

Personnel

SEXUAL HARASSMENT

SP 4040.00

It is the policy of the County Superintendent of the Mendocino County Office of Education (County Office) to provide an educational, employment and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal statutes.

It is not only unlawful, but it shall be a violation of this policy for anyone who is authorized to recommend or take personnel or educational actions affecting an employee or one who is otherwise authorized to transact business or perform other acts or services on behalf of the County Office to engage in sexual harassment as defined below.

Educational Environment

Within the educational environment, sexual harassment is unlawful and is prohibited between employees and students.

Work Environment

Within the work environment, sexual harassment is unlawful and is prohibited between supervisors and employees, between employees, and between non-employees and employees.

Definition of Sexual Harassment

A. General Definitions

1. Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is:
2. used as a basis for educational or employment decisions affecting such individual; or
3. has the purpose or effect of unreasonably interfering with an individual's educational or work performance or creating an intimidating, hostile or offensive educational or working environment.

B. Specific Examples

For the purpose of further clarification, sexual harassment includes, but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones. (Written examples include, but are not limited to: suggestive or obscene letters, notes, invitations. Verbal examples include, but are not limited to: derogatory comments, innuendoes, slurs, jokes, epithets. Physical examples include, but are not limited to:

- assault, touching, impeding, or blocking movement. Visual examples include, but are not limited to: leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)
 3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response.
 4. For example, **within the work environment** implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.
 5. For example, **within the educational environment** either implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application be denied.
 6. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.

Confidentiality

A complaint and the results of the investigation shall be confidential to the extent reasonably possible under the investigation process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

Retaliation is Prohibited

The initiation of a complaint of sexual harassment, will not cause any reflection on the complainant or witnesses nor will it affect such persons' future business dealings with the County Office, his or her employment, compensation or work assignments. It shall be a violation of this policy to engage in such retaliation.

Disciplinary Action

Employees who act in violation of this policy and/or the law may be subject to "discipline including dismissal." Such disciplinary action shall be in accordance with applicable policies, laws and/or collective bargaining agreements.

Students who act in violation of this policy and/or the law may be subject to discipline including expulsion. Such disciplinary action shall be in accordance with board policy and state law.

Purpose of Policy

This policy is intended to supplement, and not replace, any applicable state and federal laws and regulations. Formal complaints under those laws and regulations shall be processed through the procedures established by applicable state and federal agencies.

Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual harassment, the methods and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, an aggrieved person may contact the Director of Human Resources.

Supervisory Employee Training Requirement

In compliance with AB 1825 (Reyes), the County Office shall conduct a minimum of two hours of training and education to all supervisory employees every two years for the duration of employment. Training shall provide an opportunity for employee interaction whereby specific questions may be addressed.

Legal Reference:

Title VII of the Civil Rights Act - 42 USC Section 2000-e-2(a)(1)

California Fair Employment & Housing Act - Government Code Section 12940

Title XIV of the Education Amendments of 1972 20 USC Section 1681 et. seq.

MENDOCINO COUNTY OFFICE OF EDUCATION

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