

Tulare County Office of Education

Jim Vidak, County Superintendent of Schools

SEXUAL HARASSMENT INFORMATION SHEET

Sexual Harassment is a form of discrimination which is prohibited by both federal and state law. County Board and Superintendent Policies 4119.11 prohibit sexual harassment of employees and Board Policy 5145.7 prohibits sexual harassment of students. Sexual harassment includes gender-based harassment of a person of the same sex as the harasser. Both state and federal law and Office Policy prohibit retaliation against any complainant or participant in the sexual harassment complaint process.

Definition: Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the work or educational setting when:

- Submission to the conduct is made expressly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by the individual is used as the basis for an employment decision, including, but not limited to, promotion, demotion, transfer, reassignment or termination.
- The conduct has the purpose or effect of unreasonably interfering with the individual's work performance; creating an intimidating, hostile or offensive work environment; or adversely affecting the other individual's evaluation, advancement, assigned duties, or any other condition of employment or career development.

Examples of Sexual Harassment: Sexual harassment includes, but is not limited to:

- Unwelcome leering, sexual flirtations or propositions.
- Offering employment benefits in exchange for sexual favors.
- Making sexual gestures, displaying sexually suggestive objects, pictures, cartoons or posters.
- Unwelcome sexual slurs, epithets, threats, innuendoes, verbal abuse, derogatory comments or sexually degrading descriptions.
- Sexual jokes, stories, cartoons, drawings, pictures, graffiti, or sexually explicit e-mails.
- Spreading sexual rumors.
- Graphic verbal comments about an individual's body, or overly personal conversations, or pressure for sexual activity.
- Touching an individual's body or clothes in a sexual way.
- Any act of retaliation against an individual who reports a violation of the Office's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.
- Massaging, grabbing, fondling, stroking or brushing the body.
- Cornering, blocking, leaning over, or impeding normal movements.
- Displaying sexually suggestive objects or using sexual computer screen savers.

Prohibition: The Office prohibits sexual harassment in the working environment of employees or applicants by any person in any form. Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Complaint Procedure: Any employee who believes he or she has been sexually harassed is encouraged to report the incident through either an informal or formal complaint process. An informal complaint may be made with the employment supervisor, program manager, or administrator. A formal complaint must be in writing and made to the Director of Human Resources, PO Box 5091, Visalia CA 93278-5091. Any employee having knowledge of conduct by another employee, student volunteer or individual in the employment or academic community which may constitute sexual harassment of employees or students is required to immediately report such conduct to any of the individuals specified in the Office's policies.

Employees needing additional information regarding the Office's sexual harassment policies should contact the Assistant Superintendent of Human Resources at 559-733-6306. A copy of the Office's policy prohibiting sexual harassment of employees and sexual harassment of students can be obtained from the Human Resources office.

Legal Remedies: The Tulare County Office of Education encourages employees to file their complaints of sexual harassment with the Office so that the complaint can be resolved at the earliest possible date. However, employees are not prohibited from submitting their complaint directly to the Department of Fair Employment and Housing (DFEH). The address and telephone number of the local office of the DFEH are as follows:

Fresno DFEH
1900 Mariposa Mall Suite 130
Fresno, CA 93721-2500
(800) 884-1684

Employees who file a complaint may be entitled to civil law remedies, including, but not limited to, injunctions, restraining orders, hiring, reinstatement, back pay, promotion or monetary damages.