



PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

BOARD POLICY – SEXUAL HARASSMENT

BP 4319.11

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

The County Board of Education and the County Superintendent of Schools are committed to providing a safe work environment that is free of harassment and intimidation. The County Board of Education and the County Superintendent of Schools prohibit sexual harassment against SBCEO 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 County Superintendent of Schools 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 SBCEO'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 County Superintendent of Schools or designee shall periodically evaluate the effectiveness of the SBCEO'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 SBCEO'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

SBCEO employees who feel that they have been sexually harassed in the performance of their SBCEO 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 SBCEO administrator, or the SBCEO'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 SBCEO 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 County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 1681-1688
34 CFR 106.1-106.9

34 CFR 106.51-106.61

42 USC 2000e-2000e-17

Description

Title IX of the Education Amendments of 1972
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

Management Resources

Court Decision
Court Decision
Court Decision

Court Decision
Court Decision

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

Description

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Promising Practices for Preventing Harassment, November 2017
[U.S. Equal Employment Opportunity Commission](#)
[U.S. Department of Education, Office for Civil Rights](#)
[California Department of Fair Employment and Housing](#)

State

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

2 CCR 11034
5 CCR 4900-4965

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

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

[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

ADOPTED BY COUNTY BOARD: September 1, 2022
REVISED: