San Bernardino County Superintendent of Schools
Policy 4119.11, 4219.11, 4319.11

SEX DISCRIMINATION AND SEX-BASED HARASSMENT

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

The Superintendent is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Superintendent prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative procedure, in superintendent programs and activities by and against superintendent employees.

Additionally, the Superintendent 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 procedure

2. Publicizing and disseminating the superintendent'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 Procedure 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

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 superintendent'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 superintendent'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 superintendent employee who has experienced sex discrimination or sex-based harassment in the superintendent's education program or activity may file a complaint with the superintendent'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 superintendent employee, a student, or a third party in a superintendent 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 Procedure 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 superintendent 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 superintendent employee found to have engaged or participated in sex discrimination or sex-based harassment or to have aided, abetted, incited, compelled, or coerced another to commit sex discrimination or sexbased 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.

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Date Approved

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County Superintendent of Schools
¡Sap/Bernardinp County, CA

By