

Elk Grove Unified School District

ANNUAL NOTIFICATION OF THE SEXUAL HARASSMENT POLICY 2021-2022 SCHOOL YEAR

A Message to all District Employees

The Elk Grove Unified School District must take all reasonable steps to prevent discrimination and harassment from occurring. Sexual harassment is prohibited by the district and can violate state or federal law.

Notice of Board Policies

California law requires the district to notify you that Elk Grove Unified School District policies prohibit unlawful sexual harassment of or by employees and students.

Board Policy (BP 4119.11, 4219.11 and 4319.11) relating to all personnel states:

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. 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. 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.

BP 5145.7 relating to students states in part:

The Governing Board prohibits unlawful sexual harassment of or by any student by anyone in or from the district. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them they need not endure any form of sexual harassment. Any student who engages in the sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion.

Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal. The Board expects students or staff to immediately report incidents of sexual harassment to the principal or designee or another district administrator. Any student who feels that he/she is being discriminated against or harassed should immediately contact the principal or designee. 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.

Defining Sexual Harassment

Sexual harassment includes many forms of offensive behavior. To be sexual harassment, the conduct must be based on sex, gender or sexual orientation; be conduct of a sexual nature; or be based on pregnancy, childbirth or related medical conditions. Sexual harassment may occur between personnel and/or students. Harassment may also be directed to personnel or students by other persons in our community. The victim, as well as the harasser, may be a woman or man. The victim does not have to be of the opposite sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, unwanted requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature, if:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. 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; or
4. Submission to or rejection of the conduct is used as the basis for any decision affecting services, programs or activities available at or through the district.

The following is a partial list of examples of sexual harassment:

Verbal harassment: Unwelcome verbal conduct such as sexual flirtations or propositions; Graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions or the spreading of sexual rumors.

Physical harassment: Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over or impeding normal movements.

Visual harassment: Unwelcome visual conduct such as drawings, pictures, graffiti or gestures; sexually explicit emails or other electronic communications; displaying sexually suggestive objects.

Sexual favors: Unwelcome sexual advances that condition an employment benefit upon an exchange of sexual favors. This could include continued requests for dates, any threat of demotion, termination, etc. if requested sexual favors are not given, making or threatening reprisals after a negative response to sexual advances, propositioning an individual.

It is impossible to define every action or all words that could be interpreted as sexual harassment. These examples listed above are not meant to be a complete list of objectionable behavior.

What to do if Sexual Harassment Occurs

Sometimes it is possible to put a stop to sexual harassment by telling the harasser that the advances or behavior is offensive to you and must stop. He or she may be unaware of your reaction to conduct you find offensive. If it seems sensible and appropriate for you to simply speak to the harasser in this way, you may choose to do so.

If it seems inappropriate or you are uncomfortable speaking to the harasser yourself, get help. Contact your supervisor, the school principal, or the Associate Superintendent for Human Resources. You may report sexual harassment directed at you or directed at another person. The conduct will be investigated and appropriate action will be taken.

Retaliation is Prohibited

The Board policies prohibit retaliation against a complainant or participant in an investigation. Prohibited retaliation includes but is not limited to demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make impartial employment recommendations, or adversely affecting working conditions or otherwise denying any employment benefits to an individual.

Additional Information

If you would like additional information about these Board policies, your rights or responsibilities, or information about how to file a complaint with the District, please contact the Legal Compliance Specialist, Human Resources Department, at the District Administration Office (916) 686-7795.

The Department of Fair Employment and Housing (DFEH) handles complaints of unlawful discrimination, including sexual harassment under state law. After a complaint is filed, the DFEH has one year to investigate the complaint. To contact DFEH, consult www.dfeh.ca.gov or ask directory assistance for the number of the Department of Fair Employment and Housing headquarters in Sacramento.

The Equal Employment Opportunity Commission (EEOC) handles sexual harassment claims under federal law. To contact the commission, consult www.eeoc.gov or contact directory assistance for Washington D.C.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity.