

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/15/2009 | **Last Revised Date:** 10/15/2020 | **Last Reviewed Date:** 10/15/2020

The Board of Trustees is committed to maintaining a safe school 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 any student who feels 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 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 is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

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 instruction and 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, 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 References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknePFduiYWusJFnU3r9Q==>

Civ. Code 51.9

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4

Educational equity; prohibition of discrimination on the basis of sex - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension and expulsion

Ed. Code 48900.2

Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48980

Notice at beginning of term

Gov. Code 12950.1

Sexual harassment training

Federal References

20 USC 1221

Description

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX, discrimination

34 CFR 106.1-106.71

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources References

Court Decision

Description

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

Court Decision

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Court Decision

Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Court Decision

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Court Decision

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office For Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/U7vfcuV3plusLnelP7of2slshYPA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/3Vg524QARRUNvD1dSZ9bA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/vv0BdplustBoAsqv72kWh8TIA==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/jgsiCEBdBrHp8FbcxdQjCQ==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/1yVYqXL7U0HCnZSCyK08oQ==
1312.1-E(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/Bc1JAXIeQgWBVAv9wGMsNg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/thSxnDplustsolvjGrcEEomfg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/Wslsh7QM5MI9H11kslshTPNHKwHA==
1312.3-E(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/gFwJs2mYh06c1RsVAL1Acg==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/YHLyd5bFd3PpuFrR7kmtWQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/WEslshKXYt82z289NZr6lIFOQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/F9pZ2Q2kOwlFaYieqHsJtQ==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/bJii60AJkXALFaWFDSdj3w==
4117.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/fsAFA5mHJa9Tr3tvZplus5bzA==

4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/dybccGKVeslsh8d8O9oj7rUFw==
4119.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/IAgNaxECiQSwJvSbB451jQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/ZWCi81uO5xiFaBce8VmsQ==
4219.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/W8rN8jn2LZplusBmTrffWpnqQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/GWvuAtIU0pruBxM34G0Fig==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/cLMHvTyX9RCplusqcvUeQ6ozw==
4317.7	Employment Status Reports - https://simbli.eboardsolutions.com/SU/bic8omZ63A93HxejPCYBWw==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/qnHMshHCwbWm4TISHFDYs2w==
4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bqE7c1OphlXIGYkc1BEB7g==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cNnn4BUtbAJxLLHWDourfA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/g8zEvaDAac7ipHdPyolwvg==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Brjsu9IQT6kk4qcBJpluskuA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/luhUiT3slshg9RCGf2oB6ZBuA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/qTeF30xIM1rmHzekOhBDrQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/nCfc4SHWQqd4c7UQp21BUQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/hVD861pUTgF11slshdrlgLBQ==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/46Y9LLI9YeyECIhzC1kZ6Q==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JJ5JgvkwVygOzhglaMBM7A==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/NslsheqslshYRLCOF0WVYVeYsK6w==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/s3FShXYGNFgb1vUXn422iA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/4pqqL17dFatRJ2BxtR4wFw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/9LapFd1a9d7wVRkVv86INg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/HVgFzpLXLzWKplusThUuefUXg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/GU8WTpXz57YivOuyQ3qVXg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/IDpID5iNslsh8iHIVR33o1Muw==

5144	Discipline - https://simbli.eboardsolutions.com/SU/Exg6zWG7LrLIFHbNsWFGTQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/GSTanblhsGWTC9kOwmh4Pw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/EaRAw96Jl4AsgyLHEplusplusxFg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/9J7ld4qHyEWZwTh960bAlg==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/w0J0tfsA6KmG2plusAArWkwhw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/QLRe6101WQXpUWhYTUXFzQ==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/aBQWIFNqtHTLc0eXiAO7vg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/YfHskDoyR3plusMGEWPNhn7dQ==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/h5AVF3Nq0TByRnmbytrYcQ==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/dBzZeHYRsZH9Ge1x4iXZYQ==
5145.6-E(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/qfskm4Y2zj2VjnrAeH5YJg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/mAEyWqLCTQpluszat7Du7cayA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/MzsaU8f4DXXCzNITg70tZg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Bh6ogJcWhrgQNe8gab2HiA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1pVFMriYz3pEhbzANIMBgA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/g8P2YD7PCJi9EkYORXZFnQ==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/7Uj8kKKt4HGfnGmzk5UgA==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/GwEX0Mms9TLsETTFIf2isA==