

Policy 4219.11: Sex Discrimination and Sex-Based Harassment

Status: DRAFT

Original Adopted Date: 10/05/2010 | Last Revised Date: 02/02/2021

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 sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions. **(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 **sex discrimination and sex-based** harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
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. **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**
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 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, **(ies)**, complaint procedures, or training:

Sexual Harassment, as appropriate and in accordance with law.

Reports and Complaints

District employees who feel that they have been sexually harassed in the performance of their **Any** district responsibilities **employee who has experienced sex discrimination** or who have **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 any incident of sexual **conduct that reasonably may constitute sex discrimination or sex-based** harassment by or against another employee shall immediately report the incident to their direct supervisor, a district administrator, or the district's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly **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 ~~AR Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual~~ **Sex Discrimination and Sex-Based Harassment Complaint Procedures** or AR 4030 – Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

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 sexual **sex discrimination or sex-based** harassment complaint, any district employee found to have engaged or participated in sexual **sex discrimination or sex-based** harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual **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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
2 CCR 11006-11086	Discrimination in employment
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation
2 CCR 11023	Harassment and discrimination prevention and correction
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034	Terms, conditions, and privileges of employment
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Gov. Code 12900-12996	Fair Employment and Housing Act
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 12950	Sexual harassment
Gov. Code 12950.1	Sexual harassment training
Lab. Code 1101	Political activities of employees
Lab. Code 1102.1	Discrimination: sexual orientation
Lab. Code 1197.5	Wages, hours, and working conditions

Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
29 CFR 1636	Implementation of the Pregnant Workers Fairness Act
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs

Federal References

42 USC 2000e-2000e-17
 42 USC 2000gg-2000gg-6

Management Resources References

Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Federal Register
 U.S. Equal Employment Opportunity Com. Publication
 Website
 Website
 Website
 Website
 Website

Cross References

0410
 0450
 0450
 1312.3
 1312.3
 1312.3-E PDF(1)
 1312.3-E PDF(2)
 1313
 3530
 3530
 3600
 4030
 4030
 4033
 4040
 4040-E PDF(1)
 4112.9
 4112.9-E(1)
 4117.7

Description

Title VII, Civil Rights Act of 1964, as amended
 Pregnant Workers Fairness Act

Description

Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257
 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
 Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989
 Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57
 Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)
 Promising Practices for Preventing Harassment, November 2017
[CSBA District and County Office of Education Legal Services](#)
[California Department of Education](#)
[California Civil Rights Department](#)
[U.S. Department of Education, Office for Civil Rights](#)
[Equal Employment Opportunity Commission](#)

Description

[Nondiscrimination In District Programs And Activities](#)
[Comprehensive Safety Plan](#)
[Comprehensive Safety Plan](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Civility](#)
[Risk Management/Insurance](#)
[Risk Management/Insurance](#)
[Consultants](#)
[Nondiscrimination In Employment](#)
[Nondiscrimination In Employment](#)
[Lactation Accommodation](#)
[Employee Use Of Technology](#)
[Employee Use Of Technology](#)
[Employee Notifications](#)
[Employee Notifications](#)
[Employment Status Reports](#)

Cross References**Description**

4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.22	Dress And Grooming
4131	Staff Development
4144	Complaints
4144	Complaints
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4219.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4219.21	Professional Standards
4219.21-E PDF(1)	Professional Standards - Code Of Ethics Classified Employees
4219.22	Dress And Grooming
4244	Complaints
4300	Administrative And Supervisory Personnel
4300	Administrative And Supervisory Personnel
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.12	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.12-E(1)	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
4319.21	Professional Standards
4319.21-E PDF(1)	Professional Standards
4319.22	Dress And Grooming
4344	Complaints
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.7	Sex Discrimination and Sex-Based Harassment
5145.71	Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures
5146	Married/Pregnant/Parenting Students