

Series 5000 – Students

SP 5145.7

<b>TITLE: Sexual Harassment</b>	
Approved by: <u>On File</u> <i>Francisco Reveles, Ed.D., Superintendent of Schools</i>	Series: <b>Students</b> Version: <b>2</b> Effective Date: <b>July 1, 2021</b> Previous Policy Date: <b>Unknown</b> Revised By: <b>Committee</b> Policy Number: <b>SP 5145.7</b>

The County Office of Education (COE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a COE educational program, school, or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

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, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE'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 so that steps may be taken to investigate and address the allegation in accordance with law and related COE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through the COE's Title IX complaint procedures or uniform complaint procedures (UCP), 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 the Title IX procedure concurrently meets the requirements of UCP.

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

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 pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

## Legal Reference:

## EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex  
1040 Duties and responsibilities; county boards of education  
1042 County boards; authority  
35160 Authority of county boards  
35160.1 Authority of county boards; legislative intent  
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  
48915 Grounds for expulsion  
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  
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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