



*Morgan Hill Unified School District*



## Sexual Harassment Mandated Training

The purpose of this training is to familiarize you with the school district's policy and to fulfill annual training requirements. Should you have any questions about the content of this policy, please see your supervisor immediately. All employees are responsible for following all school district policies in addition to any other regulations such as the Education Code.

Our first step is to show you where the Board Policy can be found whenever you may need. Please control + click on the link below and it will take you to the MHUSD Board policy for Sexual Harassment. After viewing, please return to this document.

[http://www.mhu.k12.ca.us/documents/Board\\_Policy\\_Manual/4000/4121\\_BP\\_Harrassment.pdf](http://www.mhu.k12.ca.us/documents/Board_Policy_Manual/4000/4121_BP_Harrassment.pdf)

Now control + click to the following administrative regulations that have been developed in support of the Board Policy. Skim the document to become familiar with its scope and location, but return here and the policy will be presented in excerpts below.

[http://www.mhu.k12.ca.us/documents/Board\\_Policy\\_Manual/4000/4121\\_AR.pdf](http://www.mhu.k12.ca.us/documents/Board_Policy_Manual/4000/4121_AR.pdf)

The administrative regulation regarding sexual harassment is reproduced below in purple text. Now read each section more carefully and reflect on the questions in red—they will prepare you for the post test.



Sexual Harassment may take many forms.

### Part 1—Definition:

For purposes of this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following circumstances:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
- 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.

Examples of conduct which may constitute sexual harassment include, but are not limited to, the following:

- Verbal conduct such as derogatory comments, slurs, jokes, epithets, or unwanted sexual advances;
- Visual conduct such as sexually suggestive, obscene or derogatory letters, notes, invitations, posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, or blocking normal movement;
- As between a District employee and a student, threatening or actually withholding earned grades, threatening poor performance evaluations, or suggesting a scholarship or college recommendation will be denied unless are received;
- As between District employees, offering favors or employment benefits, such as promotions favorable performance evaluations, assignments, duties, shifts, or reclassifications, in exchange for sexual favors.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, offensive, humiliating or demoralizing. Any expression of

sexual interest by District personnel toward students, regardless of whether the interest is mutual, is considered inappropriate and shall subject the employee to discipline under the Education code and/or District policies, rules, and regulations. Students may also be subject to discipline under Board Policy 5750 (Students: Harassment) and Board Policy 5130 (Suspension and Expulsion).

What is the definition of sexual harassment?

What are the four characteristics of sexual harassment?

What does sexual harassment not include?



Sexual Harassment is:  
unwelcome, offensive,  
humiliating or demoralizing  
and leaves the victim feeling  
the depressing effects of the  
imbalance of power.

### Part 2—Communication of Policy and Administrative Regulation

It is the District's intent that the Sexual Harassment Board Policy and Administrative Regulation be known and understood by all employees and students. This will be accomplished by:

- (1) Inserting this policy in district policy manuals (District Board Policy Website).
- (2) Providing copies of this policy to all employees. (This is an electronic copy)
- (3) Providing copies of this policy, with appropriate instruction, to all administrators, supervisors, and student counselors in the District.
- (4) Providing notification of this policy to students and parents. The Superintendent's office will provide a copy of this policy to any student, or parent upon request.
- (5) Educating and training all District employees regarding the substantive provisions and complaint procedures set forth in this policy and administrative regulation.

Do you understand that this training that you are now doing is a communication of the policy?

### Part 3—Reporting and Complaint Procedures

Sexual harassment is expressly prohibited under Board Policy and Administrative Regulation, the Education Code and other state and federal laws. Any District employee, job applicant, student or other individual who feels that he/she or another individual in the District is being sexually harassed should immediately report the misconduct to his/her supervisor, principal or another District administrator. Any District employee who obtains knowledge of the alleged harassment of another employee, student or other individual in the District, and who fails to report and/or take remedial action to stop such conduct in accordance with this policy, may be subject to

discipline under the Education Code and District board policies, rules and regulations, up to and including dismissal.



**Step One - Informal Level:** Employees or other individuals who feel aggrieved because of conduct they believe constitutes unlawful harassment should directly, or through a representative, inform the person engaging in such conduct that such conduct is offensive and must stop. If the aggrieved individual is uncomfortable informing the alleged harasser or believes such communication would be futile or make the problem worse, the aggrieved individual can proceed to Step Two.

