

SEXUAL HARASSMENT

The Governing Board prohibits sexual harassment of or by any student or employee.

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 by someone form or in the work or educational setting when:

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

Other examples of sexual harassment are:

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, drawing, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Concerning or blocking of normal movements for sexual purposes.

All Personnel

**BP 4119.11(b)
4219.11(b)
4319.11(b)**

SEXUAL HARASSMENT (cont'd)

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 district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

(cf. 4030 - Nondiscrimination in Employment)

(cf. 4118 - Suspension/Disciplinary Action)

Any employee or applicant for employment who feels that he/she is being unlawfully sexually harassed can file a complaint in accordance with AR 1312.1 - Complaint Concerning Discrimination in Employment Procedures.

(cf. 1312.1 - Complaint Procedures)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment.

Notifications

A copy of the district's policy on Harassment in Employment shall:

1. Be displayed in a prominent location near each school principal's office.
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.

All Personnel

BP 4119.11(c)
4219.11(c)
4319.11(c)

SEXUAL HARASSMENT (cont'd)

3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code 212.6)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of district information sheets that contain, at a minimum, components on:

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 district'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. (Government Code 12950)

Legal Reference: (See next page)

All Personnel

BP 4119.11(d)
4219.11(d)
4319.11(d)

SEXUAL HARASSMENT (cont'd)

Legal Reference:

EDUCATION CODE

200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment, defined

212.6 Sexual harassment policy

230 Particular practices prohibited

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 & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX. 1972 Education Act Amendments

Meritor Savings Bank, FSB v. Vinson et. al.

86 Daily Journal D.A.R. 2130

Policy

Adopted: December 3, 1984

Amended: November 4, 1989

June 21, 1993

April 6, 1998

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California

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