

## **ALL PERSONNEL**

### **Sexual Harassment**

#### **Definitions**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite gender in the work or educational setting when:

1. Submission to the conduct is made either expressly or implicitly, a term or condition of the individual's employment;
2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her;
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive work environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile or abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs, or activities available at or through San Joaquin County Office of Education (SJCOE).

Types of conduct which are prohibited at SJCOE and SJCOE-sponsored programs, whether committed by a supervisor, co-worker, or non-employee, in the work or educational setting, which may constitute sexual harassment include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors;
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects;
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements.

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of SJCOE's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

### **Training**

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position.

The training and education required by this section shall include information and practical guidance regarding the federal and state laws on the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training shall also include all of the content specified in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding SJCOE's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use SJCOE's complaint procedure.

### **Notifications**

A copy of the superintendent policy and this administrative regulation:

1. Be displayed in a prominent location in the main administrative building or other area where notices of SJCOE rules, regulations, procedures, and standards of conduct are posted;
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year or whenever a new employee is hired;
3. Appear in any school or SJCOE publication that sets forth SJCOE's comprehensive rules, regulations, procedures, and standards of conduct.

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of SJCOE information sheets that contain, at a minimum, components on:

1. The illegality of sexual harassment;

2. The definition of sexual harassment under applicable state and federal law;
3. A description of sexual harassment, with examples;
4. SJCOE's complaint process available to the for employees;
5. The legal remedies and complaint process available through the DFEH and the Equal Employment Opportunity Commission (EEOC);
6. Directions on how to contact the DFEH and EEOC;
7. The protection against retaliation provided by 2 CCR 7287.8 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and EEOC.

In addition, SJCOE shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the legality of sexual harassment.

*cf:* 4031 Complaints Concerning Discrimination in Employment  
4112.9/4212.9/4312.9 Employee Notifications

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