

HUMAN RESOURCES
Equity and Compliance
Sexual Harassment

This regulation supersedes Regulation 4950.1.

I. PURPOSE

To establish procedures to be followed when a person feels that he or she has been sexually harassed.

II. DEFINITION

A. Person

Includes students, employees, and applicants.

B. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of the following conditions is present:

1. Submission to such conduct is explicitly or implicitly made either a term or a condition of an individual's employment or participation in an educational program or activity.
2. Submission to or rejection of such conduct by an individual is used as the basis of employment or educational decisions affecting such an individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational opportunity or creating an intimidating, hostile, or offensive working or educational environment.

Examples of conduct that can contribute to a hostile environment include unwelcome touching and/or persistent requests for dates or other social or sexual activities; vulgar and/or abusive comments; sexual jokes, comments, and stories; and comments about others' bodies or sexual lives. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or academic or other professional discussion of these issues. It refers to conduct that is not welcome and is intimidating, offensive, or inimical to performance effectiveness.

III. GUIDELINES

A. Filing a Complaint of Sexual Harassment

A person should report complaints of sexual harassment to his or her principal, supervisor, or program manager. (For student-to-student sexual harassment, see section F. below.) If, for any reason, the person prefers not to share the complaint with the principal, supervisor, or program manager, he or she may file a complaint or consult with the staff in the Office of Equity and Compliance (571) 423-3050 Department of Human Resources, or the person may file a complaint or consult with any member of management, up to and including the Division Superintendent. A person who has a concern about the handling of his or her complaint is encouraged to discuss that concern with the staff in the Office of Equity and Compliance (OEC) or with any member of management.

B. Reporting Complaints to the Office of Equity and Compliance

Any principal, supervisor, or program manager who receives a complaint of sexual harassment, or learns about conduct that could be sexual harassment, is required to report immediately to the OEC that such a complaint has been received or that such information has been obtained. The OEC will provide assistance or conduct investigations as needed.

C. Investigating Complaints Other Than Student-to-Student Sexual Harassment

All principals, supervisors, and managers shall ensure that complaints are investigated promptly either by conducting the investigation themselves or by referring the complaint to the OEC. When the principal, manager, or supervisor chooses to conduct the investigation, the OEC must be advised of the nature of the complaint, the steps being taken to investigate, and the results of the investigation, prior to taking final action.

If the principal, supervisor, or manager concludes that sexual harassment did occur, the report must include a recommendation regarding discipline of the harasser and remediation of the complaining individual's working conditions. Even if the principal or program manager concludes that harassment did not occur, counseling, discipline, or remediation may be recommended if the investigation indicates that one of these is appropriate. The OEC shall provide assistance in the preparation of investigative reports as necessary and shall review all such reports and recommendations. If deemed necessary, OEC shall undertake an independent investigation of the allegations and make its recommendations regarding discipline and remediation.

The recommendations of the OEC regarding investigative reports, discipline, and remediation shall be final, but the individual accused of harassment shall be entitled to the due process procedures provided to his or her job group (e.g., support employee or educational employee) before discipline is imposed. The manager or supervisor shall maintain records regarding each complaint for at least five years.

D. Confidentiality

Reports of sexual harassment will be kept confidential except to the extent that limited disclosure may be necessary for the purpose of conducting a full and fair investigation, providing opportunity for the accused harasser to respond, taking remedial action, and responding to government inquiry or legal action. The complainant and the accused harasser will be advised of the outcome of the investigation. No individual exercising the right to complain about or report an incident of sexual harassment will be subject to retaliation.

E. Newly Hired Employees

Newly hired employees shall be provided a copy of the current version of Regulation 4950 during orientation. A newly hired probationary employee is eligible to file a complaint of discrimination if he or she believes that the disciplinary action is the result of sexual harassment.

F. Filing Student-to-Student Sexual Harassment Complaints

For complaints involving student-to-student sexual harassment, see the current version of Regulation 2601.

G. Disciplinary Action

Any individual found to have violated the current version of Policy 4950 shall be subject to appropriate action up to and including dismissal (in the case of an employee). In the case of a student, disciplinary action will be in accordance with the provisions of the current version of Regulation 2601.

H. Avoidance of Improper Relationships

Principals, supervisors, and program managers should be aware of their particular obligations to understand and comply with this policy. Persons in such positions should avoid sexual relationships with their subordinates and other relationships that give the appearance of favoritism. Sexual and other inappropriate social relationships are never permissible between school system employees and students or between school system employees and other individuals involved in school system business (e.g., volunteers, vendors, consultants, substitutes, and hourly temporary employees).

I. Dissemination of Information About Policy and Complaint Procedures

Principals, supervisors, or program managers shall inform employees about the contents of the current versions of Policy 4950 and Regulation 4950, and this information shall be included in the employee handbook. If there is no handbook for a group of workers, the policy and regulation shall be posted and prominently displayed. Principals or program managers shall remind employees about the policy on a regular basis, preferably annually. Principals, supervisors, or program managers shall be responsible for the prominent display of posters advising

individuals of the complaint process for use when they feel that they have been sexually harassed. Such posters are available from the OEC.

J. Training for Principals, Supervisors, and Managers

The OEC shall conduct periodic training for principals, supervisors, and program managers on the subject of fair employment practices that includes a component on sexual harassment.

See also current versions of: Regulation 2601, Student Responsibilities and Rights
Policy 4950, Sexual Harassment