

Policy 4319.11: Sex Discrimination and Sex-Based Harassment

Status: ADOPTED

Original Adopted Date: 01/23/2013 | **Last Revised Date:** 07/11/2018

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 ~~sexual~~**sex discrimination**, including **sex-based harassment**, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees ~~and~~.

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.

~~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 district employees and to other persons on district property or with some employment relationship with the district, such as interns, volunteers, contractors, and job applicants.~~

~~Any district 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.~~

~~Dismissal/Suspension/Disciplinary Action)~~

The Superintendent Chief Learning Officer or designee shall take all actions necessary to ensure the prevention, investigation, and correction of ~~sexual~~**sex discrimination and sex-based harassment**, including but not limited to:

1. ~~1-~~Providing training to employees in accordance with law and administrative regulation
2. ~~2-~~Publicizing and disseminating the district's ~~sexual~~**sex discrimination and sex-based harassment** policy to employees and others to whom the policy may apply
3. ~~(cf. 4112.9/4212.9/4312.9~~**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**

~~Employee Notifications)~~

4. ~~3-~~ Ensuring prompt, thorough, ~~and~~ fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. ~~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 Superintendent Chief Learning Officer 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 ~~the harassment policy, complaint procedures, or training~~ **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, 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.

Sexual Harassment Reports and Complaints

~~Any district employee who feels that he/she has been sexually harassed in the performance of his/her district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the district's coordinator for nondiscrimination, the Superintendent Chief Learning Officer, or, if available, a complaint hotline or an ombudsman. 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 4030 – Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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)