

POLICY5145.7: Sexual Harassment**Original Adoption:** 2/14/1994**Revised:** 2/13/1996, 6/17/2002, 7/31/2012, 6/18/2019, 10/13/2020, 1/12/2021

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The district strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, 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 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the district's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the district's web site, and including it in student and staff handbooks. All district staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

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

5 CCR 4600-4670
5 CCR 4900-4965
Civ. Code 1714.1
Civ. Code 51.9

Ed. Code 200-262.4
Ed. Code 48900
Ed. Code 48900.2
Ed. Code 48904
Ed. Code 48980
Gov. Code 12950.1

Description

Uniform complaint procedures
Nondiscrimination in elementary and secondary education programs
Liability of parent or guardian for act of willful misconduct by a minor
Liability for sexual harassment; business, service and professional relationships
Educational equity; prohibition of discrimination on the basis of sex
Grounds for suspension and expulsion
Additional grounds for suspension or expulsion; sexual harassment
Liability of parent/guardian for willful student misconduct
Notice at beginning of term
Sexual harassment training

Federal

20 USC 1221
20 USC 1232g

Description

Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688
34 CFR 106.1-106.71
34 CFR 99.1-99.67
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Title IX, discrimination
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication

CSBA Publication
and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication
U.S. DOE, Office for Civil Rights Publication

U.S. DOE, Office for Civil Rights Publication

Website
Website
Website

Description

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for Transgender
Dear Colleague Letter: Title IX Coordinators, April 2015
Q&A on Campus Sexual Misconduct, September 2017
Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School
Employees, Other Students, or Third Parties, January 2001
Examples of Policies and Emerging Practices for Supporting Transgender
Students, May 2016
U.S. Department of Education, Office for Civil Rights
CSBA
California Department of Education

Cross References

Code

0410
0450
0450
1312.1
1312.1
1312.3
1312.3
1312.3-E (1)
1312.3-E (2)
3515.4
3515.4
3530
3530
4117.7
4119.11
4119.11
4219.11
4219.11
4219.11
4219.21
4219.21-E (1)
4231
4317.7
4319.11

Description

Nondiscrimination in District Programs and Activities
Comprehensive Safety Plan
Comprehensive Safety Plan
Complaints Concerning District Employees
Complaints Concerning District Employees
Uniform Complaint Procedures
Uniform Complaint Procedures
Uniform Complaint Procedures
Uniform Complaint Procedures
Recovery for Property Loss or Damage
Recovery for Property Loss or Damage
Risk Management/Insurance
Risk Management/Insurance
Employment Status Reports
Sexual Harassment
Sexual Harassment
Sexual Harassment
Sexual Harassment
Professional Standards
Professional Standards
Staff Development
Employment Status Reports
Sexual Harassment

4319.11	Sexual Harassment
4319.21	Professional Standards
4319.21-E (1)	Professional Standards
5125	Student Records
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.5	Vandalism and Graffiti
5132	Dress and Grooming
5132	Dress and Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention and Reporting
5141.4	Child Abuse Prevention and Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension and Expulsion/Due Process
5144.1	Suspension and Expulsion/Due Process
5144.2	Suspension and Expulsion/Due Process (Students with Disabilities)
5145.2	Freedom of Speech/Expression
5145.2	Freedom of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parental Notifications
5145.6-E (1)	Parental Notifications
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6145	Extracurricular and Cocurricular Activities
6145	Extracurricular and Cocurricular Activities
6145.2	Athletic Competition
6145.2	Athletic Competition
6163.4	Student Use of Technology
6163.4-E (1)	Student Use of Technology