

HOW TO FILE A SEXUAL HARASSMENT COMPLAINT AT DSUSD

1. First report your sexual harassment complaint to your immediate supervisor. The supervisor's responsibility is to resolve the complaint. All reports are kept CONFIDENTIAL.
 - A. The complainant will be fully informed of his/her rights.
 - B. An investigation will begin immediately and be thorough, objective and complete.
 - C. Anyone with information on the matter will be interviewed.
2. A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Assistant Superintendent, Personnel Services.
3. An employee may bypass his/her supervisor in filing a complaint in accordance with Administrative Regulation 4030, (Non-discrimination in Employment), where the supervisor is the subject of the complaint.
4. If the problem persists, report the situation to the Assistant Superintendent, Personnel Services.
5. If not satisfied with the result of the investigation, report to the Superintendent or file a complaint with Department of Fair Employment and Housing (DFEH) and/or Equal Employment Opportunity Commission (EEOC).

For additional information and/or assistance, please contact:

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HOW TO FILE A SEXUAL HARASSMENT COMPLAINT WITH THE CALIFORNIA DFEH

California Department of Fair Employment and Housing (DFEH)

Employees or job applicants who believe that they have been sexually harassed may, within one year of the harassment, file a complaint of discrimination with the California DFEH. DFEH will investigate the complaint and attempt to resolve the disputes. The Department serves as a neutral fact finder and attempts to help parties voluntarily resolve disputes. If DFEH finds evidence of sexual harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the harasser.

For more information, you may contact DFEH at <http://www.dfeh.ca.gov> or by telephone at (800) 884-1684.

HOW TO FILE A SEXUAL HARASSMENT COMPLAINT WITH THE EEOC

Equal Employment Opportunity Commission (EEOC) 29 C.F.R., 1604.11 (1993)

Sexual harassment is part of the unlawful sex discrimination forbidden by Title VII of the Civil Rights Act of 1964. Any individual who believes that his/her employment rights have been violated may file a charge of discrimination with EEOC. An individual, organization, or agency may also file a charge on behalf of another person in order to protect the aggrieved person's identity. A charge must be filed with EEOC within 180 days from the date of the alleged violation in order to protect the charging party's rights. A charge may be filed by mail or in person at the nearest EEOC office. For more information, you may contact the EEOC at <http://www.eeoc.gov> or by calling the EEOC, San Diego Area Office at (800) 669-4000.



DESERT SANDS UNIFIED SCHOOL DISTRICT

SEXUAL HARASSMENT

Everything You Wanted to Know But Were Afraid To Ask....

Sexual Harassment violates:

- Title IX of the Education Amendments Acts of 1972
- Title VII of the Civil Rights Act of 1964
- Regulatory Guidelines of the Equal Employment Opportunity Commission
- Office for Civil Rights of the U.S. Department of Education
- Fair Employment and Housing Act Government Code Sections 12940 (a), (h), & (i)
- District Board Policy & Administrative Regulation 4119.11, 4219.11, & 4319.11, All Personnel: Sexual Harassment, adopted 08/18/2020.

DEFINITION OF SEXUAL HARASSMENT

- ❖ Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
- ❖ Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual.
- ❖ Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs or activities available at or through the district.
- ❖ Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

SEXUAL HARASSMENT IS AN UNLAWFUL ACT

An act of harassment, by itself, is an unlawful act. A victim may be entitled to damages even though no employment opportunity has been denied and there is no actual loss of pay or benefits.

Violation of the Sexual Harassment Regulations shall constitute generally just and reasonable cause for discipline, up to and including termination, as defined in Board policies or contract language. It shall also constitute specifically persistent violation of and refusal to obey the school laws of California and reasonable regulations prescribed for the government of the district by the Governing Board of Desert Sands Unified School District.

CATEGORIES OF SEXUAL HARASSMENT

The first two are primary categories of sexual harassment claims recognized by the courts.

Quid Pro Quo *(Something given or received for something else)*
Occurs when a supervisor or manager conditions an employment benefit or continued employment on the employee's acquiescence in sexual behavior.

Hostile or Offensive Working Environment

For this type of harassment to occur, no employment benefits need be lost or gained.

Supervisor Held to Higher Standard

In the event of student-to-student harassment, the teacher is considered the supervisor.

SCENARIOS OF SEXUAL HARASSMENT

The following are examples or scenarios of sexual harassment:

- ❖ An employee is fired or denied a job or an employment benefit because he/she refused to grant sexual favors or because he/she complained about harassment. Retaliation for complaining about harassment is illegal, even if it cannot be demonstrated that the harassment actually occurred.
- ❖ An employee quits because he/she can no longer tolerate an offensive work environment, referred to as a "constructive discharge" harassment case. If it is proven that a reasonable person, under like conditions, would resign to escape the harassment, the employer may be held responsible for the resignation as if the employee had been discharged.
- ❖ An employee is exposed to an offensive work environment. Exposure to various kinds of behavior or to unwanted sexual advances alone may constitute harassment.

EXAMPLES OF SEXUAL HARASSMENT

- ❖ Unwelcome verbal conduct such as sexual flirtations or propositions
- ❖ Graphic comments about an individual's body
- ❖ Overly personal conversations
- ❖ Pressure for sexual activity
- ❖ Sexual jokes or stories
- ❖ Unwelcome sexual slurs, epithets, threats, innuendoes, or derogatory comments
- ❖ Sexually degrading descriptions
- ❖ The spreading of sexual rumors
- ❖ Unwelcome visual conduct such as drawing, pictures, graffiti
- ❖ Gestures
- ❖ Sexually explicit e-mails
- ❖ Displaying sexually suggestive objects
- ❖ Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body
- ❖ Touching an individual's body or clothes in a sexual way
- ❖ Cornering, blocking or leaning over or impeding normal movements
- ❖ Prohibited sexual harassment may also include 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.