

**Regulation 4119.11: Sexual Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 01/06/2016 | **Last Revised Date:** 08/13/2021 | **Last Reviewed Date:** 08/13/2021

This administrative regulation describes the manner in which measures, aimed at preventing sexual harassment in the workplace, shall be implemented.

**Training**

The Superintendent or designee shall ensure that all employees receive training regarding the District's sexual harassment policies when hired and periodically thereafter. Training shall include how to recognize prohibited or harassing conduct, the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the District's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee. The training shall also include information about processes for employees to informally share or obtain information about harassment without filing a complaint.

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom, and nonsupervisory employees receive at least one hour, or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Gov. Code, § [12950.1](#))

A supervisory employee is any employee having the authority in the interest of the District to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or to effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Gov. Code, § [12926](#))

(cf. 4300 – Administrative And Supervisory Personnel)

Such training may be completed by employees individually or as part of a group presentation; may be completed in shorter segments as long as the applicable hourly requirement is met; and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation (Gov. Code, § 12950.1).

The District's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Gov. Code, § [12950.1](#); 2 CCR § 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention and correction of sexual harassment, and the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability.
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources.
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment.
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint.
5. The essential elements of the District's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed.
6. A copy of the District's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received.
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance, and that a single act does not constitute abusive conduct unless the act is severe or egregious.
8. Practical examples of harassment based on gender identity, gender expression, and sexual orientation.

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR § 11024)

### Notifications

The Superintendent or designee shall notify employees that the District does not discriminate on the basis of sex, as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education (34 C.F.R. § 106.8; 34 C.F.R. § 106.45).

A copy of the Board policy and this administrative regulation shall: (Ed. Code, § 231.5)

1. Be displayed in a prominent location in the main administrative building, District office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted.
2. Be provided to every District employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired.
3. Appear in any school or district publication that sets forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct.
4. Be publicly posted on the District's website, if the District has one.

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the District that contains, at a minimum, components on: (Gov. Code, § 12950)

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The District's complaint process available to the employee.
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH and the EEOC.
7. The protection against retaliation provided by California Code of Regulations, title 2, section 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC.

In addition, the District shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment, and the DFEH poster regarding transgender rights. (Gov. Code, § 12950)

### Regulation WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

#### Description

2 CCR 11006-11086	Discrimination in employment - <a href="https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==">https://simbli.eboardsolutions.com/SU/jUNOUneBGplusu4fVMYTIWMKA==</a>
2 CCR 11009	Employment discrimination
2 CCR 11021	Discrimination in employment - retaliation - <a href="https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==">https://simbli.eboardsolutions.com/SU/iTztgujF38E1spcl6qvQZw==</a>
2 CCR 11023	Harassment and discrimination prevention and correction - <a href="https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==">https://simbli.eboardsolutions.com/SU/haAgKnrQhVJbslsh34hY5zslsh5Q==</a>
2 CCR 11024	Required training and education on harassment based on sex, gender identity and expression, and sexual orientation - <a href="https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==">https://simbli.eboardsolutions.com/SU/WdslshVrKs4pluscfHplushNGLhCeQw==</a>
2 CCR 11034	Terms, conditions, and privileges of employment - <a href="https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==">https://simbli.eboardsolutions.com/SU/jX8JHDplusuhtEPVPUCVlvsTA==</a>

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - <a href="https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==">https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==</a>
Gov. Code 12900-12996	Fair Employment and Housing Act - <a href="https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==">https://simbli.eboardsolutions.com/SU/kYDZnuplusf3qJV95L7E0pUzw==</a>
Gov. Code 12940	Unlawful discriminatory employment practices - <a href="https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==">https://simbli.eboardsolutions.com/SU/UNfKYoagtuU78NiHeXTvxw==</a>
Gov. Code 12950	Sexual harassment - <a href="https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==">https://simbli.eboardsolutions.com/SU/h4EWslsh77h5LPVLOIU3XnZ3A==</a>
Gov. Code 12950.1	Sexual harassment training - <a href="https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==">https://simbli.eboardsolutions.com/SU/Qn3RaMj3XP2OFpBLmJWdjA==</a>
Lab. Code 1101	Political activities of employees - <a href="https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==">https://simbli.eboardsolutions.com/SU/6iMX1rL2slsh0UKf5WEsCqaZg==</a>
Lab. Code 1102.1	Discrimination: sexual orientation

