



**Superintendent Policy**  
**SP 4119.11**  
**Personnel**  
**July 6, 2021**

### **SEXUAL HARASSMENT PREVENTION**

The Santa Cruz County Superintendent of Schools (County Superintendent) is committed to providing a safe work environment that is free of harassment and intimidation. The County Superintendent prohibits sexual harassment against Santa Cruz County Office of Education (Santa Cruz COE) 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 Santa Cruz COE 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 Santa Cruz COE 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 district'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 Santa Cruz COE'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 Santa Cruz COE'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 Santa Cruz COE employee who feels that he/she has been sexually harassed in the performance of his/her Santa Cruz COE 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 Santa Cruz COE's coordinator for nondiscrimination, the County Superintendent, 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)**

### **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

Sexual harassment; distribution of information

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

Harassment and discrimination prevention and correction

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 20**



1681-1688 Title IX prohibition against discrimination

**UNITED STATES CODE, TITLE 42**

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

**CODE OF FEDERAL REGULATIONS, TITLE 34**

106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities

106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities

**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:**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS

Promising Practices for Preventing Harassment, November 2017

**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>