

Board Policy

Sexual Harassment

GCCS

BP 4119.11 (Certificated), 4219.11 (Classified), 4319.11 (Management)

Personnel

The following policy shall apply to all Grizzly Challenge Charter School (GCCS) employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with GCCS.

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against GCCS 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 sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Principal 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 GCCS'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 action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Principal or designee shall periodically evaluate the effectiveness of GCCS'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 GCCS'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

GCCS employees who feel that they have been sexually harassed in the performance of their GCCS 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, a GCCS administrator, or GCCS's Title IX Coordinator. Employees may bypass their supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor or administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation 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.

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 GCCS 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.

Federal References

20 USC 1681-1688 Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.9 Nondiscrimination on the basis of sex in education programs or activities
34 CFR 106.51-106.61 Nondiscrimination on the basis of sex in employment in education program or activities
42 USC 2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision - *Oncale v. Sundowner Offshore Serv. Inc.*, (1998) 118 S.Ct. 998
Court Decision - *Meritor Savings Bank, FSB v. Vinson et al.*, (1986) 447 U.S. 57
Court Decision - *Gebser v. Lago Vista Independent School District*, (1998) 118 S.Ct. 1989
Court Decision - *Faragher v. City of Boca Raton*, (1998) 118 S.Ct. 2275
Court Decision - *Department of Health Services v. Superior Court of California*, (2003) 31 Cal.4th 1026
Court Decision - *Burlington Industries v. Ellerth*, (1998) 118 S.Ct. 2257
U.S. Equal Employment Opportunity Com. Publication - *Promising Practices for Preventing Harassment*, November 2017
Website - U.S. Equal Employment Opportunity Commission
Website - U.S. Department of Education, Office for Civil Rights
Website - California Department of Fair Employment and Housing

State References

2 CCR 11006-11086 Discrimination in employment
2 CCR 11021 Discrimination in employment - retaliation
2 CCR 11023 Harassment and discrimination prevention and correction

2 CCR 11024 Required training and education on harassment based on sex, gender identity and expression, and sexual orientation
2 CCR 11034 Terms, conditions, and privileges of employment
5 CCR 4900-4965 Nondiscrimination in elementary and secondary education programs
Ed. Code 200-262.4 Educational equity; prohibition of discrimination on the basis of sex
Gov. Code 12900-12996 Fair Employment and Housing Act
Gov. Code 12940 Unlawful discriminatory employment practices
Gov. Code 12950 Sexual harassment
Gov. Code 12950.1 Sexual harassment training
Lab. Code 1101 Political activities of employees
Lab. Code 1102.1 Discrimination: sexual orientation

Adopted: 11/22