

Policy 4119.11: Sex Discrimination and Sex-Based Harassment

Status: DRAFT

Original Adopted Date: 02/22/2023

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 discrimination, harassment and intimidation. The Board prohibits sex discrimination including sex-based sexual harassment, as defined in the accompanying regulations, in District programs and activities by and 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.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code § 220.1; 34 C.F.R. §§ 106.71)

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 sex discrimination and sex-based 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 sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
4. Publicizing, in accordance with 34 C.F.R. § 106.8 and as specified in Administrative Regulation 4030 – Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees, applicants for employment, and bargaining units
5. 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 sex discrimination and sex-based harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether sex discrimination and/or sex-based 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, as appropriate and in accordance with law.

Sexual Harassment Reports and Complaints

Any District employee who has experienced sex discrimination or sex-based harassment in the District's education program or activity may file a complaint with the District's Title IX Coordinator. 34 C.F.R. §§ 106.2, 106.44.

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment by or against another District employee, a student, or a third party in a District education program or activity shall notify the Title IX Coordinator within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 C.F.R. §§ 34 CFR-106.44).

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, and if the District has begun the grievance procedure or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent, as deemed appropriate under the circumstances. 34 C.F.R. §§ 34 CFR 106.44

Upon investigation of a sex discrimination or sex-based sexual harassment complaint, any District employee found to have engaged or participated in sex discrimination or sex-based 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.
