

It is the policy of the Governing Board of the San Ramon Valley Unified School District to provide an educational and work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal visual or physical conduct or communications constituting sexual harassment, as defined by Education Code 212.5 and otherwise prohibited by state and federal statutes.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and 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 (Education Code 2115):

- a. Submission to the conduct is explicitly or implicitly made a term or a 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.

Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

*Verbal or written conduct:* making derogatory comments, including epithets, slurs, jokes, etc.; sexual propositions or flirtations, graphic commentary about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; spreading sexual rumors.

*Visual conduct:* leering; making sexual gestures; displaying sexually suggestive objects, pictures, books, magazines, etc.

*Physical conduct:* inappropriate touching or impeding one's movement.

Every student employee or applicant has the right to be free from harassment from adults and/or from students in the work or educational setting. 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.

A copy of this policy on sexual harassment shall be displayed in a prominent location at school sites and work sites, 2) provided as part of the orientation for new students at the beginning of each term as applicable, 3) provided for employees annually at the beginning of the school year and for each new employee, and 4) included in publications that set forth the comprehensive rules, procedures and standards of conduct of the school or district. Inservice regarding this policy and administrative procedure will be provided to all staff periodically as appropriate and annual review will be encouraged as part of student and staff orientation activities.

**Complaint Procedure:**

**Step I - Informal Resolution:** It is desirable that problems and complaints of alleged sexual harassment be resolved promptly and equitably. If possible, such problems and complaints should be resolved in an informal manner. Students and employees are encouraged, but not required, to inform the offender directly that his/her conduct is unwelcome or offensive and must stop.

**Step II: Verbal or Written Complaint:**

Students should follow *complaint* procedures designated in Administrative Regulation 5145.7, *Sexual Harassment, Students*. A student should initiate a complaint to a teacher or administrator verbally or in written form. The complaint should include information regarding the name(s) of the person(s) who engaged in offensive conduct, the description of the offensive conduct (i.e. when and where the conduct occurred, the number of times it occurred, any informal attempts at resolution), and the names of any witnesses. Administrative Regulation 5145.7 may be obtained from the school principal or the Superintendent.

Employees or applicants for employment who feel that they have been sexually harassed should contact their supervisor, principal, other district administrator or the Superintendent in order to obtain procedures for reporting a complaint. Complaints of sexual harassment against a district employee may be filed in accordance with AR 1312, *Complaints Against School Personnel*. Complaints alleging that a specific action, procedure or practice sexually discriminates, can be filed in accordance with AR 4031, *Complaints Concerning Discrimination in Employment*.

Any supervisor who receives a sexual harassment complaint shall notify the Superintendent or designee, who shall ensure uniform application of this policy and that the complaint is appropriately investigated.

*cf. 4030 - Nondiscrimination in Employment*

*cf. 4118 - Suspension/Disciplinary Action*

*cf. 4031 Complaints Concerning Discrimination in Employment*

**Legal Reference:****EDUCATION CODE**

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

*212.5 Sexual harassment*

*212.6 Sexual harassment policy*

*230 Particular practices prohibited*

*48980 Notice at beginning of term*

**All Personnel**

**BP 4119.11c**

**4219.11**

**SEXUAL HARASSMENT**

**4319.11**

**BP 5145.7**

GOVERNMENT CODE

*12900 -12995 Fair Employment and Housing Act*

*1102.1 Discrimination: sexual orientation*

*UNITED STATES CODE. TITLE 42*

*2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1954 as amended*

*2000h-2 et seq. Title LX 1972 Education Act Amendments*

*Franklin vs. Gwinnet County Schools 0992) 112 S. Ct. 1028*

*Menitor Savings Bank, FSB v. Vinson et al.*

*86 Daily Journal D.A.R. 2130*

**SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT**

**Board Policy Adopted: September 22, 1998**

**Danville, California**