

## SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT

### SEXUAL HARASSMENT – BP 4119.11, 4219.11, 4319.11

The Governing Board 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 the administrative regulation.

- (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 periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures in order to avoid harm.

- (cf. [4131](#) - Staff Development)
- (cf. [4231](#) - Staff Development)
- (cf. [4331](#) - Staff Development)

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 actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, the principal, district administrator or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment.

- (cf. [4031](#) - Complaints Concerning Discrimination in Employment)

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action. (5 CCR [4964](#))

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

- (cf. [4117.4](#) - Dismissal)
- (cf. [4118](#) - Suspension/Disciplinary Action)
- (cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

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## SEXUAL HARASSMENT – BP 4119.11, 4219.11, 4319.11 - Continued

### **LEGAL REFERENCE:**

#### **Education Code**

[200-262.4](#) Prohibition of discrimination on the basis of sex

#### **Government Code**

[12900-12996](#) Fair Employment and Housing Act

#### **Labor Code**

[1101](#) Political activities of employees

[1102.1](#) Discrimination: sexual orientation

#### **Code of Regulations, Title 2**

[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**

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

Juarez v. Ameritech Mobile Systems, (N.D. Ill.) 746 F.Supp. 798

Dornhecker v. Malibu Grand Prix Corp., (5th Cir. 1987) 828 F.2d. 307

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

Policy SAN LORENZO VALLEY UNIFIED SCHOOL DISTRICT  
adopted: October 5, 2005 Ben Lomond, California