




Jorge A. Aguilar, Superintendent
Cancy McArn, Chief Human Resources Officer

SUBJECT: TITLE IX / SEXUAL HARASSMENT / DISCRIMINATION **HR-02**

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

DATE: July 1, 2020

PREPARED BY: Christina Villegas **DEPARTMENT:** Human Resource Services

REVIEWED BY: Monica Garland
Tiffany Smith-Simmons, Ed.D. **APPROVED:** 
Christina Villegas

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." Additionally, the District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics, as referenced in District Board Policy – 4030.

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 Compliance Coordinators: Student Related Issues (Title IX): Stephan Brown, Director, Student Services/Alternative Education, at (916) 643-9425, or Employee Related Issues (Title VII): Cancy McArn, Chief Human Resources Officer, at (916) 643-9050.
- Make an appointment to report your grievance to the State Department of Fair Employment and Housing (DFEH) 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; Phone: 1-800-669-4000 (www.eeoc.gov). Please call first to obtain information or schedule an appointment.
- If you are a classified employee, you may also file a DFEH and consult with your union representative.
- If you are a certificated/non-management employee, you may also file a DFEH and 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) Memo 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 VII/TITLE IX (NON-DISCRIMINATION ON THE BASIS

Includes Nondiscrimination & Sexual Harassment (BP/AR 0410, 4119.11 & 4030)

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees, job applicants, and District programs & activities on the basis of actual or perceived race, color, national origin, nationality, ancestry, ethnicity, ethnic group identification, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability, medical condition, veteran status, gender, gender identity, gender expression, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics 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.

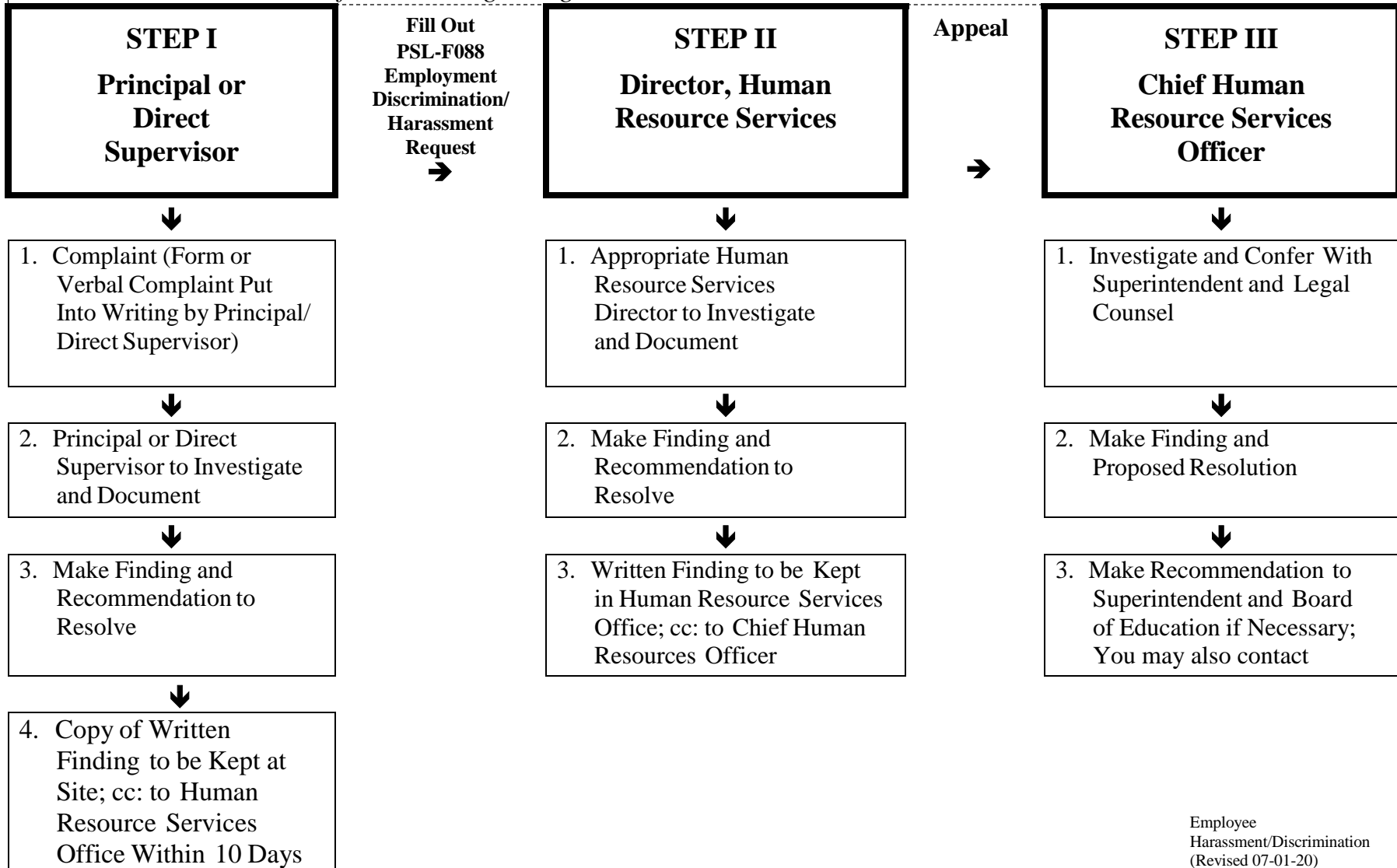
- Employees who permit, engage, or participate in such harassment may be subject to disciplinary action up to and including dismissal.

Report Violations to:

1. Your supervisor or site administrator for initial attempts at resolution, or
2. Contact District Compliance Coordinators:
 - Student Related Issues (Title IX):
Stephan Brown, Director II, Student Services/Alternative Education, (916) 643-9425, OR
 - Employee Related Issues (Title VII):
Cancy McArn, Chief Human Resources Officer, (916) 643-9050.

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.





Human Resource Services

Process of Investigation of Student-to-Student Harassment, Discrimination, Intimidation, or Bullying

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) or Bullying Prevention Specialist.

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 designated Title IX Administrator is responsible for investigating and documenting the process.
- c) The school site principal or designee will investigate all bullying reports in accordance with existing district practice and Board Policy 5145.4.
- d) The Principal or designated Title IX Administrator makes a finding and recommendation to resolve the complaint.
- e) 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. A copy of the bullying complaints finding should be submitted to the Bullying Prevention Specialist.

At any time during the process, please do not hesitate to contact the Title IX Officer at 643-9425. For addressing issues related to bullying, please contact Jessica Wharton, Bullying Prevention Specialist at (916) 643-9076 or scusd.edu/school-climate-and-bully-prevention.

STEP II: Title IX Officer

- a) The Title IX Officer (Director, Student Services) 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 to the California Department of Education (CDE) at <https://www.cde.ca.gov/re/cp/>
- b) The complainant has a right to appeal SCUSD's Decision to CDE by filing a written appeal within 15 days of receiving SCUSD's Decision. The appeal must include a copy of the complaint filed with SCUSD and a copy of SCUSD's Decision. You may also file a complaint through the U.S. Office of Civil Rights.



Human Resource Services

Employment Discrimination/Harassment Review Request

CONFIDENTIAL

Instructions:

Individuals alleging harassment and/or discrimination and requesting review are required to complete this form and select the appropriate Compliance Coordinator listed below and submit to 5735 47th Avenue, Sacramento, CA 95824 • P.O. Box 246870, Sacramento, CA 95824-6870:

- **Student Related Issues (Title IX):** Director of Student Services/Alternative Education OR
- **Employee Related Issues (Title VII):** Chief Human Resources Officer

1. **Name of Complainant:**

Home Address _____ Zip _____ Home Telephone _____

School/Office:

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

3. Have you discussed your complaint 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.

_____ Signature _____ Date _____

Print Name _____

FOR HUMAN RESOURCE SERVICES USE ONLY:

Date Received: _____ Initial _____