

# Pacific Grove Unified School District

All Personnel

Policy #4019.11

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## SEXUAL HARASSMENT

Mandated Policy

The Governing Board 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.

This policy shall apply to District employees, and when applicable, to interns, volunteers, and job applicants.

Any District employee who permits, engages in or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit 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.

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, other District administrator or the Superintendent or designee in order to obtain procedures for reporting a complaint.

Complaints of sexual harassment can be filed in accordance with AR 4030 - Nondiscrimination in Employment.

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.

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 employees in accordance with law and administrative regulation.
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.

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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)

### Legal Reference:

#### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

#### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

#### LABOR CODE

1101 Political activities of employees

#### 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 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 Privilege of Employment

#### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in Elementary and Secondary Education Programs Receiving State Financial Assistance

#### 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

Oncala 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

#### Management Resources:

#### OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

#### WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>