

Sexual harassment is a form of sex discrimination that violates the law. The Board of Education believes that each employee should be able to work in an environment which provides for fair and equitable treatment and is free of discriminatory intimidation based on sex and unwelcome sexual advances.

A. Definition:

Sexual harassment: Any unwelcome sexual advances, requests for sexual favors, or verbal, physical or other sexually offensive conduct made by anyone on district property or during any district-sponsored event when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or the rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; and/or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of acts of sexual harassment which shall not be tolerated include, but are not limited to:

- a. Verbal: Sexually derogatory comments or unwanted comments of a sexual nature or content, epithets, slurs, profanity, degrading jokes or jokes with sexual content, "teasing," "kidding," double meanings; demeaning comments about a person of a particular sex; solicitation of sexual favors or attention; sexual comments or sexual compliments about the body, clothing or appearance; or other comments or compliments about a person's body, clothing, or appearance implying sexual interest or containing sexual innuendo; repeated requests for dates that are turned down; unwanted, persistent flirting.
- b. Written: Sexually suggestive or obscene letters, notes, invitations, graffiti, or any written comments prohibited under the verbal examples above (see 'a').
- c. Physical: Sexual assault; unwelcome touching of an individual, such as groping, pinching, hugging, patting, repeated brushing against an individual's body, grabbing around the waist, unwanted massages, pulling at clothing, blocking one's passage, following an individual for the purpose of, or with the result of, unwanted pursuit or harassment of the individual; ogling, leering, i.e., deliberate staring at certain areas of the body.
- d. Visual: Sexually oriented gestures; displaying sexually suggestive or derogatory objects, pictures, magazines, cartoons, posters, calendars or advertising, sexual words or graphics on clothing.
- e. Technological: Transmitting, e-mailing, texting, or posting via any technical means (computer, cell phone, etc.), sexual or suggestive written material, photos, audio, or video, or other sexual or suggestive or harassment-related content; taking covert or unwanted photographs, video, or audio that would violate any part of this policy; playing sexually suggestive music, video, and/or audio recordings.
- f. Any other action which emphasizes the vulnerability of the victim specifically because of gender, gender expression or identity, sex, or sexual orientation or that subjects the individual to unwanted sexual attention.

B. Prohibition:

Sexual harassment will not be permitted or tolerated. This policy is applicable to all employees, students, non-employees and volunteers on district property or serving as trip sponsors.

C. Action to be taken:

Employees who sexually harass shall be subject to disciplinary action up to and including non-reemployment or dismissal, subject to applicable procedural and due process requirements.

If a member of the public is in violation of this policy, the response may include barring the person(s) from district property, termination of business relationships with individual(s) and/or prosecution of the person(s).

D. Procedures:

1. An employee who feels comfortable doing so should directly inform the harasser that such conduct is unwelcome and must stop.
2. An employee may bring a complaint to the immediate supervisor, the next level of management above the supervisor, the Executive Director of Human Resources/Superintendent or other district administrators.
3. The supervisor or manager must immediately notify the Executive Director of Human Resources of the complaint.
4. The Executive Director of Human Resources or Director of Human Resources shall investigate the complaint.

5. The Executive Director of Human Resources or Director of Human Resources shall recommend to the Superintendent the disciplinary action to be taken against the harasser.
 6. The Executive Director of Human Resources or Director of Human Resources shall notify both parties of the results of the investigation.
 7. Any formal grievance investigated under this policy shall be handled pursuant to Board Policy #4047.
- E. Participation in Investigations:
District employees are required to participate in investigations relating to harassment and/or discrimination.
- F. Retaliation:
Retaliation shall not be permitted against an individual who complains of sexual harassment, anyone who testifies on behalf of the complainant or anyone who assists or participates in an investigation or proceeding conducted under this policy.

Adopted 6/10/96
Revised 12/13/99
Revised 1/8/01
Revised 12/13/04
Revised 1/16/06
Revised 2/12/07
Revised 12/10/07
Revised 1/18/10
Revised 12/14/15
Revised 12/11/17

UCTA 4043