

Section 11

TITLE IX

Title IX/Sexual
Harassment






BULLETIN

SUBJECT: TITLE IX / SEXUAL HARASSMENT **HR-01**

TO: All Employees, Substitutes, and Short-Term Temps

DATE: July 2012

PREPARED BY: Kim Hebert **DEPARTMENT:** Human Resource Services

REVIEWED BY: Jess Serna **APPROVED:** 

Sexual harassment violates federal and state law as well as the Sacramento City Unified School District's Board Policies and Administrative Regulations - 4119.11(a) and 5145.7(a). By definition, "sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting."

Examples of types of conduct which may constitute sexual harassment include, but are not limited to: (1) unwelcome leering, sexual flirtations, or propositions; (2) sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions; (3) graphic verbal comments about an individual's body, or overly personal conversation; (4) sexual jokes, notes, stories, drawings, pictures, or gestures; (5) spreading sexual rumors; (6) touching an individual's body or clothes in a sexual way; (7) purposefully cornering or blocking normal movements; (8) displaying sexually suggestive objects in the educational or work environment.

If you believe that your rights under this policy have been violated, the following courses of action may be taken without retaliation:

- Report the alleged violation to your immediate supervisor or site administrator for initial attempts at resolution, or contact District Title IX Compliance Coordinators: Student Related Issues: Stephan Brown, Director, Student Services/Alternative Education, at 643-9425, or Employee Related Issues: Jess Serna, Chief Human Resources Officer, at 643-7474.
- Make an appointment to report your grievance to the State Department of Fair Employment and Housing via the Internet, www.dfeh.ca.gov, or by phone: 1-(800) 884-1684. Walk-ins are generally not seen without an appointment (2218 Kausen Drive, Suite 100, Elk Grove, CA 95758).
- File your charges or complaints directly with: Equal Employment Opportunity Commission; San Francisco District Office; 350 The Embarcadero, Suite 500; San Francisco, CA 94105-1260. Phone: 1-(800) 669-4000 (www.eeoc.gov); Fax: 1-(415) 625-5609. Please call first to obtain information or schedule an appointment.
- If you are a classified employee, you may also file a grievance with your union representative.
- If you are a certificated/non-management employee, you may also contact your SCTA representative for counseling and guidance in this matter.

The site administrator will post a copy of the Title IX (Non-Discrimination on the Basis of Sex) Flyer in all classrooms and offices. The Department of Fair Employment and Housing: Harassment or Discrimination in Employment notice will be posted on staff bulletin boards.

If you have questions or need assistance regarding Title IX law and sexual harassment, please refer to the numbers listed above and call the appropriate District's Title IX Compliance Coordinator.

TITLE IX (NON-DISCRIMINATION ON THE BASIS OF SEX)

Includes Sexual Harassment (BP/AR 4030)

The Governing Board prohibits unlawful discrimination against and/or harassment of district employees and job applicants on the basis of actual or perceived race, color, national origin, ancestry, religious creed, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, genetics, gender or sexual orientation, at any district site and/or activity. The Board also prohibits retaliation against any district employee or job applicant who complains, testifies, or in any way participates in the district's complaint procedures instituted pursuant to this policy. Any district employee who engages in or permits unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal. A district employee shall be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident of discrimination and/or harassment, whether or not the victim complains. Unlawful harassment includes, but is not limited to:

- ✓ Slurs, epithets, threats, or verbal abuse.
- ✓ Derogatory or degrading comments, descriptions, drawings, pictures, or gestures.
- ✓ Unwelcome jokes, stories, or teasing.
- ✓ Any other verbal, visual, or physical conduct which adversely affects employment, interferes with work performance, or creates an intimidating, hostile, or offensive work environment.

(Harassment may arise not only as a result of the offender's intention, but also as a result of the offended person's perception of the conduct.)

Title IX Policy on Sexual Harassment 4119.11(a) and 5145.7(a)

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by an employee, student, or other person at school or at any school-related activity.

- ✓ Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action.

The Governing Board prohibits sexual harassment in the working environment of District employees or applicants by any person in any form.

