



STUDENTS

POLICY - SEXUAL HARASSMENT

BP 5145.7

The County Board of Education and the County Superintendent are committed to maintaining a safe school environment that is free from harassment and discrimination. The County Board of Education and the County Superintendent prohibit, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The County Board of Education and the County Superintendent prohibit 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 County Education Office 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 administrator, the County Education Office'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 County Superintendent or designee shall inform students and parents/guardians of the County Education Office's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the County Education Office's web site, and including it in student and staff handbooks. All County Education Office staff shall be trained regarding the policy.

Instruction/Information

The County Superintendent or designee shall ensure that all County Education Office 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

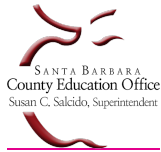


3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the County Education Office's primary concern, and that any separate rule violation involving an alleged victim or any other person 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 County Education Office'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 County Education Office investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the County Education Office 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 County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the County Education Office to monitor, address, and prevent repetitive harassing behavior in County Education Office programs.

Legal Reference:

EDUCATION CODE

- [200-262.4](#) Prohibition of discrimination on the basis of sex
- [48900](#) Grounds for suspension or expulsion
- [48900.2](#) Additional grounds for suspension or expulsion; sexual harassment
- [48904](#) Liability of parent/guardian for willful student misconduct
- [48980](#) Notice at beginning of term
- [48985](#) Notices, report, statements and records in primary language

CIVIL CODE

- [51.9](#) Liability for sexual harassment; business, service and professional relationships
- [1714.1](#) Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

- [12950.1](#) Sexual harassment training
- CODE OF REGULATIONS, TITLE 5
- [4600-4670](#) Uniform complaint procedures
- [4900-4965](#) Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

- 1092 Definition of sexual assault
- [1221](#) Application of laws
- [1232g](#) Family Educational Rights and Privacy Act
- [1681-1688](#) Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 34

- 12291 Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

- 1983 Civil action for deprivation of rights
- [2000d-2000d-7](#) Title VI, Civil Rights Act of 1964
- [2000e-2000e-17](#) Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

- [99.1-99.67](#) Family Educational Rights and Privacy
- [106.1-106.82](#) Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

- Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130

Sexual Harassment – Board Policy 5145.7



Reese v. Jefferson School District, (2000, 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

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Dear Colleague Letter: Title IX Coordinators, April 2015
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

WEB SITES

CSBA: <http://www.csba.org>
California Department of Education: <http://www.cde.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

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