

## CLOVIS UNIFIED SCHOOL DISTRICT

### PERSONNEL

Certificated, Classified, Administrative and Supervisory

### SEXUAL HARASSMENT

**PURPOSE:** To establish a policy regarding sexual harassment in the workplace.

The Board declares that it is the policy of the District to prohibit sexual harassment in the workplace and in all programs and activities of the District.

#### A. Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment status or promotion.
2. Submission to or rejection of the conduct by the individual is used as the basis of employment decisions affecting the individual.
3. The conduct is sufficiently severe or pervasive that it has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment based on sexual harassment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits, services or activities available at or through the District.

#### B. Examples of Sexual Harassment

By way of example, sexual harassment includes, but is not limited to:

1. Suggestive or obscene letters, notes, invitations; derogatory comments, slurs, jokes, epithets; assault, unwanted touching, impeding or blocking movement; leering, gestures, display of sexually suggestive objects, pictures, or cartoons.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Coercive sexual behavior used to control, influence, or affect the career, salary, or work environment of another employee, such as threats of reprisal; implying or withholding support for an appointment, promotion, transfer, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

4. Offering favors or benefits, such as a promotion, favorable performance evaluation, assignments, duties or shifts, recommendations, or reclassification, in exchange for sexual favors.
5. The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive working environment based on sexual harassment.
6. Being made to feel uncomfortable or isolated for not participating in or responding to sexual jokes, cartoons, or comments.
7. Any other conduct which, at the time of the incident, is deemed by state or federal law or their implementing regulations to constitute sexual harassment.

The Board further declares that it is the policy of the District to act promptly in demonstrating a strong disapproval of sexual harassment. The Board, therefore, directs the Superintendent or designee to develop an administrative regulation containing procedures as appropriate to ensure that employees are free from sexual harassment and to provide a mechanism for resolution of complaints of sexual harassment which are consistent with applicable state and federal laws and regulations and consistent with due process requirements.

**C. Retaliation Prohibited**

It is the policy of the District not to discourage persons from filing sexual harassment complaints. Moreover, retaliation against any student or other person for the exercise of the right to file a sexual harassment complaint is strictly prohibited. To avoid retaliation and the appearance of retaliation, employees are directed:

1. To refrain from taking any action which dissuades any person from exercising the right to file a sexual harassment complaint.
2. To keep confidential the facts of any complaints or investigation made pursuant to this policy, including the identity of any witnesses or any facts which disclose the identity of the claimants or witnesses, to the extent permitted by law.
3. The person against whom a complaint has been filed is directed not to communicate with any complainant, witness, or other person involved in any complaint either in person, by mail or telephone, or through any intermediary.

**D. Allegations of Child Abuse**

Allegations of child abuse, including violations of Penal Code sections 11165, 11165.1, and 11165.6, are not sexual harassment as defined by this policy. However, based on the facts and circumstances of a particular case and to the extent required by law, the District may, but is not required to, process such complaint under this policy.

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

Allegations of child abuse will be reported to the appropriate agency for its investigation. Additionally, allegations of child abuse will be reviewed for appropriate disciplinary action, if any.

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

This policy shall apply to all District employees and to other persons on District property or with some employment relationship with the District, such as interns, volunteers, contractors, and job applicants.

Adopted: 04/10/1991

Reviewed: 06/11/2007

Amended: 07/08/1992, 02/10/1993, 08/02/1995, 09/22/1999, 05/23/2001, 04/13/2005,  
10/21/2020 (BP 6301 renumbered as BP 4119.10, 4219.10, 4319.10)

**EDUCATION CODE**

200-262.4 Prohibition of discrimination on the basis of sex

**GOVERNMENT CODE**

12900-12996 Fair Employment and Housing Act

**UNITED STATES CODE, TITLE 42**

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

Doc# 42328-8 (09/2020, 03/2018)