

## **AVOIDING SANCTIONS FOR SEXUAL HARASSMENT**

During this past year, the ACSA Professional Standards Department responded to calls from 631 members. Administrators call with a variety of issues, concerns and questions focusing on multiple topics. One of the topics the advocates received calls about was sexual harassment, so Professional Standards Advocates Lloyd Wamhof and Pat Souza answer some questions about the issue of sexual harassment in the workplace:

**Question: Does the Professional Standards Department deal with questions about sexual harassment in the workplace?**

Wamhof: Yes, we get questions about sexual harassment, and we also have members who have been accused of sexual harassment call us for assistance.

**Question: What happens when an administrator is accused of sexual harassment?**

Souza: The district will usually conduct an investigation and interview everyone involved, including those who may have witnessed the alleged harassment. When the investigation is complete and if the person being accused is found to have committed sexual harassment, several steps can follow including: 1) a written reprimand and a cease-and-desist order; 2) re-assignment/demotion; 3) termination; and finally 4) a report to the California Commission on Teacher Credentialing, which may result in a CTC investigation into the allegation and possible probation or suspension of the credential.

**Question: Have any of these administrators lost their jobs or had their credentials in jeopardy?**

Wamhof: Yes, unfortunately, there are administrators who have had to resign, or have been terminated and then had to deal with the CTC regarding their behavior. Some have had their credentials suspended or placed on probation. This is a serious matter that our members can avoid by using good judgment and by being aware of what constitutes sexual harassment.

**Question: What can an administrator do to avoid being accused of sexual harassment?**

Souza: First, take seriously the sexual harassment training we are all required to participate in under AB 1825. Second, use common sense in the workplace. It is clearly never a good idea to flirt, tell sexually explicit jokes, send inappropriate e-mails, kiss or hug an employee, hang your favorite questionable calendar or have an affair with a colleague you supervise. And remember, sexual harassment includes hostile work environment. Not everyone is disturbed or intimidated by the same behaviors. If there is any possibility of misunderstanding, don't do it!

**Question: Is having a consensual relationship with someone you supervise considered sexual harassment?**

Wamhof: It won't matter if the relationship is consensual if the other party eventually decides, for whatever reason, that your behavior was harassment. It also won't matter to your employer because you are creating a liability for the employer if the person you were having the relationship with decides to file sexual harassment charges. The bottom line is you are not only placing yourself in jeopardy, but also your employer. Additionally, the other employees may feel a real disadvantage because of your "special" relationship with their colleague, and then you will have other issues with which to deal.

**Question: What advice do you have for our members regarding the issue of sexual harassment?**

Souza:

- 1) Don't tell jokes or send e-mails that include material with sexual overtones.
- 2) Avoid personal relationships with employees under your supervision.
- 3) Avoid comments or suggestions that may be interpreted as inappropriate. Just do a "gut" check before making questionable comments or asking borderline questions.
- 4) Avoid creating the perception that you favor one employee over another because you have been flirtatious or clearly are having a relationship with a person you supervise.

**Question: What should a member do if he/she has been accused of workplace sexual harassment?**

Wamhof: Call the ACSA Professional Standards Department at 800-608-2272 and ask to speak with an Advocate! Don't sign or agree to anything until you have discussed the situation with an advocate.

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