



County Superintendent of Schools Administrative Regulation

#4119.11, 4219.11, 4319.11– Sexual Harassment

The County Superintendent is committed to a work environment in which all employees are treated with respect and dignity. Each employee has the right to work in a professional atmosphere that promotes equal opportunity, and is free from discriminatory practices or harassment. Therefore, the County Superintendent prohibits sexual harassment of employees or applicants by any person whether verbal, physical, or environmental. Any employee who violates this policy may be subject to discipline, up to and including dismissal.

Definition

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her.
3. 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.
4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through the County Office of Education.

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:

1. 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

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. 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

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the County Office of Education's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

Every two years, the County Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The County Office of Education's training and education program for supervisory employees shall include information and practical guidance regarding the 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. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1; 2 CCR 7288.0)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the County Office of Education's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the County Superintendent's complaint procedures.

Notifications

A copy of the County Superintendent's policy and this administrative regulation shall: (Education Code 231.5)

1. Be provided to all employees at the beginning of the school year or whenever a new employee is hired
2. Referenced in all employee handbooks

All employees shall receive a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH). (Government Code 12950)

In addition, the County Office of Education shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Reporting

Employees shall report any conduct on the part of other employees or non-employees, such as other agencies or vendors, who sexually harass any County Office of Education employee. The employee should refer to the County Superintendent's administrative regulation #4312 – Complaints.

APPROVED BY COUNTY SUPERINTENDENT – 11/3/08