

Personnel – Certificated/Classified

SEXUAL HARASSMENT

For the purpose of further clarification, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Sexual harassment includes but is not limited to:

1. Making unsolicited written, verbal, physical and/or visual contact with sexual overtones. (Written examples include but are not limited to: suggestive or obscene letters, notes, and invitations. Verbal examples include, but are not limited to: derogatory comments, innuendoes, slurs, jokes, and epithets. Physical examples include, but are not limited to: assault, touching, impeding, or blocking movement. Visual examples include, but are not limited to: leering, gestures, display of sexually suggestive objects or pictures, cartoons or posters.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction among peers is not considered sexual harassment.)

Any expression of sexual interest between adults and students, regardless of reciprocity, is considered inappropriate and shall be subject to discipline under applicable state law.

3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response.

For example, **within the work environment** either implying or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared, or suggesting probation will be failed.

For example, **within the educational environment** either implying or actually withholding grades earned or deserved, course admission, or recommendations; or suggesting a scholarship recommendation or college application will be denied.

4. **Within the work environment**, engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary and/or work environment of another employee. **Within the educational environment**, engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
5. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification, etc. in exchange for sexual favors.

Confidentiality

A complaint and the results of the investigation shall be confidential to the extent reasonably possible under the investigation process. The complainant will be informed of this by the administrator receiving and/or investigating the complaint. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation. The alleged harasser will also be informed as to the confidential nature of the procedure. All parties shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others and that anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

Retaliation

The initiation of a complaint of sexual harassment, will not cause any reflection on the complainant or witnesses nor will it affect such persons' future business dealings with the District, his or her employment, compensation or work assignments, or, in the case of students, grades, class section or other matters pertaining to his or her status as a student of any District program. It shall be a violation of this policy to engage in such retaliation. An allegation of retaliation shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action as defined in this policy.

Disciplinary Action

Employees who act in violation of this policy and/or the law may be subject to discipline including dismissal. Such disciplinary action shall be in accordance with applicable policies, laws and/or collective bargaining agreements.

Complaint Procedure

A. Informal Resolution

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment are encouraged, but not required, directly to inform the person engaging in such conduct that such conduct is offensive and must stop. An aggrieved individual is not required to complain first to his or her supervisor (in the case of an employee) or to his or her instructor (in the case of a student), if that supervisor, or instructor, is the individual who is harassing the employee or student.

B. Formal Complaints

1. Complaints Brought by Students

If an aggrieved student is unable or unwilling to communicate directly with the person whose conduct is offensive, or if direct communication has been unavailing, the aggrieved student may file a complaint with the Deputy Superintendent and/or with the principal.

2. Complaints Brought by Employees and Other Individuals

If an aggrieved employee or other individual is unable or unwilling to communicate directly with the person whose conduct is offensive or if direct communication has been unavailing, the aggrieved employee or other individual may file a complaint with the Deputy Superintendent and/or with his/her supervisor.

3. Responsibilities of Employees

Employees, serving in supervisory, certificated, or managerial positions, who receive complaints or observe harassing conduct shall inform the Deputy Superintendent.

Administrative Review and Procedures

A. Complaints – General Provisions

1. An administrator who receives a verbal complaint of sexual harassment shall provide the employee with a copy of the District's sexual harassment policy and procedures and direct the employee to prepare a written complaint. The administrator shall inform the Deputy Superintendent of the complaint.

2. Filing

Complaints should be in writing and shall be filed with the Deputy Superintendent. Any complaint received, whether in writing or not, shall be investigated. If it appears that the employee is unable to prepare a written complaint without assistance, the Deputy Superintendent shall assist the employee with the preparation of a written complaint.

3. Contents of Complaint

The complaint shall: identify the offending person or persons; identify witnesses; include reference to specific examples of offensive conduct; identify the remedy sought; and describe the informal efforts, if any, made to correct the situation.

4. Review and Disclosure of Complaint

The Deputy Superintendent shall review the complaint and, as soon as reasonably possible after receipt of the complaint, employee or other person who is accused of sexual harassment should be informed of the contents of the communication.

5. Time Limits

A complaint shall be filed as soon as reasonably possible after the conduct in question has arisen.

6. Investigation

As soon as the Deputy Superintendent Deputy Superintendent learns of a complaint, he/she shall investigate the complaint thoroughly, promptly and in a confidential manner. The investigation may be assigned to District staff or to outside persons or organizations. The investigation shall be so assigned whenever the complaint implicates the Deputy Superintendent *or* the Superintendent and/or Deputy Superintendent determines that it is in the best interest of the District to so assign the investigation.

