

## Sequoia Union HSD | BP 4119.11 Personnel

### **Sexual Harassment**

The District is committed to providing a work and educational environment free of unlawful harassment. The District maintains a strict personnel policy prohibiting sexual harassment and harassment of employees because of race, religious creed, color, national origin, ancestry, physical handicap, medical conditions, marital status, sexual orientation, age or any other basis protected by federal, state or local law, ordinance or regulation. All such harassment is unlawful. Irrespective of law, the District believes that all such harassment is offensive. The District's anti-harassment policy applies to all persons involved in the operations of the District and prohibits unlawful harassment by any District student or any employee of the District, including management, supervisors, certificated employees, classified employees, and co-workers. Unlawful harassment in any form, including verbal, physical and visual conduct, threats, demands and retaliation, is prohibited. Sexual harassment is defined in Education Code Section 212.5.

The Board of Trustees prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

Violation of this policy may result in discipline, which may include discharge, depending on the seriousness of the violation.

Employees or job applicants who believe they are being harassed because of their gender, race, ancestry or other protected basis, or who have knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, should follow the procedure outlined in administrative regulation.

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

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

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>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

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

Policy SEQUOIA UNION HIGH SCHOOL DISTRICT

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revised: December 9, 2009