

All Personnel

SEXUAL HARASSMENT

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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 harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.

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 CFR 106.71)

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. Publicizing, in accordance with 34 CFR 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
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures

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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 harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

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 CFR 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 CFR 106.44)

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures 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 CFR 106.44)

Upon investigation of a sex discrimination or sex-based harassment complaint, any district employee found to have engaged or participated in sex discrimination or sex-based harassment or to have aided, abetted, incited,

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compelled, or coerced another to commit sex discrimination or sex-based 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	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 12900-12996	<u>Fair Employment and Housing Act</u>
Gov. Code 12940	<u>Unlawful discriminatory employment practices</u>
Gov. Code 12950	<u>Sexual harassment</u>
Gov. Code 12950.1	<u>Sexual harassment training</u>
Lab. Code 1101	<u>Political activities of employees</u>
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions
Federal	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs

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42 USC 2000e-2000e-17
42 USC 2000gg-2000gg-6
Management Resources

Court Decision
Court Decision

Court Decision
Court Decision

Court Decision

Court Decision

Federal Register

U.S. Equal Employment Opportunity
Com. Publication
Website

Website
Website
Website
Website

Cross References

Policy

0410
0450
0450
1312.3
1312.3
1312.3-E(1)
1312.3-E(2)
1313
3530
3530
3600
4030
4030
4033
4040
4040-E(1)

Title VII, Civil Rights Act of 1964, as amended
Pregnant Workers Fairness Act

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
Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

Promising Practices for Preventing Harassment, November 2017

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[California Civil Rights Department](#)

[U.S. Department of Education, Office for Civil Rights Equal Employment Opportunity Commission](#)

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](#)
[Civility](#)
[Risk Management/ Insurance](#)
[Risk Management/ Insurance](#)
[Consultants](#)
[Nondiscrimination In Employment](#)
[Nondiscrimination In Employment](#)
[Lactation Accommodation](#)
[Employee Use Of Technology](#)
[Employee Use Of Technology](#)

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4112.9	<u>Employee Notifications</u>
4112.9-E(1)	<u>Employee Notifications</u>
4117.7	<u>Employment Status Reports</u>
4118	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4118	<u>Dismissal/ Suspension/ Disciplinary Action</u>
4119.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119.12-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4119.21	<u>Professional Standards</u>
4119.21-E(1)	<u>Professional Standards</u>
4119.22	<u>Dress And Grooming</u>
4131	<u>Staff Development</u>
4144	<u>Complaints</u>
4144	<u>Complaints</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4218.1	<u>Dismissal/ Suspension/ Disciplinary Action (Merit System)</u>
4219.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219.12-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4219.21	<u>Professional Standards</u>
4219.21-E(1)	<u>Professional Standards</u>
4219.22	<u>Dress And Grooming</u>
4231	<u>Staff Development</u>
4244	<u>Complaints</u>
4244	<u>Complaints</u>
4300	<u>Administrative And Supervisory Personnel</u>
4300	<u>Administrative And Supervisory Personnel</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4317.7	<u>Employment Status Reports</u>
4319.12	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4319.12-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
4319.21	<u>Professional Standards</u>
4319.21-E(1)	<u>Professional Standards</u>
4319.22	<u>Dress And Grooming</u>
4344	<u>Complaints</u>
4344	<u>Complaints</u>
5145.3	<u>Nondiscrimination/ Harassment</u>

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5145.3	<u>Nondiscrimination/ Harassment</u>
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u>
5145.7	<u>Sex Discrimination and Sex-Based Harassment</u>
5145.71	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
5145.71-E(1)	<u>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</u>
5146	<u>Married/ Pregnant/ Parenting Students</u>

Policy

PASADENA UNIFIED SCHOOL DISTRICT

Adopted: September 26, 1995

Pasadena, California

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