The person conducting the investigation shall speak to all individuals reasonably believed to have relevant information, including, but not limited to, the employee and the alleged offender, any witnesses to the conduct, and other victims of similar conduct whom the investigator reasonably believes may exist.

The investigation shall be conducted discreetly, maintaining confidentiality of the employee and the alleged offender insofar as confidentiality is consistent with thorough investigation and appropriate disposition of the matter. The person conducting the investigation shall advise all individuals whom he/she contacts in connection with the investigation of the confidential nature of the complaint and the investigation.

The investigation and written report shall be completed as soon as reasonably possible and shall be provided to the complainant and the alleged offender.

B. Complaints Against Employees

Upon completion of the investigation of a complaint filed against an employee, the Deputy Superintendent shall determine whether the harassment has occurred and whether any corrective action is appropriate. Corrective action may include counseling, warning or the initiation of disciplinary procedures against the

employee. A finding of sexual harassment shall constitute just and reasonable cause for discipline.

C Complaints Against Other Individuals

Upon completion of the investigation of a complaint filed against an individual who is not an employee, the Deputy Superintendent shall determine whether harassment has occurred and whether any corrective action is appropriate. Corrective action may include counseling, warning, or such penalties or sanctions against other individuals or parties as may be available to the District given the nature of the contractual or business relationship that may exist with such parties or individuals. Such individuals include visitors to the District and those who have business relations with the District.

D. Appeal Procedures

All decisions made under this procedure, may be appealed by the aggrieved person to the Governing Board.

1. If the employee or alleged offender is dissatisfied with any decisions made under this procedure, he/she may file a written appeal to the Governing Board within fifteen (15) days after receipt of the Decision. The other party shall be given a copy of the appeal and shall have five (5) days after receipt of the appeal to submit a written response. The Governing Board shall review the employee's written complaint, the Deputy Superintendent's written report and decision, the appeal, and any response to the appeal, to determine whether the alleged offender has engaged in sexual harassment and whether the decision contains an appropriate disposition of the matter.
2. The Governing Board in its discretion may, request additional information and the personal appearance of any and all parties and witnesses.
3. The Governing Board shall issue a written decision within forty-five (45) days of the written appeal.
4. The Superintendent shall inform the employee and the alleged offender of the Governing Board's decision.

Other Regulations

The Superintendent shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: posting and other means of distributing this policy; a process under which complaints of sexual harassment will be handled; and an explanation of possible civil proceedings and potential legal consequences of sexual harassment. The Superintendent may initiate training and

education programs to enable all persons, and in particular, supervisors to better understand the problem of sexual harassment.

In addition, the Superintendent shall designate appropriate employees to enforce or administer this policy within the District.

Filing Complaints with State and Federal Agencies

This policy is intended to supplement, and not replace, any applicable state and federal laws and regulations. Formal complaints under those laws and regulations shall be processed through the procedures established by applicable state and federal agencies.

Civil law remedies may also be available to persons filing complaints under this procedure. Anyone desiring to pursue civil law remedies should consider consulting an attorney and/or other sources of assistance including:

Office for Civil Rights
San Francisco Office
50 Beale Street, Suite 7200
San Francisco, CA 94105

Department of Fair Employment and Housing
1330 Broadway, Suite 1326
Oakland, CA 94612

Equal Employment Opportunity Commission
San Francisco District Office
901 Market Street, Suite 500
San Francisco, CA 94103

The Sonoma County Lawyer Referral Service (707) 546-5297 may be able to provide the names of attorneys who practice in the area.

Special Assistance

It is expected that questions may arise concerning the interpretation of the prohibition against sexual harassment, the methods and procedures to be followed in the investigation of complaints, and the appropriateness of specific solutions in disposition of complaints. For assistance in these matters, an aggrieved person may contact the Deputy Superintendent.

Training and Curriculum

To implement this policy, the Cotati-Rohnert Park Unified School District will provide appropriate training programs for staff and students. Employees in a supervisory capacity will be trained, as required by law, at least every two (2) years beginning January 1, 2006. Teachers are not considered to be supervisory.

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Legal Reference: Title VII of the Civil Rights Act – 42 USC Section 2000-e-2(a)(1)
California Fair Employment & Housing Act – Government Code
Section 12940
Title XIV of the Education Amendments of 1972 20 USC Section
1681 et. seq.

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November 15, 2005

COTATI-ROHNERT PARK
UNIFIED SCHOOL DISTRICT