



8024.1 Sexual Harassment - School Personnel and Student Policy

Effective Date: June 5, 2020

Approved by: Board of Directors

Policy:

It is the policy to provide and maintain an employment and an educational environment free of sexual harassment. The policy is designed to secure, at the earliest level possible, an appropriate resolution to an allegation of sexual harassment.

This policy is intended to supplement, and not replace, any applicable state or federal laws and regulations. Complaints under these laws and regulations shall be processed through the procedures established by the appropriate state and/or federal agencies.

It is the position of JCS, Inc. (JCS) that sexual harassment is unlawful and will not be tolerated. It is a violation of this policy for any employee, agent, student or party with which JCS has a cooperative agreement, to engage in sexual harassment.

For the purpose of this policy, the "Compliance Officer" for complaints of sexual harassment involving an employee will be the Human Resources Director. The "Compliance Officer" for complaints of sexual harassment not involving an employee (student Vs. student, student Vs. independent contractor or vendor) will be the Executive Director or their designee.

Definition of Sexual Harassment

As defined by Education Code Section 212.5, "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 the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose of effect, having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
4. 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.

Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions ranging from verbal or physical annoyances or distractions to deliberate intimidations and frank threats or sexual demands. Examples of conduct, which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Suggestive or obscene letters, notes, invitations, derogatory comments or sexually degrading descriptions, slurs, jokes, epithets, assault, threats, verbal abuse, touching, impeding or blocking normal movement, gestures, display of sexually suggestive objects or pictures, or cartoons in the educational or work environment.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Spreading sexual rumors.
5. Touching an individual's body or clothes in a sexual way.
6. Among peers, continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction, among peers, is not considered sexual harassment).
7. Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied as a condition of receiving sexual favors.
8. Within the educational environment, engaging in sexual behavior to control, influence, or affect the educational opportunities, grades and/or learning environment of a student.
9. Within the employment environment, implying or actually withholding satisfactory evaluations or suggesting that promotion or favorable evaluations will be denied as a condition of receiving sexual favors.
10. Offering favors or education or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Any expression of sexual interest between adults and students, regardless of reciprocity, is considered inappropriate and shall be subject to discipline under Education Code section 44932.

Original Policy 02/27/01
Revised Policy 06/05/09
Revised Policy 09/08/17
Revised Policy 06/05/2020