

SEXUAL HARASSMENT

The Santa Cruz County Superintendent of Schools prohibits sexual harassment of county office employees. The Superintendent also prohibits retaliatory behavior or action against county office employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

The 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 staff
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
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

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)

Any county office employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, the director, county office administrator, or Superintendent.

A supervisor, director, or other county office administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with 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.

Any county office 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.

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

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

11023: Harassment and discrimination prevention and correction

11024: 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 42

2000d-2000d-7: Title VI, Civil Rights Act of 1964

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

2000h-2-2000h-6: Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9: Dissemination of policy

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

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime, January 1999

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>