

# SEXUAL HARASSMENT

## (EMPLOYEES AND APPLICANTS)

*(Education Code §§200-231.5)*

The Board of Trustees prohibits sexual harassment in the working environment of District employees or applicants by any person in any form. According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the District defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status or program, (2) submission to, or rejection of, such conduct by an individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, activities available at or through the educational institution, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal. Any district employee who has a sexual relationship with any student is subject to disciplinary action, up to and including, dismissal.

Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, Assistant Superintendent of Human Resources, or the Assistant Superintendent of Administration in order to obtain procedures for reporting a complaint.

Any supervisor who receives a harassment complaint shall report complaints to the Assistant Superintendent of Human Resources, or designee, who will immediately log the complaint and shall ensure that the complaint is appropriately investigated. The Assistant Superintendent of Human Resources is the District's Title IX Officer and Sexual Harassment Officer.

Any employee, excluding the victim, who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action, up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of law relating to child abuse.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible within legal constraints, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

The District encourages complainants to file their alleged charge(s) of sexual harassment with the District. However, complainants are not prohibited from submitting their complaint(s) directly to the Department of Fair Employment and Housing (DFEH). The address and telephone number of the local office of the DFEH is as follows:

Department of Fair Employment and Housing Commission

28 Civic Center Plaza, Room 538

Santa Ana, CA 92701-4010

(714) 558-4159