

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4119.11

ADOPTED: 2/14/96

CLASSIFICATION: Personnel

REVISED: 01/13/03

SUBJECT: Sexual Harassment Policy and Complaint Procedure

1. Purpose

It shall be the policy of the Ventura County Office of Education to take affirmative steps to:

- A. Prohibit and discourage any person in the Ventura County Office of Education work or educational setting from sexually harassing any other person including students in the work or educational setting.
- B. Provide a harassment-free work and educational environment.
- C. Immediately and thoroughly investigate any alleged sexual harassment.
- D. Provide ongoing education and awareness of the problem of sexual harassment.
- E. Provide information about how to pursue claims of sexual harassment.

2. Definition of Sexual Harassment

"Sexual Harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by any person from or in the Ventura County Office of Education work or educational setting under any of the following conditions:

- A. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- B. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- C. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment.
- D. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding the benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor or manager, or by persons doing business with or for the organization. No supervisor, manager, administrator or any other person in this organization shall create a hostile or offensive work environment for any other person by engaging in any sexual harassment or by tolerating it on the part of any employee, or assist any individual in doing any act which constitutes sexual discrimination against any employee.

Examples of prohibited conduct include, but are not limited to:

- A. Unwanted sexual advances.
- B. Making or threatening reprisals after a negative response to a sexual advance.
- C. Offering employment benefits in exchange for sexual favors.
- D. Visual conduct: Leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters or graffiti; sending/displaying suggestive or obscene letters, notes or invitations.
- E. Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- F. Verbal sexual advances or propositions.
- G. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- H. Physical conduct: touching, assault, impeding or blocking movements.

3. Complaint Procedure

The Ventura County Office of Education's complaint procedure provides for an immediate, thorough and objective investigation of any sexual harassment claim, appropriate disciplinary action against one found to have engaged in prohibited sexual harassment, and appropriate remedies to any victim of harassment.

Any Ventura County Office of Education's employee who feels they are a victim of sexual harassment or are aware of the harassment of others, must provide a written or verbal complaint to their immediate supervisor or to the Director of Human Resources as soon as possible. The complaint must include details of the incident(s), names of individuals involved, and the names of any witnesses. Supervisors should immediately refer all harassment complaints to the Director of Human Resources.

All incidents of sexual harassment that are reported will be investigated. The Director of Human Resources or a designee will immediately undertake an effective, thorough and objective investigation of the harassment allegations. The investigation will be conducted in a manner which protects the complainant and maintains the individuals' confidentiality and privacy of the parties involved, to the extent possible.

The investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee(s) who complained and the accused harasser(s).

If it is determined that sexual harassment has occurred, effective remedial action commensurate with the circumstances will be instigated. Appropriate action will also be taken to deter any future harassment. If a complaint of sexual harassment is substantiated, appropriate disciplinary action up to and including termination, suspension, or other appropriate disciplinary measure will be taken. Whatever action is taken against the harasser will be communicated to the employee who complained.

4. Dissemination of Policy

- A. A copy of this Policy shall be:
 - 1) Posted in a prominent location at each school and work site.
 - 2) Provided to all employees at the beginning of the school year, or to a new employee at the time of hire.
 - 3) Placed in any publication of the Ventura County Office of Education that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the organization.
- B. All employees shall be expected to read and understand their rights and responsibilities under this policy.
- C. The Superintendent or designee may take such further action to insure understanding of, and compliance with, this policy as is appropriate, including but not limited to, providing staff training or counseling.