

## INFORMATION RELEASE 00-1

### SEXUAL HARASSMENT

May 15, 2000

Sexual harassment complaints and litigation continue to increase and cause problems for public school districts throughout California.

Three bullets addressing different issues have been prepared and are enclosed with this cover memo. These bulletins deal with the issues of:

- Sexual orientation harassment
- Education Code sections relevant to sexual harassment and discrimination, including requirements for the district to combat discrimination and bias
- Complaint investigation and record keeping

Also enclosed is a sample sexual harassment board policy and procedure. This policy follows the CSBA model with minor modifications to specifically incorporate the issues of sexual orientation harassment and a time line for resolution of complaints. A timeline is important because the policy would not be acceptable to the Office of Civil Rights without one.

If you choose not to use the model policy and procedure, be certain that your district policy meets the minimum legal requirements.

The district policy should include:

- Statement that sexual harassment is against the law and will not be tolerated by the district
- Definition of sexual harassment. It is recommended that the definition in Education Code 212.5 be cited since it applies specifically to California public schools
- Examples of sexually harassing types of conduct
- Location(s) of where the policy is posted
- Procedure for filing a complaint
- A statement that there will be no retaliation for filing a complaint or assisting in the investigation of a complaint
- Procedure for complaint investigation and resolution
- Location of the nearest Department of Fair Employment and Housing and Commission offices for the employee policy. This is often accomplished by providing a brochure prepared by the Department of Fair Employment and Housing

Finally, the law requires that employees be provided a copy of the policy once each year and students are provided a copy of as a part of orientation. District procedures should be reviewed to be certain these legal requirements are being met.