

ADMINISTRATIVE REGULATION
Placentia-Yorba Linda Unified School District

Personnel

4119.11-AR

SEXUAL HARASSMENT

A. Purpose and Scope

To establish procedures to allow for the reporting and resolution of employee sexual harassment complaints

1. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:
 - a. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment.
 - b. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
 - c. The conduct has the purpose or effect of having a negative impact upon the individual's work or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
 - d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through the educational institution.
2. Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, a co-worker, or a non-employee, in the work or educational setting, include, but are not limited to:
 - a. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
 - b. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
 - c. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements
 - d. Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

B. General

The responsibility for maintaining an educational and work environment free of sexual harassment rests with all employees. Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

C. Forms Used and Additional References

Department of Fair Employment and Housing information sheet

D. Procedure

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 Assistant Superintendent, Personnel Services, in order to obtain procedures for reporting a complaint.

A copy of the district's policy on harassment in Employment shall:

1. Be displayed in a prominent location near each school principal's office
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 212.6)
4. All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of district information sheets that contain, at a minimum, components on:
 - a. The illegality of sexual harassment.
 - b. The definition of sexual harassment under applicable state and federal law.
 - c. A description of sexual harassment, with examples.
 - d. The district's complaint process available to the employee.
 - e. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
 - f. Directions on how to contact the Fair Employment and Housing Department and Commission. (Government Code 12950)

E. Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. Such training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

The district's sexual harassment training and education program for supervisory employees shall include the provisions of:

- a. Information and practical guidance regarding federal and state laws on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment
- b. Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation
- c. A component on the prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance
- d. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
- e. All other contents of mandated training specified in 2 CCR 11023

F. Reports Required

Training Records

G. Records Retention

Update records every two years

H. Responsible Administrative Unit

Personnel Services

I. Approved by:

Kevin H. Lee	01/19/16	Dr. Doug Domene	01/19/16
Responsible Division Head	Date	Superintendent	Date