

Policy 4219.11

Sex Discrimination and Sex-Based Harassment

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 Board of Education ~~prohibits sexual~~ is committed to providing a safe work environment that is free of discrimination, harassment of district employees and job applicants, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees.

Additionally, the Board also prohibits retaliatory behavior or action against ~~district employees or other~~ any persons who complains, 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 pursuant for the purpose to this policy and administrative regulation. (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 ex discrimination and sexual 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 sex discrimination and sexual sex-based harassment policy to staff 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, ~~and~~ 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 harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

~~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. (5 CCR 4964)~~

~~Any district employee or job applicant who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.~~

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)

~~A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.~~

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)

~~Complaints of sexual harassment~~ Once notified, the Title IX Coordinator shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. 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. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

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)

~~Any district employee who engages or participates in~~ Upon investigation of a sex discrimination or sexual sex-based harassment complaint, any district employee found to have engaged or participated in sex discrimination or sex-based harassment or who aided, abetted, incited, compelled, or coerced another to commit sex discrimination or sexual sex-based harassment against a district employee, job applicant, or student is in violation of this policy ~~and is~~ shall be subject to disciplinary action, up to and including dismissal in accordance with law and the applicable collective bargaining agreement.

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

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