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## **PROHIBITION OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE**

The District is committed to maintaining an educational environment and workplace that is free from harassment and discrimination. The District prohibits sexual harassment of and sexual violence against students, employees, or job applicants by other students, employees, or other persons, that occurs in the District's educational program or activity. The District also prohibits retaliatory behavior or action against any person who complains, testifies, assists, or otherwise participates in the complaint process.

### **Prohibited Conduct**

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 sex in the workplace or education setting, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, or of a student's academic status or progress.
2. Submission to or rejection of the conduct by the individual is used as the basis for an employment decision or academic decision affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on an individual's work or a student's academic performance or has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment. Regardless of whether or not the alleged harasser was motivated by sexual desire, the conduct is so severe, pervasive, and objectively offensive that it denies equal educational access.
4. Submission to or rejection of the conduct by an employee or student is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through any District program or activity.

Examples of the types of conduct which are prohibited at the District and which may constitute sexual harassment whether committed by a supervisor, a coworker, a student, or a non-employee include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions.
2. Pressure to engage in sexual activity.
3. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, innuendoes, or sexually degrading descriptions.
4. Graphic verbal comments about an individual's body.

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5. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, graffiti, or computer-generated images of a sexual nature.
  6. Spreading sexual rumors.
  7. Teasing or making sexual remarks about students enrolled in a predominantly single-sex class.
  8. Unwelcome physical contact such as massaging, grabbing, fondling, stroking, or brushing the body.
  9. Touching an individual's body or clothes in a sexual way.
  10. Cornering, leaning over, impeding, or blocking normal movements or any other physical interference with school activities when directed at an individual on the basis of sex.
  11. Displaying sexually suggestive objects.

Prohibited sexual violence includes rape, sexual assault, sexual battery, and sexual coercion as defined in California's Penal Code Sections 243.4 and 261 *et seq.*

### **Complaint Procedures and Title IX Coordinator**

Complaints of sexual harassment or sexual violence shall be reported and investigated in accordance with law, and with the District's Uniform Complaint Procedures policy and regulations, available here: [Board Policies](#). An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

The Human Resources Manager shall serve as the District's Title IX Coordinator. Students, parents, guardians, or employees may contact the Title IX Coordinator at any time to file a complaint directly with the District at:

Human Resources Manager  
3783 Forni Road  
Placerville, CA  
(530) 622-6464 Ext 415  
[jdelgado@mlusd.net](mailto:jdelgado@mlusd.net)

### **Confidentiality and Record-Keeping**

All complaints and allegations of sexual harassment or sexual violence shall be kept confidential except as necessary to carry out the investigation, to take action to address and remedy instances of sexual harassment, or to comply with every District employee's legal responsibility to report suspected child neglect or abuse. The District's Title IX Coordinator or his/her designee shall

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maintain a record of all reported cases of sexual harassment to monitor, address, and prevent repetitive harassing behavior.

### **Notifications**

A copy of this Policy shall:

1. Be prominently displayed in the main office of every District campus and administrative building, or other locations where notices of rules, regulations, procedures, and standards of conduct are posted.
2. Be provided to every employee when hired and at the beginning of each school year.
3. Be included in any publication that sets forth the District's comprehensive rules, regulations, procedures, and standards of conduct, including the annual notice provided to students at the start of each school year.

All employees shall receive a copy of information sheets prepared by the California Department of Fair Employment and Housing (“DFEH”) that contains, at a minimum, information 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. The complaint process available to employees.
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and the EEOC.
7. The protection against retaliation for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH or the EEOC.

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

### **Student-Specific Regulations on Sexual Harassment and Sexual Violence**

#### **Student Instruction**

The District shall ensure that all students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

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1. What acts and behavior constitute sexual harassment or sexual violence, including the fact that sexual harassment can occur between people of the same sex.
  2. A clear message that sexual harassment and sexual violence are unacceptable and that students do not have to tolerate such behavior.
  3. Encouragement to report instances of sexual harassment and sexual violence, even when the victim of the harassment/violence has not complained.
  4. The person(s) to whom complaints of sexual harassment and sexual violence should be made.
  5. Information about the District's process for investigating complaints.

