

County Office Regulation 4119.11: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 02/18/2021 | **Last Revised Date:** 07/28/2022 | **Last Reviewed Date:** 07/28/2022

Purpose

It is the purpose of this Administrative Regulation to implement the Napa County Superintendent of Schools' Sexual Harassment Policy. The regulation is designed to outline the procedures that are to be followed to maintain the County Superintendent's commitment to providing a work environment free from sexual harassment as defined by policy.

Reporting Procedure

Any employee who believes he or she has been sexually harassed by an employee, student, or agent of the Napa County Office of Education (NCOE), should promptly report the facts of the alleged incident(s) and the name of the individual involved to the school site administrator/site manager and/or Deputy Superintendent of Business and Human Resources.

Employees may, at any time during the process, bring an advocate to support them in meeting with the site administrator or other staff. The site administrator/Deputy Superintendent or Director of Human Resources or designee will gather the information from the employee to complete the Sexual Harassment Incident Report. A copy of the report will be forwarded to the Deputy Superintendent and/or Director of Human Resources. The Deputy Superintendent or Director of Human Resources shall determine who shall conduct the investigation. A copy of Board Policy will be given to the employee.

The report should also (or instead) go to the Title IX coordinator for a determination as to whether the complaint shall be treated as a Title IX complaint or a Uniform complaint (SP/AR 1312.3).

Confidentiality

The Deputy Superintendent, Director of Human Resources or designee will inform the employee making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible and lawful under the investigation process.

Retaliation

The initiation of an allegation of sexual harassment by an employee will not adversely impact employment status in any way. The site administrator or designee will inform all parties that retaliation is illegal and that an allegation of retaliation, following a report of sexual harassment shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

Time Limits

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place. Employees wishing to report allegations to additional agencies, such as the Equal Employment Opportunity Commission, should know that these agencies follow a time limit for reporting alleged incidents of sexual harassment.

Informal Process

Upon receipt of a complaint either verbally or in writing, the complaining party will be advised of their right to explore resolution of the matter by way of an informal mediation process. If the complaining party wishes to use the informal process, the site administrator or Deputy Superintendent in consultation with the Director of Human Resources shall set up a process. If the informal process does not result in a mutually agreeable resolution to the

complaint, the investigation procedure shall be initiated.

If the complaining party or accused does not wish to participate in the informal process, the investigation procedure will be initiated.

Investigation Procedure

Investigations will be in accordance with 4119.13/4219.13/4319.13 or 1312.3.

Disciplinary Action/Remedial Action

Employees who are found to have engaged in sexual harassment or inappropriate conduct may be subject to discipline up to and including dismissal. Such disciplinary action shall be in accordance with board policy, state law, and applicable collective bargaining agreements.

In identifying appropriate disciplinary action, repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties. Disciplinary actions may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination.

Because of rights to privacy regarding discipline, the nature of the discipline will not be disclosed to the individual filing the complaint unless authorized by the person being disciplined.

Depending on the findings of the investigation, the NCOE will also review and consider possible actions to remedy any harm suffered by the employee who is determined to be a victim of sexual harassment. Depending on the results of the investigation, the NCOE shall consider needs of the victim, including counseling services.

Notification

There will be adequate notification of the policy to include public posting. The policy will be published in site handbooks and/or the NCOE employee handbooks.

Special Assistance

To obtain additional information regarding any of the procedures outlined in this administrative regulation, one should contact the County Superintendent.
