



Santa Ana Unified School District

BOARD POLICY NO: 4119.11/4219.11/4319.11

SUBJECT: **Sexual Harassment**

EFFECTIVE: 3/28/2017

CATEGORY: Personnel

REVIEWED: 3/14/2017

RESPONSIBLE OFFICE(S): Human Resource Department

SCOPE:

The Board recognizes its primary responsibility is to comply with applicable State and federal laws.

POLICY:

The Governing Board prohibits sexual harassment of district employees. 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 accompanying administrative regulation.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [4030](#) - Nondiscrimination 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 training to employees in accordance with law and administrative regulation.
2. Publicizing and disseminating the district's sexual harassment policy to staff
(cf. [4112.9/4212.9/4312.9](#) - Employee Notifications)
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR [11023](#))

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, shall immediately report the incident contact his/her supervisor, the principal, district administrator, or the Superintendent.

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

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.



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Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy and is subject to disciplinary action, up to and including dismissal.

(cf. [4118](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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

[11009](#) Employment discrimination

[11021](#) Retaliation

[11023](#) Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

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



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Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEY'S 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>

DESIRED OUTCOME:

Through this policy, the District shall comply with applicable State and federal laws.