

TULARE COUNTY OFFICE OF EDUCATION

Superintendent Policy

Personnel - All Personnel
SP 4119.11, 4219.11, 4319.11
Sexual Harassment

Sexual Harassment

The following policy shall apply to all Tulare County Office of Education (TCOE) employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with TCOE.

The County Superintendent is committed to providing a safe work environment that is free of harassment and intimidation. The County Superintendent prohibits sexual harassment against county office employees. The County Superintendent also prohibits 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 sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

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 county office's sexual harassment policy to employees and others to whom the policy may apply.
3. Ensuring prompt, thorough, fair, and equitable investigation of complaints.
4. Taking timely and appropriate corrective/remedial actions. This 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 TCOE'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 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, complaint procedures, or training.

Sexual Harassment Reports and Complaints

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or take other subsequent necessary action.

Any county office employee who feels that they have been sexually harassed in the performance of their county office responsibilities or who have knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to their direct supervisor, the site administrator, or the county office's Title IX Coordinator.

A supervisor, site administrator, or other county office administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint is addressed through AR 4119.12/4219.12/4319.12 - Title IX Sexual 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. An employee may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any county office employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual 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.

Legal Reference:

GOVERNMENT CODE

12940 Prohibited discrimination

12950 Sexual harassment

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CALIFORNIA CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11021 Discrimination in employment - retaliation

11023 Harassment and discrimination prevention and correction

11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation

11034 Terms, conditions, and privileges of employment

UNITED STATES CODE, TITLE 42

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

U.S. CODE OF 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) 477 US 57

Management Resources:

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATION

Promising Practices for Preventing Harassment, November 2017

WEB SITES

Effective July 1, 2022, the Department of Fair Employment and Housing (DFEH) has been renamed to the California Civil Rights Department (CRD): <https://calcivilrights.ca.gov/>

U. S. Equal Employment Opportunity Commission: <http://eeoc.gov>

Policy adopted: 10/15/80
Revised: 2/17/88, 1/16/91

Tulare County Board of Education
Visalia, CA

Changed to Superintendent Policy
Revised Policy Approved: 12/20/2006
Revised: 7/31/2024



Tulare County Superintendent of Schools
Visalia, CA