

SEXUAL HARASSMENT

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains testifies about conduct that reasonably may constitute sexual 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 sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

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. Publicize as specified in Exhibit (1) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, the required notifications related to Title IX 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)

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

Reports and Complaints

Any district employee who has experienced sexual harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.8)

Any employee with knowledge of conduct that reasonably may constitute sexual 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.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Regulation 4030 - Nondiscrimination in Employment, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Regulation 4030 - Nondiscrimination in Employment.

Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and the respondent, as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

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.

Legal References:

State	Description
2 CCR 11006-11086	<i>Discrimination in employment</i>
2 CCR 11009	<u><i>Employment discrimination</i></u>
2 CCR 11021	<u><i>Discrimination in employment - retaliation</i></u>
2 CCR 11023	<u><i>Harassment and discrimination prevention and correction</i></u>
2 CCR 11024	<u><i>Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</i></u>
2 CCR 11034	<u><i>Terms, conditions, and privileges of employment</i></u>
5 CCR 4900-4965	<i>Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance</i>
Ed. Code 200-262.4	<u><i>Prohibition of discrimination</i></u>
Ed. Code 220.1	<i>Prohibition of retaliation related to educational equity</i>
Ed. Code 220.3	<i>No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression</i>
Ed. Code 220.5	<i>Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression</i>
Gov. Code 11135	<u><i>Prohibition of discrimination</i></u>
Gov. Code 12900-12996	<u><i>Fair Employment and Housing Act</i></u>
Gov. Code 12940	<u><i>Unlawful discriminatory employment practices</i></u>
Gov. Code 12950	<u><i>Sexual harassment</i></u>
Gov. Code 12950.1	<u><i>Sexual harassment training</i></u>
Lab. Code 1101	<u><i>Political activities of employees</i></u>
Lab. Code 1102.1	<i>Discrimination: sexual orientation</i>

Federal	Description
20 USC 1681-1688	<u>Title IX of the Education Amendments of 1972; discrimination based on sex</u>
29 CFR 1636	<u>Implementation of the Pregnant Workers Fairness Act</u>
34 CFR 106.1-106.82	<u>Nondiscrimination on the basis of sex in education programs or activities</u>
42 USC 2000e-2000e-17	<u>Title VII, Civil Rights Act of 1964, as amended</u>
42 USC 2000gg-2000gg-6	<u>Pregnant Workers Fairness Act</u>

Management Resources	Description
Court Decision	<u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u>
Court Decision	<u>Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581</u>
Court Decision	<u>John T. D. v. River Delta Joint Unified School District (2021) WL 5176356</u>
Court Decision	<u>Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257</u>
Court Decision	<u>Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026</u>
Court Decision	<u>Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275</u>
Court Decision	<u>Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989</u>
Court Decision	<u>Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57</u>
Court Decision	<u>Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998</u>
Federal Register	<u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u>
U.S. DOE, Office for Civil Rights Publication	<u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education</u>
Website	<u>California Civil Rights Department</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Website	<u>U.S. Equal Employment Opportunity Commission</u>

Policy **Santa Monica-Malibu Unified School District**
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