

SEXUAL HARASSMENT

It is the policy of the Mendocino County Board of Education 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 student, or 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 students, and between employees and students. This policy and the related administrative regulation for reporting sexual harassment will be reviewed with students on an annual basis.

Definition of Sexual Harassment

A. General Definitions

Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is:

1. Made either explicitly or implicitly a term or condition of an individual's educational status or employment;
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 performance or creating an intimidating, hostile or offensive educational 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, or impeding or blocking

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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.

For example, 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 will be denied.

4. 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.

Complaint Procedures**A. Information Resolution**

Students who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, directly to inform the person engaging in such conduct that such conduct is offensive and must stop. An aggrieved individual is not required to complain first to his/her instructor if that instructor is the individual who is harassing the student.

B. Formal Complaints

1. Complaints Brought by Students

If an aggrieved student has tried but is unable to communicate directly with the person whose conduct is offensive, or if direct communication has been attempted, the aggrieved student may file a complaint with the County Superintendent, site administrator and/or designee. On an annual basis, and at each site, students will be informed of the contact person.

2. Responsibilities of Supervising and Managing Employees

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Employees serving in supervisory or managerial positions who receive complaints or observe harassing conduct should inform the County Superintendent and/or his designee immediately.

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.

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