

**Regulation 4119.11: Sexual Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 08/27/2003 | **Last Revised Date:** 03/17/2021 | **Last Reviewed Date:** 03/17/2021

The following administrative regulation shall apply to all reports of Title IX sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student. Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the District's sexual harassment policy with employees and assuring employees that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

**Title IX Coordinator/Nondiscrimination Coordinator**

The District designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 4030 Nondiscrimination in Employment. The Title IX Coordinator/Nondiscrimination Coordinator may be contacted at:

Director of Human Resources and Equity Services  
William S. Hart Union High School District  
21380 Centre Pointe Parkway  
Santa Clarita, CA 91350  
Phone: (661) 259-0033  
Email: [UCP@hartdistrict.org](mailto:UCP@hartdistrict.org)

**Prohibited Conduct**

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances (including same sex harassment), unwanted requests for sexual favors, or other unwanted verbal, visual or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered sexual harassment when made against another person of the same or opposite sex in the work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made either expressly or by implication a term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working or educational environment or of adversely affecting an employee's performance, evaluation, advancement, assigned duties, or any other condition of employment or career development.
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, honors, programs, or activities available at or through the District.

(cf. 4030 – Nondiscrimination in Employment)

Sexual harassment as defined in Title IX (Title IX Sexual Harassment) is prohibited in District education programs or activities. Title IX Sexual Harassment is conduct on the basis of sex in an education program or activity that satisfies one or more of the following: (34 CFR 106.30, 106.44)

1. A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity
3. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v)
4. Dating violence as defined in 34 U.S.C. §12291(a)(10)
5. Domestic violence as defined in 34 U.S.C. §12291(a)(8)

6. Stalking as defined in 34 U.S.C. §12291(a)(30)

Examples of actions that might constitute sexual harassment under state or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, employee or any other individual, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome sexual slurs, epithets, threats, innuendoes, verbal abuse, derogatory comments or sexually degrading descriptions
3. Graphic verbal comments about an individual's body
4. Overly personal conversation or pressure for sexual activity
5. Sexual jokes, stories, drawings, pictures, gestures, or sexually explicit emails; displaying sexually suggestive objects
6. Spreading sexual rumors
7. Touching an individual's body or clothes in a sexual way, including, but not limited to massaging, grabbing, fondling, stroking or brushing the body
8. Cornering or blocking of an individual's normal movements
9. Displaying sexually suggestive objects in the educational or work environment
10. Sexual assault, sexual battery, or sexual coercion
11. Electronic communications containing comments, words, or images described above
12. Any act of retaliation against an individual who reports a violation of the District's sexual harassment policy or who participates in the investigation of a sexual harassment complaint

### **Reporting Complaints**

Any employee who believes that they have experienced or witnessed sexual harassment by a student, employee, or a third party should immediately report the incident to the District's Title IX Coordinator/Nondiscrimination Coordinator, or any supervisor with whom the employee feels comfortable.

Promptly after receiving such a report, the supervisor or principal shall notify the District's Title IX Coordinator/Nondiscrimination Coordinator. All school employees who observe an incident of sexual harassment shall promptly report it to the District's Title IX Coordinator/Nondiscrimination Coordinator/Uniform Complaint Procedure Compliance Officer, regardless of whether the alleged victim files a formal complaint.

### **Complaint Procedures**

All complaints of sexual harassment by and against employees shall be processed in accordance with applicable law and District procedures. The Title IX Coordinator/Nondiscrimination Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be addressed pursuant to the District's Title IX Sexual Harassment Complaint Procedures (AR 4119.12/4219.12/4319.12) and applicable law. Other sexual harassment complaints shall be addressed pursuant to Nondiscrimination in Employment (AR 4030) and applicable law.

### **Training**

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. The District's sexual harassment training and education program shall be provided in accordance with applicable law. (Government Code 12950.1)

(cf. 4300 - Administrative and Supervisory Personnel)

The Superintendent or designee shall retain for at least seven years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

### **Notifications**

The Superintendent or designee shall notify employees that the District does not discriminate on the basis of sex, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator/Nondiscrimination Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The District shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the District's Title IX Coordinator/Nondiscrimination Coordinator. (34 CFR 106.8)

A copy of the District's Board policy and this administrative regulation on sexual harassment in employment shall:

1. Be displayed in a prominent location in the main administrative building, District office, or other area of the school where notices of District rules, regulations, procedures, and standards of conduct are posted (Education Code 235)
2. Be provided to every District employee at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired (Education Code 231.5)
3. Appear in any school or District publication that sets forth the school or District's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the District's Title IX Coordinator/Nondiscrimination Coordinator, in a prominent location on the District's website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the District's Title IX Coordinator/Nondiscrimination Coordinator, in any handbook or catalog provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of District information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The District's complaint process available to the employee
5. The legal remedies and complaint process available through the DFEH and Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact the DFEH and the EEOC
7. The protection against retaliation for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC (2 CCR 11021)
8. A link to the internet website address at DFEH to access sexual harassment training courses

The District shall also post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Date

WILLIAM S. HART UNION HIGH SCHOOL DISTRICT

Issued: 08/11/93  
Revised: 08/27/03  
Revised: 03/17/21

Santa Clarita, California

---