Any student who feels that he/she is being or has been sexually harassed or a victim of sexual violence perpetrated by a school employee, another student, or a non-employee, in the school's educational program or activity, should immediately contact his or her teacher or any other District employee. An employee who receives such a complaint shall report it in accordance with the District's Uniform Complaint Procedures ("UCP") policy. The District's Title IX Coordinator shall ensure that any complaints regarding sexual harassment and sexual violence are immediately investigated in accordance with the District's UCP policy. When the District's Title IX Coordinator has determined that harassment or violence has occurred, the Coordinator shall take prompt, appropriate action to end the harassment or violence and to address its effects on the victim.

### **Student Disciplinary Actions**

Any student who engages in sexual harassment of or sexual violence against anyone at school or at a school-sponsored or school-related activity is in violation of this Policy and shall be subject to disciplinary action. For students in grades 4-8, disciplinary action may include suspension and/or expulsion.

### **Employee-Specific Regulations on Sexual Harassment and Sexual Violence**

The District's Title IX Coordinator or his/her designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment and sexual violence, including but not limited to:

1. Providing training to employees in accordance with law and this Policy.
2. Publicizing and disseminating the District's Sexual Harassment and Sexual Violence policy to staff.
3. Ensuring prompt, thorough, and fair investigation of complaints.

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4. Taking timely and appropriate corrective action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of behavior.

Any employee or job applicant who feels that he or she has been sexually harassed or who has knowledge of any incident of sexual harassment or sexual violence by or against another employee, a job applicant, or a student, shall immediately report the incident to his or her supervisor, the site principal, or the District's Title IX Coordinator.

A supervisor, principal, or other administrator who receives a complaint of sexual harassment or sexual violence shall promptly notify the District's Title IX Coordinator or designee.

### **Training**

The District's Title IX Coordinator or designee shall ensure that all employees receive training regarding sexual harassment and complaint policies when hired and periodically thereafter. Such training shall include the procedures for reporting or filing complaints involving an employee, employees' duty to use the complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

Every two years, the District's Title IX Coordinator or designee shall ensure that supervisory employees receive at least two hours of classroom or other interactive training regarding sexual harassment. Newly hired or promoted supervisory employees shall receive training within six months of their assumption of the new position. A supervisory employee is any employee with the authority to hire, terminate, discipline, assign, transfer, suspend, lay-off, promote, or otherwise reward other employees. A supervisory employee is also anyone with the authority to effectively recommend (but not take) these actions, if exercising that authority requires the use of independent judgment.

Sexual harassment training shall include:

1. The definition of sexual harassment under the Fair Employment and Housing Act and Title VII of the federal Civil Rights Act of 1964.
2. The statutes and case-law on prohibiting and preventing sexual harassment.
3. The types of conduct that can be sexual harassment.
4. The remedies available for victims of sexual harassment.
5. Strategies to prevent sexual harassment.
6. Supervisors' obligation to report harassment.
7. Practical examples of harassment.
8. The limited confidentiality of the complaint process.

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9. Resources for victims of sexual harassment, including to whom they should report it.
  10. How employers must correct harassing behavior.
  11. For supervisors, what to do if the supervisor is personally accused of harassment.
  12. The elements of an effective anti-harassment policy and how to use it.
  13. “Abusive conduct” under Government Code § 12950.1 (g)(2).

The District’s Title IX Coordinator shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider.

### **Employee Disciplinary Actions**

Any employee who engages in or participates in sexual harassment or sexual violence, or who aids, abets, incites, compels, or coerces another to commit sexual harassment or sexual violence against an employee, job applicant, or student is in violation of this Policy and is subject to disciplinary action, up to and including dismissal.

### **Prominent and Conspicuous Posting on the District’s Website**

The District shall post the following information in a prominent and conspicuous location on its website, [www.mlusd.net](http://www.mlusd.net)

1. The Title IX Coordinator’s name, title, phone number, and email address.
2. The rights of students and members of the public, and the responsibilities of the District, under Title IX of the Education Amendments of 1972, which shall include, but shall not be limited to:
  - a. Internet web links to information about those rights and responsibilities located on the websites of the California Department of Education’s Office for Equal Opportunity and the United States Department of Education’s Office of Civil Rights; and
  - b. The list of rights specified in Education Code Section 221.8.
3. A description of how to file a complaint under Title IX, which shall include all of the following:
  - a. An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.

- b. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, internet web links to this information on the United States Department of Education's Office for Civil Rights' website.
- c. An internet web link to the United States Department of Education's Office for Civil Rights complaint form, and the contact information for the office, which shall include the phone number and email address for the office.