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

SEXUAL HARASSMENT POLICY

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

Additionally, the Superintendent prohibits retaliatory behavior or action against any person who complains or 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 procedure
2. Publicizing and disseminating the Superintendent'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 Superintendent'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 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 sexual harassment in the Superintendent's education program or activity may file a complaint with the Superintendent's Title IX Coordinator. (34 CFR 106.8)

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

Once notified, the Title IX Coordinator shall ensure the complaint alleging sexual harassment is addressed through Administrative Procedure 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures or Administrative Procedure 4030.1 – Nondiscrimination in Employment - Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Procedure 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, concurrently meets the requirements of Administrative Procedure 4030.1 – Nondiscrimination in Employment - Procedures.

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 Superintendent 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.

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