

PERSONNEL

BP 4119.11(a)

BP 4219.11(a)

BP 4319.11(a)

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 the administrative regulation.

(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 periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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 actions. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.
5. Ensure that all school personnel are informed of the provisions of AB 537 and that all district and site personnel are trained in the law's requirements.

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,

PERSONNEL

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

Sexual Harassment (continued)

shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent. Complaints of sexual harassment shall be filed in accordance with AR 4119.11, 4219.11, 4319.11 – Sexual Harassment.

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

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.

(cf. 4117.4 - Dismissal)

(cf. 4118 - Suspension/Disciplinary Action)

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

The initiation of an allegation of sexual harassment will not cause any reflection on the individual reporting the incident or witnesses nor will it affect such person's future business dealings with the district, his/her employment, compensation or work assignments, or other matters pertaining to his/her status in any district programs or activities. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Aggrieved parties may wish to file complaints with other appropriate state and federal agencies, including:

PERSONNEL

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

Sexual Harassment (continued)

U.S. Office for Civil Rights
50 United Nations Plaza, Room 239
San Francisco, CA 94102
(415) 556-7000
The State Fair Employment and Housing Commission
30 Van Ness Avenue
San Francisco, CA 94102
(415) 557-2005

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

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

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

PERSONNEL

BP 4119.11(d)

BP 4219.11(d)

BP 4319.11(d)

Sexual Harassment (continued)

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>

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

Policy

SONOMA VALLEY UNIFIED SCHOOL DISTRICT

Adopted: December 14, 1993

Sonoma, California

Revised: July 6, 1999

Revised: May 14, 2002

Revised: August 10, 2004