

**SEXUAL HARASSMENT**

The Governing Board prohibits sexual harassment of district employees and job applicants. 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.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination in Employment)*

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

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff

*(cf. 4112.9/4212.9/4312.9 - Employee Notifications)*

3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

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. (5 CCR 4964)

Any district employee or job applicant who feels that he/she has 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 his/her supervisor, the principal, district administrator or Superintendent.

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-Nondiscrimination in Employment. An employee may bypass his/her 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.

**Personnel**

BP 4119.11(b)

4219.11

4319.11

**SEXUAL HARASSMENT – cont'**

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*Legal Reference:*

**EDUCATION CODE**

*200-262.4 Prohibition of discrimination on the basis of sex*

**GOVERNMENT CODE**

*12900-12996 Fair Employment and Housing Act, especially:*

*12940 Prohibited discrimination*

*12950.1 Sexual harassment training*

**LABOR CODE**

*1101 Political activities of employees*

*1102.1 Discrimination: sexual orientation*

**CODE OF REGULATIONS, TITLE 2**

*7287.8 Retaliation*

*7288.0 Sexual harassment training and education*

**CODE OF REGULATIONS, TITLE 5**

*4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance*

**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*

**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*

*Management Resources:*

**OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL**

*Protecting Students from Harassment and Hate Crime, January, 1999*

**WEB SITES**

*California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>*

*Equal Employment Opportunity Commission: <http://www.eeoc.gov>*

*U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>*

**Policy**

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**SOMIS UNION SCHOOL DISTRICT**

Somis, California