

Sexual Harassment Policy

The Lynwood Unified School District prohibits harassment because of that individual's sex. Any individual who believes that he or she has been subjected to such harassment should immediately report that harassment to an immediate supervisor.

California Education Code 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Hostile/Offensive Work Environment is defined as unwelcome sexual advances, including verbal or physical actions, when such actions create an intimidating, hostile/offensive work environment are strictly prohibited. Behaviors of this type can take several forms;

Verbal harassment, such as:

- Repeatedly asking out a person who is not interested
- Turning discussion from work, or school, to sexual topics
- Making sexual innuendos, jokes, or stories
- Asking personal question about social or sex life

Nonverbal harassment, such as:

- Displaying sexually suggestive visuals
- Winking, blowing kisses, or making suggestive facial expressions

Physical harassment, such as:

- Blocking a person's path
- Touching a person or his or her clothes
- Following, brushing up against, or leaning against a person

Intimidation/Retaliation

- Grabbing or restraining a person
- Pulling ripping, or yanking clothing
- Showing or implying a weapon or force will be used if a person complains about the unwelcomed sexual behavior.

This policy applies to all aspects of the District's employment programs, including but not limited to: recruitment, advertising, process of application for employment, promotion, granting of tenure, termination, layoff, wages, job assignments, leaves of absence of all types, fringe benefits, training programs, employer-sponsored programs, including social or recreational programs and any other term, condition or privilege of employment.

Private, personal conduct may at some point become unwelcome. Employees placed on notice that a co-worker believes that conduct to be unwelcome, shall cease such conduct immediately. Such conduct is subject to investigation.

Employees who participate in a consensual relationship, and at some point wish to discontinue the relationship, must clearly state to the other participant that his conduct is no longer consensual or welcome, and that all such conduct must cease.

If any employee believes that he or she is the victim of sexual harassment, he/she should immediately report the incident to an immediate supervisor. If the immediate supervisor is involved in the reported conduct, or if for some reason the employee feels uncomfortable about making a report to the immediate supervisor, the report should be made to the EEOC Coordinator.

If it is determined, by investigation, that the sexual harassment did occur, that employee will be subject to discipline, up to and including discharge.

Employees are hereby placed on notice that if they engage in acts which the District determines to be acts of sexual harassment, and are contrary to District policy, they may be held personally liable in any legal action brought against them. Sexual harassment, or unlawful discrimination, may result in the employee having to obtain his or her own legal counsel and may result in a monetary judgment against the employee personally.

Sexual Harassment of Students Policy

The Lynwood Unified School District is committed to an educational environment in which all students are treated with respect and dignity. Each student has the right to learn in an environment that promotes equal educational opportunity, and is free from discriminatory practices.

Employees in the Lynwood Unified School District are employed in a position of trust and are given authority over, or to work around, or with students. Employees are entrusted with authority to guide and protect students while they are in school. Therefore, the District holds that any sexual or romantic relationship between an employee and student, whether consensual or not, is inappropriate and is prohibited. Employees are prohibited from engaging in sexually harassing conduct, including romantic relationships with students. If it is determined by investigation that an employee is engaged in sexually harassing conduct, that employee is subject to discipline up to and including discharge.

Sexual harassment is a violation of Title IX of the Education Act Amendments of 1972, Title VII of the Civil Rights Act of 1964, and California Education Code Sections 210 through 241, inclusive, and Section 230. Therefore, the District strongly condemns, opposes, prohibits sexual harassment of

students whether verbal, physical, or environmental, by anyone in or from the District, or school property, during school hours, or during any District-sponsored activity. Any student who engages in sexual harassment or anyone in or from the District may be subject to discipline, up to and including expulsion.

Definition of Sexual Harassment as used in this policy and regulation, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by anyone in or from the District under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly make a term of 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 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 benefits and services, honor programs, or activities available at or through the educational institution.

Sexual harassment includes but is not limited to the following examples:

- Unwanted sexual advances.
- Offering educational benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual Conduct: Leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters.

- Verbal sexual advances or propositions.
- Verbal abuse of sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Physical conduct: touching, assault, impeding, or blocking movements.

The criminal and civil liability for the protection of students against sexual discrimination extends to each employee and the District. Therefore, any employee who has knowledge or information, and he or she reasonably believes a romantic or other inappropriate sexual conduct or a relationship exists between an employee and a student, should report the information to the Principal, the Student Services Administrator and/or the Human Resources Administrator and the appropriate law enforcement agency. Please note, sexual harassment of students also may be child abuse, and an employee must report the incident(s) under California Penal Code 11166.

Employees are hereby placed on notice that if they engage in acts which the District determines to be acts of sexual harassment, and contrary to District policy, may be held personally liable in any legal action brought against them. Such conduct may result in the employee having to obtain his or her own legal counsel, and sexual harassment or unlawful discrimination may result in a monetary judgment against the employee personally.

