

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Personnel
SEXUAL HARASSMENTPolicy Statement:

The Fresno County Superintendent of Schools ("FCSS" or "County Superintendent") is committed to providing a safe, positive environment where all FCSS employees are assured protection from sexual harassment in accordance with law. The FCSS prohibits sexual harassment, as defined below, in FCSS programs and activities by and against FCSS employees. For purposes of this policy, employees include job applicants, interns, volunteers, other persons with an employment relationship with FCSS, and persons who contracted with the FCSS to provide services, as applicable.

QUICK LINKS

[Supervisor Report of Sexual Harassment Incident/Complaint](#)
[Employee Sexual Harassment Complaint Form](#)
[Employee Sexual Harassment Appeal Form](#)

This policy will be included in the **New Employee Orientation**, and the **Annual Employee Notifications** packet which is provided to all FCSS employees.

The FCSS does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

Additionally, FCSS prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sexual harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The County Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:
(Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and FCSS policies
2. Publicizing and disseminating the FCSS sexual harassment policy to employees and others to whom the policy may apply
3. Publicize 4319.12 - Title IX Sexual Harassment Complaint Procedures, the required notifications related to Title IX to employees, applicants for employment, and bargaining units
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s)

The County Superintendent or designee may periodically evaluate the effectiveness of the FCSS' 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 FCSS' prevention strategies, and using any other effective tool for receiving feedback on systems

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and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

DEFINITIONS

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, or related conditions or recovery; reproductive health decision-making; breastfeeding or related medical conditions; and parental, marital, and family status. (Government Code 11135, 12920, 12926, 12940; 20 USC 1681-1688)

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made either an explicit or implicit term or condition of the employee's employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the employee;
3. The conduct has the purpose or effect of having a negative impact on the employee's work performance, or of creating an intimidating, hostile or offensive working environment; or
4. Submission to or rejection of the conduct is the basis for any decision affecting the employee regarding benefits, services, honors, programs, or other educational activities available at or through the FCSS.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which FCSS exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A FCSS employee conditioning the provision of an employer aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to FCSS' education programs or activities
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

TITLE IX COORDINATOR/COMPLIANCE OFFICER

The FCSS designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX in accordance with SP 4319.12 - Title IX Sexual Harassment Complaint Procedures, and oversee the FCSS' response to sexual harassment complaints

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processed under SP 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Deputy Superintendent, Instructional Division
Office of the Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
dlira@fcoe.org

TRAINING

The County Superintendent or designee shall ensure that employees receive training regarding sexual harassment in accordance with state and federal law.

Every two years, the County Superintendent or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the FCSS, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or 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. (Government Code 12926)

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. (Government Code 12950.1)

The FCSS' sexual harassment training and education program shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. 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
7. The limited confidentiality of the complaint process

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8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the FCSS' obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the FCSS' anti-harassment policy, and how to use the policy if a harassment complaint is filed

Employees shall receive a copy of the FCSS' sexual harassment policy and procedures, which they shall read and acknowledge that they have received.

12. Information, including practical examples, of harassment based on sex, gender identity, gender expression, and sexual orientation
13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

The County Superintendent or designee shall retain for at least two years the records of any training provided to employees. Such records shall include, but are not limited to, the names of trained employees, date of the training, the sign-in sheet(s), a copy of all certificates of attendance or completion issued, the type of training, a copy of all written or recorded materials that comprise the training, and name of the training provider. (2 CCR 11024)

Additionally, the County Superintendent or designee shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training in accordance with 34 CFR 106.45, including the definition of sexual harassment specified in 34 CFR 106.30, the scope of the FCSS' education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

In addition, the FCSS' Title IX sexual harassment training shall include additional training for FCSS investigators and decisionmakers. (34 CFR 106.45)

The County Superintendent or designee shall retain for seven years the materials used to provide training as specified in 34 CFR 106.45, make these materials publicly available on its website.

NOTIFICATIONS

The County Superintendent or designee shall notify employees that the FCSS 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 FCSS may be referred to the Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

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The FCSS shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the Title IX Coordinator. (34 CFR 106.8)

The County Superintendent or designee shall ensure that a copy of SP 4319.11:

1. Be displayed in a prominent location in the main administrative building and FCSS sites where notices of rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every FCSS employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any FCSS publication that sets forth the comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the FCSS' website (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the FCSS that contains, at a minimum, components on: (Government 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 FCSS' complaint process available to the employee
5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the FCSS shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of sexual harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

COMPLAINT PROCEDURES

Any FCSS employee who has experienced sexual harassment in the FCSS' education program or activity may file a complaint with the FCSS' Title IX Coordinator. (34 CFR 106.8)

Any employee with knowledge of conduct that reasonably may constitute sexual harassment by or against another employee, a student, or a third party in a FCSS education program or activity shall notify the Title IX Coordinator within one workday.

All complaints alleging sexual harassment by and against employees shall be investigated and resolved in accordance with law and FCSS' procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints

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that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with SP 4319.12 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved in accordance SP 4030 - Nondiscrimination in Employment.

Before or after the filing of a formal complaint or where no formal complaint has been filed, the Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and the respondent, as deemed appropriate under the circumstances. (34 CFR 106.30, 106.44)

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects. Upon investigation of a sexual harassment complaint, any FCSS 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.

Adopted: 10/01/2020

Amended: 11/3/2023, 07/30/2025