- ✓ Employees who permit, engage, or participate in such harassment may be subject to disciplinary action up to and including dismissal.

Report Violations to:

1. Your supervisor or site administrator for initial attempts at resolution, or
2. Contact District Title IX Compliance Coordinators:

Student Related Issues:

Vacant, Director, Student Services/Alternative Education, 643-9425, OR

Employee Related Issues:

Jess Serna, Chief Human Resources Officer, 643-7474.

PROCESS OF INVESTIGATION OF

EMPLOYEE HARASSMENT OR DISCRIMINATION IN EMPLOYMENT

Confidentiality Rule: Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.

STEP I
Principal or Direct Supervisor

Fill Out PSL-F088 Title IX Grievance Request

STEP II
Director, Human Resource Services

Appeal

STEP III
Chief Human Resources Officer

1. Complaint (Form or Verbal Complaint Put Into Writing by Principal/ Direct Supervisor)

1. Appropriate Human Resource Services Director to Investigate and Document

1. Investigate and Confer With Superintendent and Legal Counsel

2. Principal or Direct Supervisor to Investigate and Document

2. Make Finding and Recommendation to Resolve

2. Make Finding and Proposed Resolution

3. Make Finding and Recommendation to Resolve

3. Written Finding to be Kept in Human Resource Services Office; cc: to Chief Human Resources Officer

3. Make Recommendation to Superintendent and Board of Education if Necessary

4. Copy of Written Finding to be Kept at Site; cc: to Human Resource Services Office Within 10 Days



Human Resource Services

Process of Investigation of Student-to-Student Harassment or Discrimination

Confidentiality Rule: *Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.*

Important Note: At any time during the process, the parent/guardian or student may contact and work directly with the Title IX Officer (Director, Student Services/Alternative Education).

STEP I: School Site

- a) Parent/guardian or student submits a complaint either verbal or in writing to the Principal, Assistant Principal, Counselor, Teacher, Activities Advisor, or any other staff member.
- b) The Principal or Direct Supervisor is responsible for investigating and documenting the process.
- c) The Principal or Direct Supervisor makes a finding and recommendation to resolve the complaint.
- d) A copy of the written findings must be kept at the site and a copy must be sent to the Title IX Officer (Director, Student Services/Alternative Education) within 10 days of resolution.

At any time during the process, please do not hesitate to contact the Title IX Officer at 643-9425.

STEP II: Title IX Officer

- a) The Title IX Officer (Director, Student Services/Alternative Education) receives a Title IX Complaint. The Title IX Officer investigates documenting the process.
- b) The Title IX Officer makes a finding and recommendation to resolve the complaint.
- c) A written finding is filed in the Student Services Office and a copy is sent to the school site and parent.

STEP III: Appeal Process

- a) Appeals can be made directly to the Chief Accountability Officer.
- b) Make final recommendation to the Superintendent.



Human Resource Services

Title IX Grievance Review Request

CONFIDENTIAL

Instructions: Individuals alleging Title IX discrimination and requesting review are required to complete this form and submit it to the appropriate Title IX Compliance Coordinator:

Student Related Issues: Director of Student Services/Alternative Education OR

Employee Related Issues: Chief Human Resources Officer

5735 47th Avenue, Sacramento, CA 95824 • P.O. Box 246870, Sacramento, CA 95824-6870

1. **Name of Grievant:**

Home Address

Zip

Home Telephone

School/Office:

2. **Nature of Your Grievance:** Please describe the action you believe may be in violation of Title IX, and identify any person(s) you believe may be responsible. (Attach additional sheets if necessary.)

3. Have you discussed your grievance with any Sacramento City Unified School District personnel?

Yes

No

If yes, to whom have you spoken?

Date:

4. What was the result of the discussion(s):

PLEASE ATTACH ANY STATEMENTS, NAMES OF WITNESSES, REPORTS, OR OTHER DOCUMENTS WHICH YOU FEEL ARE RELEVANT TO YOUR GRIEVANCE.

I certify that the foregoing is true and correct.

Print Name

Signature

Date

FOR HUMAN RESOURCE SERVICES USE ONLY:

Date Received: _____ Initial _____