

All Personnel

SEXUAL HARASSMENT

The Governing Board prohibits sexual harassment in the working environment of District employees or applicants by any person in any form. 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. This policy shall apply to all District employees and, when applicable, to interns, volunteers, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

The Superintendent/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 (AR).
2. Publicizing and disseminating the District's sexual harassment Board Policy (BP) to staff.
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)

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

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 Human Resources Administrator in order to obtain procedures for reporting a complaint.

Any supervisor who receives a harassment complaint shall notify the Superintendent or Human Resources Administrator, who shall ensure that the

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SEXUAL HARASSMENT (continued)

complaint is appropriately investigated according to AR 4019 and BP and AR 4030, All Personnel, Nondiscrimination in Employment.

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

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 BP will be subject to disciplinary action, up to and including dismissal.

(cf. 4218 – Termination of Employment)

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

Legal Reference:

EDUCATION CODE

200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment, defined

212.6 Sexual harassment policy

230 Particular practices prohibited

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

Meritor Savings Bank, FSB v. Vinson et al

86 Daily Journal D.A.R. 2130

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California