

## **ALL PERSONNEL**

### **Sexual Harassment**

The Superintendent prohibits sexual harassment of San Joaquin County Office of Education (SJCOE) employees and job applicants, as well as retaliatory behavior or action against employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and administrative regulation.

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 SJCOE sexual harassment policy to staff.
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.

Any SJCOE employee or job applicant who feels that (s)he is being sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, job applicant, or student, is encouraged to immediately report the incident to his/her immediate supervisor without fear of reprisal. The Director of Human Resources shall be informed of all such complaints and will assist in the investigation and resolution of complaints, pursuant to Administrative Regulation 4031.

Complaints involving sexual harassment shall be processed by using the complaint procedure outlined in AR 4031, but shall not require any action that would cause the employee to resolve the complaint directly with the offending person.

Any SJCOE employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment against an employee, job applicant, or student is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

*cf:* 0410 Nondiscrimination in Programs and Services  
4030 Nondiscrimination in Employment  
4112.9/4212.9/4312.9 Employee Notifications  
4117.4 Dismissal  
4118 Suspension/Disciplinary Action  
4218 Dismissal/Suspension/Disciplinary Action

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

7287.8 Retaliation  
7288.0 Sexual harassment training and education

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