

SEXUAL AND GENDER-BASED HARASSMENT (PERSONNEL)

Purpose

Sexual or gender-based harassment, which includes gender-based harassment, is unlawful and will not be tolerated. It is the policy of the Governing Board of the Dixie School District to provide an employment environment free of unlawful sexual or gender-based harassment.

It is a violation of this policy for an employee, agent, or student or any party with which the Dixie School District has a cooperative agreement to engage in sexual or gender-based harassment.

This policy is intended to supplement, not replace, any applicable state or federal laws and regulations, and to secure, at the earliest level possible, an appropriate resolution to complaints of unlawful sexual or gender-based harassment.

Definition of Sexual and Gender-Based Harassment

For the purposes of this policy, sexual or gender-based harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, and acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex although not necessarily sexual in nature, made by someone from or in the work or educational setting under any of the conditions listed below:

- (a) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
- (b) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (c) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- (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.

For the purpose of this policy gender-based harassment including harassment based on harassment of a person based on his/her sex including gender identity, gender expression or nonconformity with gender stereotypes.

Sexual or gender-based harassment may occur as a pattern of degrading sexual and gender-based speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and threats or sexual demands.

Examples of conduct which may constitute a violation of this policy include, but are not limited to:

- (1) Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering, gesture, display of sexually suggestive objects or pictures, or cartoons, whether conducted in person or through an electronic means.
- (2) Continuing to express sexual interest after being informed that the interest is unwelcome.
- (3) Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
- (4) Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
- (5) Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of actual or perceived gender, gender identity, gender expression, or sexual orientation.
- (6) Harassment because of actual or perceived non-traditional choice of extracurricular activities, apparel, personal grooming, or mannerisms.

Remedial, Corrective, Disciplinary Actions

When unlawful sexual or gender-based harassment is found to have occurred, the District will take appropriate remedial, corrective and/or disciplinary action(s), which may include counseling for the complainant, other persons impacted by the harassment, and the respondent; limiting respondent's contact with the complainant; school-wide actions, such as education and training, to stop the harassing conduct and prevent a recurrence; and suspension, expulsion or dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

Administrative Regulations

The Superintendent shall adopt and from time-to-time may revise regulations to implement this policy and provide for investigation of complaints and enforcement of this policy. The regulations may be obtained in the District Office, School Office and online at <http://www.dixieschooldistrict.org/>.

Training and Curriculum

To implement this policy the District will provide appropriate training for staff and students. "Supervisory" employees, as defined by Government Code section 12950.1, will be trained, as required by law, at least every two (2) years.

Notification

This policy will be published in site handbooks and/or the District Personnel Handbook and posted in a prominent location in the District Office and each School Office and distributed to employees as required by law. See EC 231.5(d)

Special Assistance

Anyone with questions related to this Board Policy may contact the Superintendent, or designee,

Filing Complaints with State or Federal Agencies

Aggrieved parties also may file complaints with appropriate state and federal agencies including:

Equal Employment Opportunity Commission
450 Golden Gate Avenue
5 West, Box 36025
San Francisco, California 94102-3661

California Department of Fair Employment and Housing
455 Golden Gate Avenue, #10600
San Francisco, California 94102

Legal References:

Title VII of the Civil Rights Act
42 USC Section 2000-e-2(a)(1)
Fair Employment and Housing act
Government Code section 12940
Education Code sections 212.5, 231.5
Government Code section 12950.1

Adopted: 2/23/93 Revised: 1/11/94
First Reading: January 20, 2011
Second Reading and Adoption: February 8, 2011
(replaces 4301 adopted 2/23/93)

First Reading: January 15, 2013
Second Reading and Adoption: February 12, 2013
(replaces 4301 adopted 2/8/11)

First Reading: October 13, 2015
Second Reading and Adoption: November 10, 2015
(replaces 4301 adopted 1/15/13)