

**All Personnel**  
**SEXUAL HARASSMENT**

**Purpose**

It is the purpose of this Administrative Regulation to implement the District's Adult Sexual Harassment Policy. The regulation is designed to outline the procedures that are to be followed to maintain the Board of Education's commitment to providing a work environment free from sexual harassment as defined by board policy.

**Reporting Procedure**

Any employee who believes he or she has been sexually harassed by an employee, student, or agent of the District, should promptly report the facts of the alleged incident(s) and the name of the individual involved to the school site administrator/site manager.

Employees may, at any time during the process, bring an advocate to support them in meeting with the site administrator or other staff. The site administrator or designee will gather the information from the employee to complete the Sexual Harassment Incident Report. A copy of the report will be forwarded to the site manager/administrator and the Superintendent. The Superintendent shall determine who shall conduct the investigation. A copy of Board Policy will be given to the employee.

**Confidentiality**

The site administrator will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation, as well as the reason for confidentiality. The alleged harasser will also be informed as to the confidential nature of the procedure. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

**Retaliation**

The initiation of an allegation of sexual harassment by an employee will not adversely effect employment status in any way. The site administrator or designee will inform all parties that retaliation is illegal and that an allegation of retaliation, following a report of sexual harassment shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

**Time Limits**

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place. Employees wishing to report allegations to additional agencies, such as the Equal Employment Opportunity Commission, should know that these agencies follow a time limit for reporting alleged incidents of sexual harassment.

**Informal Process**

Upon receipt of a complaint either verbally or in writing, the complaining party will be advised of their right to explore resolution of the matter by way of an informal mediation process. If the complaining party wishes to use the informal process, the site administrator in consultation with

the Superintendent shall set up a process. If the informal process does not result in a mutually agreeable resolution to the complaint, the investigation procedure shall be initiated.

If the complaining party or accused does not wish to participate in the informal process, the investigation procedure will be initiated.

### **Investigation Procedure**

All complaints shall be investigated if not resolved by way of the informal process.

All investigations of allegations of sexual harassment shall be handled promptly, in a serious, sensitive, and confidential manner. Although the employee who believes they have been sexually harassed is not required to confront the person who is engaging in the unwelcome and unsolicited sexual conduct, the administrator/investigator should determine if the employee has informed the person engaging in the behavior that the behavior is offensive and must stop.

1. Upon receipt of a complaint, the site administrator or Superintendent shall develop a written report of the allegations. This will be done in consultation with the employee making the complaint. The Superintendent shall then designate an investigator.
2. The investigator shall, as soon as possible after the incident has been reported, inform the employee accused of sexual harassment of the allegation and they will be given an opportunity to respond. During the investigation phase, the person accused shall not receive a copy of the complaint but shall be informed of the allegations. The name of the complaining party shall remain confidential to the extent possible. The accused will be given a copy of Board Policy. Should the investigation result in a recommendation of discipline, the person accused will be afforded all applicable rights under the law, including the right to receive a copy of the complaint. If the discipline results in a hearing, the complainant may be required to testify.
3. The investigator shall inform all parties, including the employee making the allegation, witnesses, and the accused, of their rights, including the fact that the employee making the allegation and witnesses will not be retaliated against and the confidential nature of the allegation and investigation.
4. The investigator shall conduct an investigation to determine if the allegation of sexual harassment is supported. The investigation findings shall be filed within twenty-five (25) business days from the date the employee made the allegation with the Superintendent or from the date the informal process is terminated. The Superintendent may extend the timeline depending on the nature of the investigation. Written notice of the extension shall be provided to all parties. Upon completion of the investigation, the Superintendent, within ten (10) business days, will provide by mail a summary of the findings to the employee who reported the harassment and to the person accused.
5. When the Superintendent determines that sexual harassment has occurred, and/or disciplinary action is necessary, the Superintendent shall determine what course of action is appropriate.

6. The District will maintain a separate file of sexual harassment complaints received. This file is in addition to and separate from any documents entered into an employee's personnel file.

### **Disciplinary Action/Remedial Action**

Employees who are found to have engaged in sexual harassment or inappropriate conduct may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with board policy, state law, and applicable collective bargaining agreements.

In identifying appropriate disciplinary action, note that repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties. Disciplinary actions may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination.

Because of rights to privacy regarding discipline, the nature of the discipline will not be disclosed to the individual filing the complaint unless authorized by the person being disciplined.

Depending on the findings of the investigation, the District will also review and consider possible actions to remedy any harm suffered by the employee who is determined to be a victim of sexual harassment. Depending on the results of the investigation, the District shall consider needs of the victim, including counseling services.

### **Appeal Procedures**

Either the complaining party or the accused may appeal the summary report of the investigation to the Board of Education. Appeals must be made in writing within 10 business days from the date of the issuance of the summary report.

The appeal shall set forth the reasons for the appeal. The Superintendent shall schedule a closed session of the Board to hear the appeal. The Superintendent or designee shall be responsible for responding to the appeal before the Board. The decision of the Board shall be in writing and shall be final. The written decision shall be issued within 20 calendar days of the Board meeting.

### **Notification**

There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the District Summer mailing.

### **Special Assistance**

To obtain additional information regarding any of the procedures outlined in this administrative regulation, one should contact the Superintendent or designee.

Approved: January 14, 1993  
Revised: 11/14/96; 11/18/99; 1/11/01; 1/14/03;  
11/17/04; 9/21/05; 9/22/10  
Reviewed: 11/15/94

**WEST SONOMA COUNTY UHSD**  
Sebastopol, California