Atascadero USD
Board Policy
Sexual Harassment

BP 4119.11 4219.11,4319.11
Personnel

The Board of Trustees desires to provide district employees with a working environment that is free from harassment. In order to achieve this end, the Board prohibits sexual harassment of district employees by anyone, in any manner, and shall not tolerate retaliatory action or behavior against a district employee or other person who complains, testifies or otherwise participates in the complaint process pursuant to Board policy and administrative regulations.

For the purposes of this policy, district employees shall include applicants for employment in the district.

Any district employee who permits, engages in or participates in sexual harassment of another district employee or student shall be in violation of this policy and is subject to disciplinary action, up to and including dismissal. An employee shall be deemed to have permitted sexual harassment where he/she has knowledge that a student or an employee has engaged in sexual harassment and fails to report such student or employee to the appropriate authorities, whether or not the victim makes a complaint.

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

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4117.4 - Dismissal)
(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 4318 - Suspension/Disciplinary Action)

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any instance of sexual harassment by another employee or a student, shall immediately contact his/her supervisor, principal, Superintendent or designee, or other district administrator, to obtain procedures for reporting a complaint. However, an employee may bypass his/her supervisor in registering a complaint where the supervisor is the alleged perpetrator of the sexual harassment. Employee complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

(cf. 4031 - Complaints Concerning Discrimination 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 registering complaints and employees' duty in availing themselves of the complaint procedure in order to avoid harm.

2. Publicizing and disseminating the district's sexual harassment policy to staff.

3. Ensuring prompt, thorough and fair investigation of complaints in a way that respects the privacy of all parties concerned, to the extent necessary.

4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require subsequent monitoring of developments.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, especially:
12940 Prohibited discrimination
12950.1 Sexual harassment training

LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2
7287.8 Retaliation
7288.0 Sexual harassment training and education

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

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
U.S. Department of Education, Office for Civil Rights:
http://www.ed.gov/about/offices/list/ocr/index.html

Policy ATASCADERO UNIFIED SCHOOL DISTRICT
adopted: May 2, 2000 Atascadero, California