisor, the principal, district administrator or Superintendent.

**Sexual Harassment** (continued)

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee. Complaints of sexual harassment shall be filed in accordance with AR 4030 - Non-Discrimination in Employment. An employee may bypass their supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against a district employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Legal Reference:

Education Code 200-262.4

Government Code 12900-12996, 12940, 12950.1

Labor Code 1101, 1102.1

Title 2 7287.8, 7288.0

Title 5 4900-4965

Title 42 2000d-2000d-7, 2000e-2000e-17, 2000h- 2000h-6

Title 34 106.9

Court Decisions:

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Policy Adopted: 6/13/2013