Prohibited Harassment Policy - Employees

Prohibited Harassment:

The county office maintains a strict policy prohibiting sexual harassment and harassment because of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, age, sexual orientation, or any other basis protected by federal, state, or local law or ordinance or regulation. This policy applies to all persons involved in the operations of the county office of education and prohibits such harassment by any employee of the county office of education, including supervisors and co-workers. Prohibited harassment in any form, including verbal, physical, and visual conduct, threats, demands, and retaliation will not be tolerated. Harassment because of sex, race, ancestry, physical handicap, medical condition, marital status, age, sexual orientation, or any other protected basis includes, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, graphic comments about one’s body, slurs, threats, jokes, spreading sexual rumors, or unwanted sexual advances, invitations, or comments.

2. Visual conduct such as derogatory posters, photography, cartoons, drawings, leering, gestures, or displaying sexually suggestive objects.

3. Physical conduct such as assault or battery (unwanted touching), blocking normal movement, or interfering with work directed at you because of your sex or any other protected basis.

4. Threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors.

5. Retaliation for having reported or threatened to report harassment.

Prohibited sexual harassment occurs when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment, academic status, or progress.

2. Submission to or rejection of the conduct by an individual is used as the basis of employment or academic decisions affecting the individual.

3. The conduct has the purpose or effect of having a negative impact on the individual’s work or academic performance, or has the purpose or effect of creating an intimidating, hostile or offensive work or educational environment. The conduct is sufficiently severe, persistent, pervasive or objectively offensive so as to create a hostile or abusive work or educational environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

An employee may have a claim of prohibited harassment even if the employee has not lost a job or some other economic benefit. Prohibited harassment that substantially impairs an employee’s working ability or emotional well-being at work violates this policy and will not be tolerated.

**Investigation Procedures:**

If an employee believes there is harassment on the job because of sex, race, ancestry, or other prohibited basis, the procedure outlined in this policy should be used to file a complaint and begin an investigation.

An employee has a right to redress for prohibited harassment. In order to secure this right, an employee should submit a written complaint to the Deputy Superintendent or designee as soon as possible after any incident believed to be prohibited harassment. The Deputy Superintendent can be reached at (530) 668-6700. The complaint should include the details of the incident or incidents, the names of the individuals involved and the names of any witnesses. Supervisors will refer all complaints of prohibited harassment to the Deputy Superintendent. The Deputy Superintendent or his/her designee will undertake an effective, thorough, and objective investigation of the harassment allegations. Each complaint of sexual harassment shall be promptly investigated in a way that maintains confidentiality and respects the privacy of all parties concerned.

In investigating the complaint, the investigator shall individually interview the person who is complaining, the person accused of harassment, anyone who saw the harassment, and anyone who has related or relevant information. The investigator may also discuss the complaint, if necessary to carry out the investigation or for other good reasons, with the Superintendent or designee, the parents/guardians of the people complaining, staff members who have knowledge of witness credibility, child protective agencies (if applicable), and/or legal counsel. This investigation will be promptly conducted and the results will be communicated to the employee as soon as practical.

If the Deputy Superintendent determines that prohibited harassment has occurred, the county office will take effective corrective or remedial action commensurate with the severity of the offense. Such action may include disciplinary action. Appropriate action will also be taken to deter any future harassment. Whatever action is taken against the harasser will be made known to the employee to the extent allowed by law, and the county office will take appropriate action to remedy any loss resulting from harassment. The county office may also take disciplinary measures against any person who is found to have made a complaint which he/she knew was not true.
Retaliation:

The county office will not retaliate against anyone for filing a complaint, threatening to file a complaint, participating in an investigation, proceeding, or hearing with the Department of Fair Employment and Housing or other administrative proceeding. The county office will not knowingly permit retaliation by management employees or co-workers.

Appeals And Other Remedies:

Complainants may appeal the final action taken by the governing board regarding the written complaint to the California Department of Education. Complainants are hereby informed that injunctions, restraining orders and other civil law remedies may also be available to them. (Education Code section 262.3.)

Employees shall be aware that the California Department of Fair Employment and Housing also investigates and prosecutes complaints of prohibited harassment in employment. If employees think they have been harassed or retaliated against for resisting or complaining about harassment, employees may file a complaint with the Department. The nearest Department office is listed in the telephone book, or their web site is www.dfeh.ca.gov. The Department will investigate the complaint. If the complaint has merit, the Department will attempt to resolve it. If no resolution is possible, the Department may prosecute the case with its own attorney before the Fair Employment and Housing Commission. The Commission may order the harassment stopped, and can require the employer to pay money damages and reinstate the employee or give other appropriate relief.

Employees shall also be aware that the U.S. Office of Civil Rights investigates complaints of harassment on the basis of sex, race, color, national origin, blindness or severely impaired vision or other protected biases in educational programs that receive federal financial assistance. If employees think they have been harassed or retaliated against for resisting or complaining about harassment, an employee may file a complaint with the Office. Information on beginning this complaint process may be obtained from the Director of Human Resources, 1240 Harter Avenue, Woodland, California 95776 (530-668-3784), or by calling the U.S. Office of Civil Rights directly.

Notifications:

A copy of this Prohibited Harassment policy shall:

1. Be displayed in a prominent location near the main administrative building.

2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
3. Appear in any county office publication that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the county office and its programs. (Education Code section 231.5.)

The county office encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

Legal References:

Education Code sections 200, et seq.
Government Code sections 12940, et seq.
42 United States Code, sections 2000, et seq.
42 United States Code, sections 2000d, et seq.
42 United States Code, sections 2000h.2, et seq.
5 California Code of Regulations, sections 4900, et seq.
Civil Code section 51.9