

Policy 4319.11

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 harassment of district employees and job applicants.~~ is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board of Education 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 of Education also prohibits retaliatory behavior or action against ~~district employees or other persons~~ any person 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 to for the purpose of 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 sex 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. Ensuring prompt, thorough, ~~and~~ fair and equitable investigation of complaints through the appropriate state and/or federal procedures
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
5. 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

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.~~ 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)

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

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

Upon investigation of a sex discrimination or sex-based harassment complaint, any district employee ~~who found to have~~ engaged or participated in sexual harassment Upon investigation of a sex discrimination or sex-based harassment complaint, sex discrimination or sex-based harassment or to have or who ~~aids~~sed, ~~abet~~sted, ~~incites~~sd, ~~compels~~sled, or ~~coerces~~sd 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.

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)

LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT

Policy adopted: 11/18/2008 Livermore, California

Last revised: 09/12/2024

Replaced: Pending Board Approval