**Step Two - Formal Level:** Within ten (10) working days of the alleged incident of sexual harassment, the complainant shall report the incident to his/her immediate supervisor, principal, or another District administrator. If the accused is the complainant's immediate supervisor, the complainant can proceed immediately to Step Three. The immediate supervisor will request that the complainant complete, or furnish the information necessary to complete, the District's "Sexual Harassment Incident Report Form." Within ten (10) working days after presentation of the complaint, the principal or immediate supervisor shall investigate the allegation(s) in a timely manner and submit findings to the Assistant Superintendent for Human Resource Development, Planning and Research. Following the investigation, the principal or immediate supervisor shall file with the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications a written report stating the nature of the alleged incident(s) of harassment, the factual findings of the investigation, and the corrective action recommended where investigation confirms the allegation(s), the principal or immediate supervisor shall take prompt corrective action after consultation with the Assistant Superintendent for Human Resource Development, Planning and Research.

**Step Three -Assistant Superintendent for Human Resource Development, Planning and Research, and Communications Level:**

If the complaint is not resolved at Step Two above, the complainant may within ten (10) working days of the issuance of the principal's or immediate supervisor's response, appeal to the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications by filing the complaint

and the principal's or immediate supervisor's answer, together with any written response to the same, with the office of the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications. The Assistant Superintendent for Human Resource Development, Planning and Research, and Communications or designee shall hear the complaint within ten (10) working days after the receipt of any written appeal properly filed with the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications office and shall render a decision in writing within ten (10) working days after such hearing. The decision shall contain the findings and disposition of the complaint, including corrective action, the rationale for such disposition, and notice of complainant's right to appeal the decision to the State Department of Education. Copies of the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications decision shall be



furnished to the complainant and the accused harasser. The complainant and the accused harasser shall both be afforded full and fair opportunity to present evidence relevant to the facts and issues raised by the complainant and may be represented by counsel or other designated representative of choice at the hearing. The technical rules of evidence do not apply.

**Step Four - Superintendent Level:** If the complaint is not resolved in Step Three above, the complainant may, within ten (10) working days of the issuance of the Assistant Superintendent's or designee's response, appeal to the Superintendent by filing the complaint and the Assistant Superintendent's answer, together with any written response to the same, with the Office of the Superintendent. The Superintendent or designee shall hear the complaint within ten (10) working days after the receipt of any written appeal properly filed with the Superintendent's office and shall render a decision in writing within ten (10) working days after such hearing. The decision shall contain the findings and disposition of the complaint, including corrective action, the rationale for such disposition, and notice of complainant's right to appeal the decision to the State Department of Education. Copies of the Superintendent's decision shall be furnished to the complainant and the accused harasser. The complainant and the accused harasser shall both be afforded full and fair opportunity to present evidence relevant to the facts and issues raised by the complainant and may be represented by counsel or other designated representative of choice at the hearing. The technical rules of evidence do not apply. The decision of the Superintendent or designee shall be final within the district.

**Step Five - State Department of Education Level:** A complainant who is dissatisfied with the decision of the Superintendent may appeal his/her decision to the State Department of Education within fifteen (15) days of receipt of the decision. The appeal shall: 1) specify the reason for appealing the Superintendent or designee's decision; and 2) include a copy of the complaint filed with the district and a copy of the Superintendent's decision. The timelines specified in the above mentioned procedures, except those specified by law, may be extended by the District.

**Do you understand the local complaint process and timeline?**

#### **Part 4—Filing Complaints with State and Federal Agencies**

Complaints of sexual harassment shall be promptly and appropriately investigated and resolved by the District using all reasonable efforts. However, notwithstanding these efforts, the aggrieved individual may still wish to file complaints with other appropriate state and federal agencies.

These agencies include the following:

The California Department of Fair Employment and Housing (DFEH)  
30 Van Ness Avenue  
San Francisco, CA 94102-6073  
(800) 884-1684

United States Equal Employment Opportunity Commission (EEOC)  
901 Market Street, Suite 500  
San Francisco, CA 94103  
(800) 669-4000

These agencies are authorized to investigate reports of sexual harassment. The time limit for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. The time limit for filing complaints with the EEOC is generally 300 days from the date of the

alleged unlawful conduct. In addition, the California Division of Labor Standards Enforcement (DLSE), rather than DFEH, is the agency authorized to investigate claims of sexual orientation discrimination and harassment. The time limit for filing a complaint with DLSE is thirty (30) days from the date of the alleged unlawful conduct. The DLSE may be contacted at the following Bay Area locations:

California Department of Industrial Relations  
Division of Labor Standards Enforcement  
Bureau of Field Enforcement  
30 Van Ness Avenue, Suite 4400  
San Francisco, CA 94102

