

POLICY: 4119.11, 4219.11, 4319.11 - SEXUAL HARASSMENT

Original Adoption: 2/14/1994

Revised: 1/09/1995, 4/22/1996, 2/11/2002, 3/06/2006, 3/16/2010, 8/02/2016, 6/18/2019, 11/10/2020, 3/08/2022

The following policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees and retaliatory behavior or action against any person who complains, testifies or otherwise participates in the complaint process established for the purpose of this policy.

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Superintendent or designee shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the district's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their district responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or AR 4030 - Nondiscrimination in

Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

2 CCR 11006-11086
2 CCR 11021
2 CCR 11023
2 CCR 11024

2 CCR 11034
5 CCR 4900-4965

Ed. Code 200-262.4

Gov. Code 12900-12996
Gov. Code 12940
Gov. Code 12950
Gov. Code 12950.1
Lab. Code 1101
Lab. Code 1102.1

Federal

20 USC 1681-1688
34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Management Resources

Court Decision
Court Decision

Court Decision
Court Decision

Court Decision

Description

Discrimination in employment
Discrimination in employment - retaliation
Harassment and discrimination prevention and correction
Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
Terms, conditions, and privileges of employment
Nondiscrimination in elementary and secondary education programs
Educational equity; prohibition of discrimination on the basis of sex
Fair Employment and Housing Act
Unlawful discriminatory employment practices
Sexual harassment
Sexual harassment training
Political activities of employees
Discrimination: sexual orientation

Description

Title IX prohibition against discrimination
Nondiscrimination on the basis of sex in education programs or activities
Nondiscrimination on the basis of sex in employment in education program or activities
Title VII, Civil Rights Act of 1964, as amended

Description

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Court Decision
 U.S. Equal Employment Opportunity Com. Publication
 Website
 Website
 Website

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
 Promising Practices for Preventing Harassment, November 2017
 California Department of Fair Employment and Housing
 U.S. Department of Education, Office for Civil Rights
 U.S. Equal Employment Opportunity Commission

Cross References

Code

0410
 0450
 0450
 1312.3
 1312.3
 1312.3-E (1)
 1312.3-E (2)
 3530
 3530
 3600
 4030
 4030
 4040
 4040-E (1)
 4112.9
 4112.9-E (1)
 4117.7
 4118
 4118
 4119.21
 4119.21-E (1)
 4119.22
 4131
 4144
 4144
 4212.9
 4212.9-E (1)
 4218.1
 4219.21
 4219.21-E (1)
 4219.22
 4231
 4244
 4244
 4300
 4300
 4312.9
 4312.9-E (1)
 4317.7
 4319.21
 4319.21-E (1)
 4319.22
 4344
 4344
 5145.7

Description

Nondiscrimination in District Programs and Activities
 Comprehensive Safety Plan
 Comprehensive Safety Plan
 Uniform Complaint Procedures
 Uniform Complaint Procedures
 Uniform Complaint Procedures
 Uniform Complaint Procedures
 Risk Management/Insurance
 Risk Management/Insurance
 Consultants
 Nondiscrimination in Employment
 Nondiscrimination in Employment
 Employee Use of Technology
 Employee Use of Technology
 Employee Notifications
 Employee Notifications
 Employment Status Reports
 Dismissal/Suspension/Disciplinary Action
 Dismissal/Suspension/Disciplinary Action
 Professional Standards
 Professional Standards
 Dress and Grooming
 Staff Development
 Complaints
 Complaints
 Employee Notifications
 Employee Notifications
 Dismissal/Suspension/Disciplinary Action (Merit System)
 Professional Standards
 Professional Standards
 Dress and Grooming
 Staff Development
 Complaints
 Complaints
 Administrative and Supervisory Personnel
 Administrative and Supervisory Personnel
 Employee Notifications
 Employee Notifications
 Employment Status Reports
 Professional Standards
 Professional Standards
 Dress and Grooming
 Complaints
 Complaints
 Sexual Harassment