

**PERSONNEL**

**SEXUAL HARASSMENT**

**Introduction:**

Sexual harassment is against the law and a violation of this policy. It is the policy of the Lake County Superintendent of Schools to provide an educational, employment, and business environment free from sexual harassment as defined below. It shall be a violation of this policy for any officer, employee, contractor, agent or student of the Lake County Office of Education to engage in sexual harassment as defined below. This policy applies to the Lake County Office of Education and all other programs and employees of the Lake County Superintendent.

**Educational Environment:**

Within the educational environment, sexual harassment is prohibited between students, between employees and students, between non-employees and students, between employees and employees, and between employees and other persons.

**Work Environment:**

Within the work environment sexual harassment is prohibited between supervisors, between supervisors and employees, between employees, between students, and between students and employees, and between employees and other persons.

**Definition of Sexual Harassment:**

“Sexual harassment” means 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, under any of the following conditions:

- (1) Submission to the conduct is explicitly or implicitly made a term or a condition of any individual’s employment, academic status, or progress.
- (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- (3) The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or creating an intimidating, hostile, or offensive work or educational environment.
- (4) 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.

## **Specific Examples:**

For the purpose of further clarification, 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, 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, partial or total nudity, display of sexually suggestive objects or pictures, cartoons, or posters, or the wearing of sexually suggestive clothing not meeting dress standards for students or employees.)
- (2) Continuing to express sexual interest after being informed that the interest is unwelcome.
- (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, suggesting a poor performance evaluation will be prepared, or suggesting a scholarship recommendation or college application will be denied.
- (4) Within the work environment, engaging in implicit or explicit coercive sexual behavior that 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 that 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, reclassifications, etc., in exchange for sexual favors.
- (6) The viewing, printing, or transmission of any obscene, pornographic, or other material of a harassing or sexual nature on a computer.

(Ref: Section 703 of Title VII of the United States Civil Rights Act, as interpreted by the United States Equal Employment Opportunity Commission, 29 CFR, §1604.11; and Section 7287.6 of Title 2 of the California Administrative Code.V.)

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**REGULATIONS REGARDING SEXUAL HARASSMENT**

**Complaint Procedure**

**Informal Resolution:**

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment should directly inform the persons engaging in such conduct that such conduct is offensive and must stop.

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment shall inform the Principal or Superintendent so that he/she may take remedial action.

**Formal Complaints:**

- (1) Complaints brought by students - an aggrieved student may file a written complaint with the Principal. The Principal shall forward a copy of the complaint to the Superintendent/Designee.
  - (2) Complaints brought by employees or other individuals - an employee or other individual may file a written complaint with the Superintendent/Designee.
  - (3) The informal resolution procedures set forth in paragraph A above are not a precondition to the filing of a complaint.
  - (4) Persons filing a complaint need not file a complaint with a person who they feel is sexually harassing them. In such case, the complaint should be filed with that person's superior (i.e., Director of Human Resources, Superintendent), who will then act in place of that person.
- Investigation:

As soon as the Superintendent/Designee receives the complaint, the Superintendent or the Superintendent's designee shall conduct an investigation. The investigation shall include interviewing the complaining employee and the alleged harasser, interviewing any witnesses to the conduct and interviewing any other victims of the conduct that the employer has reason to believe may exist.

The person investigating the complaint shall complete the investigation and make a determination within fifteen (15) days from the date that the written complaint is received.

**Determination:**

The person investigating the matter will prepare a written factual report and a written determination. Even if the investigation is inconclusive, the factual report shall be prepared setting forth the allegations and available information regarding the matter, as well as the disposition of the matter and any corrective action taken. The determination of the Superintendent, or the Superintendent's designee, should be communicated to the complaining employee, the alleged harasser, and where appropriate to others directly involved. In appropriate cases, the Superintendent will initiate disciplinary action against the harasser that is commensurate with the severity of the offense, and sufficient to put a stop to the harassment. Where appropriate, the complaining employee will be told of the disciplinary action taken.

### **Further Harassment or Retaliation:**

The Superintendent will ensure that no harassment of a complaining employee occurs in the future and that no retaliation against a complaining employee occurs as a result of filing a complaint in “good faith”, regardless of the outcome of the matter.