California Department of Industrial Relations  
Division of Labor Standards Enforcement  
Bureau of Field Enforcement  
100 Paseo de San Antonio, Room 126  
San Jose, CA 95113



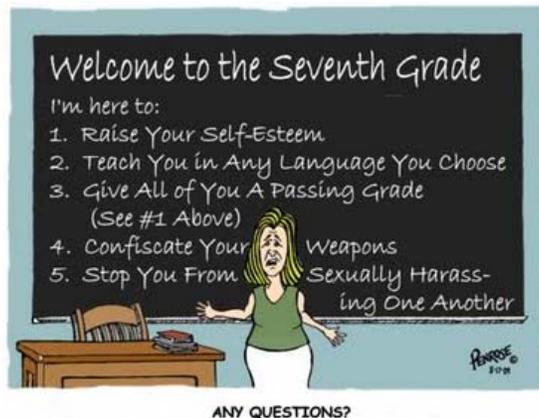
In addition to the above mentioned agencies, a complaint may also be filed directly with the State Superintendent of Public Instruction under certain circumstances. More information on this complaint process may be obtained from the Assistant Superintendent of Educational Services or the Superintendent.

Describe the State and Federal complaint procedures? What are the time limits?

### Part 5—Confidentiality

Allegations of sexual harassment, the identities of persons involved, the identities of witnesses, and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. The parties, witnesses and others interviewed during the investigation shall be informed of the confidential nature of the issues and the investigation. Such individuals shall further be informed that it is a violation of this policy to disclose any allegations or the identity of persons involved to others who do not have a legal reason to know this information. Said disclosures by District employees shall be considered just cause for disciplinary action.

Do you have any questions regarding confidentiality?



ANY QUESTIONS?

## Part 6—Retaliation

The District prohibits retaliatory behavior against any complainant or participant in the complaint process. Each reported complaint of sexual harassment will be promptly investigated in a way that respects the privacy of all parties involved.

The reporting or filing of a good faith complaint of sexual harassment will not adversely affect the reporting individual or any witnesses, nor will it affect any of the terms or conditions of employment of such persons, or in the case of students, their grades or any other matter regarding their educational program. It shall be a violation of this policy to engage in acts of retaliation against such persons for reporting or filing a complaint of sexual harassment. An allegation of retaliation shall be treated as a separate incident from the underlying act(s) of alleged sexual harassment. Acts of alleged retaliation shall be investigated and shall subject District employees to disciplinary action as defined in this policy.

**Do you understand that when an alleged incident of harassment is reported and the reporting party is retaliated against, a second violation (that of retaliation) will accompany the original violation in the complaint?**

## Part 7— Disciplinary Action

When an allegation of sexual harassment is supported by the investigation, the Assistant Superintendent for Human Resource Development, Planning and Research, and Communications and/or the Superintendent shall determine what corrective action, including appropriate discipline, is appropriate. Employees who violate this policy may be subject to discipline, up to and including dismissal. Such discipline shall be imposed in accordance with applicable laws, policies, rules, regulations, and/or the terms of an applicable collective bargaining agreement. Agents of the District or other non-employee individuals having a business or service relationship with the District who violate this policy may be subject to any penalties and sanctions available to the District, including, but not limited to, termination of the relationship or contract.

**Do you understand that committing sexual harassment may lead to disciplinary action up to and including dismissal from employment?**

## Part 8— General Matters

Sexual harassment as defined above violates applicable laws, which may include Title VII of the Civil Rights Act of 1964, as amended, regulatory guidelines of the Equal Employment Opportunity Commission, other federal law, California law and School District policies, rules, or regulations. Complainants may be entitled to civil law remedies including but not limited to injunctions, restraining orders, or other orders. The District encourages all employees, students and other individuals to immediately report any incidents of sexual harassment so that complaints may be resolved in a fair and expedient manner. Violation of this policy by District employees or students shall constitute just and reasonable cause for discipline.



Do you understand that someone that alleges that you have committed sexual harassment may be entitled to civil remedies beyond those taken by the district if you were determined to have done so?

Congratulations, you have now finished reviewing the Morgan Hill Unified School District Board Policy on sexual harassment. It's time to see what you have learned.

Please use the following link to take the ten question quiz. During the quiz you will be asked to provide your electronic "signature" that you have completed and understood the policy, as well as demonstrate proficiency by passing with 90% or above. Quizzes may be taken up to 3 times to facilitate review. Your log on user name and password can be found on the e-mail on which you received this document.

<http://quizstar.4teachers.org/indexs.jsp>

