

Subject: SEXUAL HARASSMENT	Directive No. BP 4119.11	Page No.
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The Board desires to provide school employees with a working environment that is free from harassment. In order to achieve this end, the Board prohibits sexual harassment of school employees by anyone, in any manner, and shall not tolerate retaliatory action or behavior against a school employee or other person who complains, testifies or otherwise participates in the complaint process pursuant to Board policy and administrative regulations.

For the purposes of this policy, school employees shall include applicants for employment in the school.

Any school employee or student, who permits, engages in or participates in sexual harassment of another school employee or student shall be in violation of this policy and is subject to disciplinary action, up to and including dismissal. An employee shall be deemed to have permitted sexual harassment where he/she has knowledge that a student or an employee has engaged in sexual harassment and fails to report such student or employee to the appropriate authorities, whether or not the victim makes a complaint.

A supervisor or employee who receives a harassment complaint shall promptly notify the Principal.

Any school employee who feels that he/she has been sexually harassed or who has knowledge of any instance of sexual harassment by another employee or a student, shall immediately contact his/her supervisor, the Principal, or other school administrator, to obtain procedures for reporting a complaint. However, an employee may bypass his/her supervisor in registering a complaint where the supervisor is the alleged perpetrator of the sexual harassment. Employee complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

The Principal shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Providing periodic training to all staff regarding the school's sexual harassment policy, particularly the procedures for registering complaints and employees' duty in availing themselves of the complaint procedure in order to avoid harm
2. Publicizing and disseminating the school's sexual harassment policy to staff
3. Ensuring prompt, thorough and fair investigation of complaints in a way that respects the privacy of all parties concerned, to the extent necessary

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4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require subsequent monitoring of developments.

Legal Reference: Education Code 200-262.4 Prohibition of discrimination on the basis of sex, especially:

Government Code 12900-12996 Fair Employment and Housing Act

Labor Code 1101 Political activities of employees 1102.1 Discrimination: sexual orientation

United States Code, Title 42 2000d - 2000d-7 Title VI, Civil Rights Act of 1964 2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended 2000h-2 - 2000h-6 Title IX, 1972 Education Act Amendments

Code of Federal Regulations, Title 34
106.9 Dissemination of policy

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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 against another person of the same or opposite gender, in the work or educational setting, when (Education Code 212.5):

- 1 Submission to the conduct is made either expressly or by implication, a term or condition of the other's employment
- 2 Submission to or rejection of such conduct by the other individual is used as the basis for an employment decision affecting him/her
- 3 The conduct has the purpose or effect of unreasonably interfering with the other individual's work or academic performance; creating an intimidating, hostile or offensive work or educational environment; or of adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of education, employment or career development
- 4 Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the school

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

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8. Displaying sexually suggestive objects in the educational or work environment
9. Any act of retaliation against an individual who reports a violation of the school's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

Notifications A copy of this policy shall: (Education Code 231.5)

- 1 Be displayed in a prominent location in the main administrative building or other area of the school
- 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 school publication that sets forth the school's or school'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 school 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 school's complaint process available to the employee
- 5 The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission
- 6 Directions on how to contact the Fair Employment and Housing Department and Commission