



## PROVISIONS RELATING TO ALL EMPLOYEES

### BOARD POLICY – **SEXUAL HARASSMENT**

BP 5119.11

The County Board and County Superintendent of Schools are committed to providing a safe work environment that is free of harassment and intimidation. The Board and Superintendent prohibit sexual harassment against County Education Office 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 gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all County Education Office employees and to other persons on County Education Office property or with some employment relationship with the County Education Office, such as interns, volunteers, contractors, and job applicants.

Any County Education Office employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

The County Superintendent 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 County Education Office's sexual harassment policy to employees and others to whom the policy may apply
3. Ensuring prompt, thorough, and fair 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 or designee shall periodically evaluate the effectiveness of the County Education Office'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 County Education Office'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

Any County Education Office employee who feels that they have been sexually harassed in the performance of their County Education Office responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to a supervisor (either their own or another), the County Education Office's coordinator for nondiscrimination, the County Superintendent, or, if available, a complaint hotline or an ombudsman. An employee may bypass their supervisor in filing a complaint when the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

Complaints of sexual harassment shall be filed and investigated in accordance with the complaint procedure specified in AR 5030 - Nondiscrimination in Employment.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

#### Legal Reference:

##### EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

##### GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

##### LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

##### CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

##### CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

##### UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

##### CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

#### COURT DECISIONS

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  
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257  
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989  
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998  
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

#### Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL  
Protecting Students from Harassment and Hate Crime, January 1999

#### WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>  
Equal Employment Opportunity Commission: <http://www.eeoc.gov>  
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

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2017, December 13, 2019