**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 References**

Court Decision	Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Court Decision	Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Court Decision	Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Court Decision	Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57
Court Decision	Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
U.S. Equal Employment Opportunity Com. Publication	Promising Practices for Preventing Harassment, November 2017
Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsLshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsLshXk6R5akQ==</a>
Website	California Civil Rights Department - <a href="https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==">https://simbli.eboardsolutions.com/SU/RRvNseNogmlnMLyl8K40jw==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==">https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==</a>
Website	U.S. Equal Employment Opportunity Commission - <a href="https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==">https://simbli.eboardsolutions.com/SU/vWZpgy5hWTz73t9BVEDPpA==</a>

**Cross References**

0410	Nondiscrimination In District Programs And Activities - <a href="https://simbli.eboardsolutions.com/SU/KsjDUyplusN6usWAHaLYsWSplusg==">https://simbli.eboardsolutions.com/SU/KsjDUyplusN6usWAHaLYsWSplusg==</a>
0450	Comprehensive Safety Plan - <a href="https://simbli.eboardsolutions.com/SU/3sEgordpNAd9pitTHk0IIA==">https://simbli.eboardsolutions.com/SU/3sEgordpNAd9pitTHk0IIA==</a>
1312.3	Uniform Complaint Procedures - <a href="https://simbli.eboardsolutions.com/SU/jTXa27ru6jYMNEnhEslshd46A==">https://simbli.eboardsolutions.com/SU/jTXa27ru6jYMNEnhEslshd46A==</a>

1312.3 Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/sAne3rIX9rujnAiEpaecYA==>

3530 Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/L8bPwHIX7E3YlzoBXW88kg==>

3600 Consultants -  
<https://simbli.eboardsolutions.com/SU/XveHF4VxDaxplusLOQltkCgFA==>

4030 Nondiscrimination In Employment -  
<https://simbli.eboardsolutions.com/SU/99VyuYWTl4em95hpTViiyg==>

4030 Nondiscrimination In Employment -  
<https://simbli.eboardsolutions.com/SU/b6ULnUzCbXplusIMcJplusJrbqFA==>

4040 Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/OJmshOh97plusqW87Kcpluf1olsA==>

4040-E PDF(1) Employee Use Of Technology -  
<https://simbli.eboardsolutions.com/SU/GBy2nAnCdg4lRc6YER21XA==>

4112.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/Ma5gG7Aazys0mlH3H7yXA==>

4118 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/FStvdhtDr0Q0u5KlcWHr5g==>

4118 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/3UgpoC1fW4B1plus2Vwx5Mi4g==>

4119.12 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/D6iQplGt7i4EEHYvUJZBtQ==>

4119.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/JKZe3DTtplusjf1A4fk0slyOQ==>

4119.22 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/c2kl8tPcwSplusIXp8ZQ21KWQ==>

4131 Staff Development -  
<https://simbli.eboardsolutions.com/SU/BWkeN4McHiPjshe7LmjMEg==>

4212.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/77NB0h5QJGalikgpxNLZsQ==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/N7WDSUsishMSsishiWDtjRvnABvQ==>

4219.22 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/hzJmlhplusVY81LEMMyArIEPw==>

4231 Staff Development -  
<https://simbli.eboardsolutions.com/SU/wGPBPx9gl7eBfzF0yOdX7A==>

4300 Administrative And Supervisory Personnel -  
<https://simbli.eboardsolutions.com/SU/VZ61hGEKf5S7kNivQpuyg==>

4312.9 Employee Notifications -  
<https://simbli.eboardsolutions.com/SU/WVXxHfYulX2qnhL8Y3fgw==>

4319.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/q3BODXEqNMIVyh72120fGQ==>

4319.22 Dress And Grooming -  
<https://simbli.eboardsolutions.com/SU/7zoKpy2E4gU6owhBipZrlg==>

5145.7 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/rBQeKJ8CuSK3Vs2ghQlp6A==>

5145.7 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/8uQACoOGLQW90jy5rRhSVw==>

5145.71 Title IX Sexual Harassment Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/d0GfkePwPcjQBNt5WbT4Q==>