

**Superintendent Policy 4119.11: Sexual Harassment**

**Status:** ADOPTED

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

The Napa County Office of Education is committed to providing a safe work environment that is free of harassment and intimidation. The County Superintendent prohibits sexual harassment against Napa County Office of Education (NCOE) 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 gender, gender identity, gender expression, or sexual orientation of the victim.

This policy shall apply to all NCOE employees and to other persons on NCOE property or with some employment relationship with the NCOE, such as interns, volunteers, contractors, and job applicants.

(cf. 0410 - Nondiscrimination in County Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

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

(cf. 4117.7/4317.7 - Employment Status Reports)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

The Napa County Superintendent of Schools 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 NCOE's sexual harassment policy to employees and others to whom the policy may apply

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

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

#### Sexual Harassment Reports and Complaints

Any NCOE employee who feels that he/she has been sexually harassed in the performance of his/her NCOE responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her direct supervisor, another supervisor, the NCOE's coordinator for nondiscrimination, the Superintendent, or, if available, a complaint hotline or an ombudsman. A supervisor or administrator who receives a harassment complaint shall promptly notify the coordinator.

An investigation will be completed under the appropriate procedures, which shall be either under Title IX (4119.13/4219.13/4319.13) or the Uniform Complaint procedures (SP/AR 1312.3).

The complaint must go to both the Title IX coordinator and the Uniform Complaint officer (these may be the same person), for a determination by the Title IX officer as to whether the complaint falls under the definition of "Sexual harassment" under Title IX.

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