### **Confidentiality:**

A complaint and the results of the investigation shall be confidential to the extent reasonably possible under the investigation process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation, and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

### **Prohibition of Frivolous, Malicious, or Reckless Charges:**

Accusations of discrimination or sexual harassment are of utmost seriousness and should never be made casually and without cause. This Policy shall not be used to bring frivolous, malicious, or reckless charges. Disciplinary action shall be taken under the appropriate Lake County Office of Education policy against any person bringing a charge of discrimination or sexual harassment in “bad faith”.

### **Penalties For Sexual Harassment:**

Penalties for sexual harassment include:

- a) For students - suspension or expulsion, or other appropriate discipline.
- b) For employees - suspension or dismissal, or other appropriate discipline.

These penalties also apply to any person who retaliates against a person for filing a sexual harassment complaint in “good faith”.

Should disciplinary action be taken against another student, or an employee under this policy, the disciplinary action shall follow the due process procedures required for such disciplinary action, and the student or employee shall have the appeal rights provided for the action taken. Employee dismissals will follow standard employee dismissal procedures. Student expulsions will follow standard student expulsion procedures.

### **Where to Obtain Further Information:**

You may obtain copies of these rules and procedures for reporting charges of sexual harassment and for pursuing available remedies from the Lake County Office of Education:

**Telephone number:**

**(707) 262-4115**

**Address:**

**Director of Human Resources  
Lake County Office of Education  
1152 S. Main Street  
Lakeport, CA 95453**

If your complaint is not dealt with to your satisfaction at that level, you have a right to employ an attorney at your own expense, and/or to file a complaint with the state **Department of Fair Employment and Housing** or the federal Equal Employment Opportunity Commission at the following telephone numbers and address:

California Department of Fair Employment and Housing: 1-800-884-1684, [http:// www.dfeh.ca.gov](http://www.dfeh.ca.gov)  
2000 O Street, Suite 120  
Sacramento, CA 95814-5212 or

San Francisco  
455 Golden Gate Avenue, Suite 7600  
San Francisco, CA 94102  
U.S. Equal Employment Opportunity Commission  
1-800-669-4000  
<http://www.eeoc.gov/sanfrancisco/index.html>

350 The Embarcadero  
Suite 500  
San Francisco, CA 94105-1260

## SEXUAL HARASSMENT COMPLAINT FORM

**Please note:** The Lake County Office of Education (LCOE) will begin investigating your complaint promptly, and we will conduct as thorough an investigation as possible. We will do our best to ensure your confidentiality, as well as the confidentiality of the alleged harasser(s) and the witnesses, if any. We conduct all of our investigations on a need-to-know basis: Only those who must know about the complaint and the identity of those involved will have access to that information. In addition, we would like to emphasize that we do not tolerate any retaliation against an employee or student for bringing a sexual harassment complaint, nor do we tolerate any retaliation against alleged harassers and witnesses.

1. Name of Complainant:	
2. Status: Student <input type="checkbox"/> Employee <input type="checkbox"/>	Other (specify):
3. School, Program, or Department:	
4. School or Program Address:  Contact Phone Number(s):	
5. Name of individual engaging in alleged harassment:	
6. Position or title of individual identified in 5. above:	
7. Complainant's relationship to individual engaging in alleged harassment: Supervisor <input type="checkbox"/> Co-Worker <input type="checkbox"/> Administrator <input type="checkbox"/> Teacher <input type="checkbox"/> Counselor <input type="checkbox"/> Student <input type="checkbox"/> Other (specify):	
8. Please describe the specific act(s) alleged.	
9. Location(s) of alleged incident:	
10. Date(s) and approximate time(s):	
11. Describe the effect the alleged harassment had on you:	

12. Are there others who have witnessed this behavior or others who experienced similar behavior by the individual named above? If so, please provide their names(s), indicate if witness or individual with similar experience, their work location(s) and phone number(s).

13. Did you tell anyone about your experience after the alleged incident? If so, please provide name(s) and phone number(s).

14. Actions taken, if any, by the complainant to attempt to stop the harassment.

15. Have you filed this report with any other agency or an attorney?  
Yes  No   
If yes, with whom?

16. Complainant's suggestion of proposed action to address or resolve the harassment.

17. Additional information and comments:

Signature of person making the report:

Date:

Signature of person receiving the report:

Date: