FULLERTON SCHOOL DISTRICT

ALL PERSONNEL Policy No.: 4080

Board Adopted: November 29, 2005

Sexual Harassment - Page 1

The Board of Trustees prohibits sexual harassment of Fullerton School District employees and job applicants. The Board of Trustees also prohibits retaliatory behavior or action against District employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

- 1. Providing periodic training to all staff regarding the District's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the District's complaint procedures in order to avoid harm.
- 2. Publicizing and disseminating the District's sexual harassment policy to staff.
- 3. Ensuring prompt, thorough and fair investigation of complaints.
- 4. Taking timely and appropriate corrective/remedial actions after completion of investigation. This may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

Any District employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately contact his/her supervisor, Principal, District administrator or Superintendent to obtain procedures for filing a complaint. Complaints of sexual harassment shall be filed in accordance with Policy 4031 – Complaints Concerning Discrimination in Employment.

An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

A supervisor, Principal or other District administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action.

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

Legal Reference:

Education Code

200-262.4

Prohibition of Discrimination on the Basis of Sex

Government Code

12900-12996

Fair Employment and Housing Act

FULLERTON SCHOOL DISTRICT

ALL PERSONNEL

Policy No.: 4080

Sexual Harassment - Page 2

Board Adopted: November 29, 2005

Legal Reference:

(cont.)

Labor Code

1101

Political Activities of Employees

1102.1

Discrimination: Sexual Orientation

Code of Regulations, Title 5

4900-4965

Nondiscrimination in Elementary and Secondary Education

Programs Receiving State Financial Assistance

United States Code, Title 42

2000d-2000d-7

Title VI, Civil Rights Act

2000e-2000e-17

Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6

Title IX. 1972 Education Act Amendments

Code of Federal Regulations, Title 34

106.9

Dissemination of Policy

Court Decisions

Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 988 Juarez v. Ameritech Mobile Systems (N.D. III.) 7496 F. Supp 798 Dornhecker v. Mailbu Grand Prix Corp. (5th Cir. 1987) 828 F.2d. 307 Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57