Santa Barbara Unified School District
Board Policy

SEXUAL HARASSMENT

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies, or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy will be disciplined, with action up to and including dismissal.

The Superintendent or designee must take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees, interns, volunteers, contractors and job applicants to whom the policy may apply
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and
using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints
Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee must immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Human Resources Department, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint must promptly notify the coordinator.

Complaints of sexual harassment must be filed and investigated in accordance with the complaint procedure specified in AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Legal Reference:

EDUCATION CODE
200-262.4  Prohibition of discrimination on the basis of sex
GOVERNMENT CODE
12900-12996  Fair Employment and Housing Act, especially:
12940  Prohibited discrimination
12950  Sexual harassment; distribution of information
12950.1  Sexual harassment training
LABOR CODE
1101  Political activities of employees
1102.1  Discrimination:  sexual orientation
CODE OF REGULATIONS, TITLE 2
11009  Employment discrimination
11021  Retaliation
11023  Harassment and discrimination prevention and correction
11024  Sexual harassment training and education
11034  Terms, conditions, and privileges of employment
CODE OF REGULATIONS, TITLE 5
4900-4965  Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688  Title IX prohibition against discrimination
UNITED STATES CODE, TITLE 42
2000e-2000e-17  Title VII, Civil Rights Act of 1964, as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
106.1-106.9  Nondiscrimination on the basis of sex in education programs or activities
106.51-106.61  Nondiscrimination on the basis of sex in employment in education program or activities
COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Management Resources:

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS**

**Promising Practices for Preventing Harassment, November 2017**

**WEB SITES**

California Department of Fair Employment and Housing: http://www.dfeh.ca.gov


U.S. Department of Education, Office for Civil Rights: http://www.ed.gov/about/offices/list/ocr/index.html

SANTA BARBARA UNIFIED SCHOOL DISTRICT
Santa Barbara, California January 26, 2010; September 12, 2017; May 8, 2018