

SEXUAL HARASSMENT

The key word in defining sexual harassment is unwelcome. When any unwanted, unwelcome, or unsolicited sexual conduct is imposed on a person who regards it as offensive or undesirable, it is sexual harassment. When a person finds the conduct is unwelcome, it becomes illegal. Even conduct implicit in nature – hidden in subtlety or innuendo – is unlawful if it is unwelcome. If the employee or student states that she (or he) finds the behavior offensive, the actions are unwelcome. Often victims will seek to avoid confrontation or may fear reprisals and consequently do not clearly state their objection. Therefore, all employees must learn to be sensitive to how their actions may be perceived by others, no matter what they personally may believe or intend. (The following procedures are from Administrative Regulation 4119.11.)

What is sexual harassment?

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature, made by any employee, volunteer or student in the school district.

Pursuant to law, unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitutes sexual harassment when:

1. Submission to the conduct is explicitly or implicitly made in term or condition of an individual's employment, academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile or offensive educational or work environment.
4. Submission 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 school.

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Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

1. Unwelcome sexual flirtations or propositions.
2. Verbal abuse of a sexual nature.
3. Graphic verbal comments about an individual's body.
4. Sexually degrading words used to describe an individual.
5. Display of sexually suggestive objects or pictures in the educational environment.
6. 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.

Acts of sexual harassment must be considered by a reasonable person, who is of the same gender as the victim, to be sufficiently severe or pervasive to have a negative impact upon the individual's academic or work performance or to create an intimidating, hostile or offensive educational or work environment.

When should a complaint be made?

If an employee feels he/she is being discriminated against, or if you observe that discrimination is being practiced in your work area, you should contact the Personnel Department. (There is a one-year statute of limitations for sexual harassment complaints.)

A complaint should be filed as quickly as possible after the date of the alleged harassment. A limit of 180 days shall be imposed unless the time for filing the complaint is extended for good cause. All complaints must be processed and reviewed within five school days.

How should a complaint be made?

All individuals or groups who file a complaint shall be granted the right of confidentiality and privacy to the extent the law allows. Retaliation of any kind by the alleged harasser shall be considered a violation of Title I of the Civil Rights Act and will result in immediate disciplinary action.

All verbal complaints must be put in writing. The complainant may use the written complaint form provided by the school district or may provide their own form of written complaint. Complainants are encouraged to provide their name and address to effectively process the complaint and

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monitor the results but are not required to do so. The name of the complainant may not be revealed without prior consent.

Complaints of sexual harassment may be directed to any or all of the following people/agencies:

- a. School district employees alleging sexual harassment may complain to their supervisors or department heads. The supervisor or department head will ensure that a written complaint is prepared and the appropriate actions are taken to solve the problem and prevent its recurrence in the future.

The actions taken by a supervisor or department head will be recorded on a standard response form. A copy of this written response will be forwarded, along with a copy of the written complaint, to the school district's Title IX Officer(s), Assistant Superintendent, Personnel.

School district employees, as well as all other individuals alleging sexual harassment, may also complain to principals, the Title IX Officer(s), the State Department of Education and/or the Office of Civil Rights as specified in this section.

- b. Title IX Officer(s): Individuals alleging sexual harassment may complain to the school district's Title IX Officer(s). The Title IX Officer must ensure that a written complaint is prepared and shall ask the complainant if he/she wants to prepare it individually or with the Title IX Officer(s). The Title IX Officer(s) will then interview all people involved to ensure the problem is corrected in the most effective manner and record the results of the investigation on a standard response form prepared by the school district. To contact the Title IX Officer(s) call the district office 661/291-4000, 25375 Orchard Village Road, #200, Valencia, CA 91355.
- c. Office of Gender Equity – California Department of Education: Individuals alleging sexual harassment may complain directly to the California Department of Education or may file a complaint after filing a separate complaint with

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the school district. To contact the California Department of Education call or write: Office of Gender Equity, California Department of Education, 721 Capital Mall, Sacramento, CA 95814. 916/657-2813.

- d. Office for Civil Rights: Individuals alleging sexual harassment may complain directly to the Office for Civil Rights or may file a complaint after filing a separate complaint with the school district. A grievant is not required by law to use the school district's grievance procedures before filing a complaint with the Office for Civil Rights; however, filing a complaint with the Office for Civil Rights may preclude any further use of the school district's grievance procedures and also files a complaint with the Office of Civil Rights, the complaint must be filed with the Office for Civil Rights within 60 days after the last act of the school district's grievance process. To contact the Office for Civil Rights, write or call the following: U.S. Department of Education, 50 United Nations Plaza, #239, San Francisco, CA, 94102, 415/556-7000.

How to Appeal a Decision Made by the School District

Individuals who are dissatisfied with the school district's response to a sexual harassment complaint may appeal to the school district, the Office for Civil Rights or seek civil law remedies.

1. School District: Appeals may be made to the Superintendent. He/she will contact the Title IX Officer(s) to review the complaint and response and work with all individuals involved in the complaint to resolve the problem. Contact the Superintendent at the district office at 25375 Orchard Village Road, #200, Valencia, CA, 91355, 661/291-4000.

Appeals may be made to the Board during one of their regular meetings in a closed session. The Board will work with all individuals involved in the complaint to resolve the problem. To verify date and location of meetings call the Superintendent's office at 661/291-4000.

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2. Office of Gender Equity – California Department of Education: Appeals of a school district decision regarding a sexual harassment complaint may be made with the California Department of Education. To contact the California Department of Education call or write: Office of Gender Equity, California Department of Education, 721 Capital Mall, Sacramento, CA, 95814. 916/657-2813.
3. Office of Civil Rights: Appeals of a school district's decision regarding a sexual harassment complaint may be made with the Office of Civil Rights. Appeals of a school district's decision may be made in court through civil law remedies. Complainants should consult an attorney for more information.
4. Civil Law Remedies: Appeals of a school district's decision may be made in court through civil law remedies. Complainants should consult an attorney for more information.

All materials concerning the complaint, including the written complaint, written responses, notes, letters, and legal papers, shall be maintained on file by the school district for five years after the investigation is completed. These materials will be housed with the Personnel Department.