

SEXUAL HARASSMENT

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 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 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 where 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

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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 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.

State Reference	Description
5 CCR 4600-4670	<u>Uniform complaint procedures</u>
5 CCR 4900-4965	<u>Nondiscrimination in elementary and secondary education programs</u>
Civ. Code 1714.1	<u>Liability of parent or guardian for act of willful misconduct by a minor</u>

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Civ. Code 51.9	<u>Liability for sexual harassment; business, service and professional relationships</u>
Ed. Code 200-262.4	<u>Educational equity; prohibition of discrimination on the basis of sex</u>
Ed. Code 48900	<u>Grounds for suspension and expulsion</u>
Ed. Code 48900.2	<u>Additional grounds for suspension or expulsion; sexual harassment</u>
Ed. Code 48904	<u>Liability of parent/guardian for willful student misconduct</u>
Ed. Code 48980	<u>Notice at beginning of term</u>
Gov. Code 12950.1	<u>Sexual harassment training</u>

Federal	Description
20 USC 1221	<u>Application of laws</u>
20 USC 1232g	<u>Family Educational Rights and Privacy Act (FERPA) of 1974</u>
20 USC 1681-1688	<u>Title IX, discrimination</u>
34 CFR 106.1-106.71	<u>Nondiscrimination on the basis of sex in education programs</u>
34 CFR 99.1-99.67	<u>Family Educational Rights and Privacy</u>
42 USC 1983	<u>Civil action for deprivation of rights</u>
42 USC 2000d-2000d-7	<u>Title VI, Civil Rights Act of 1964</u>
42 USC 2000e-2000e-17	<u>Title VII, Civil Rights Act of 1964, as amended</u>

Management Resources	Description
Court Decision	<u>Davis v. Monroe County Board of Education, (1999) 526 U.S. 629</u>
Court Decision	<u>Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447</u>
Court Decision	<u>Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130</u>

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Court Decision	<u>Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274</u>
Court Decision	<u>Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473</u>
Court Decision	<u>Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736</u>
Court Decision	<u>Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567</u>
CSBA Publication	<u>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</u>
CSBA Publication	<u>Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</u>
U.S. DOE, Office For Civil Rights Publication	<u>Dear Colleague Letter: Title IX Coordinators, April 2015</u>
U.S. DOE, Office for Civil Rights Publication	<u>Q&A on Campus Sexual Misconduct, September 2017</u>
U.S. DOE, Office for Civil Rights Publication	<u>Sexual Harassment: It's Not Academic, September 2008</u>
U.S. DOE, Office for Civil Rights Publication	<u>Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</u>
U.S. DOE, Office for Civil Rights Publication	<u>Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016</u>
Website	<u>California Department of Education</u>
Website	<u>CSBA</u>
Website	<u>U.S. Department of Education, Office for Civil Rights</u>
Ed. Code 17602	Purchase of surplus property from federal agencies
Ed. Code 38083	Purchase of perishable foodstuffs and seasonal commodities
Ed. Code 38110-38120	Apparatus and supplies
Ed. Code 39802	Transportation services
Gov. Code 4217.10-4217.18	Energy conservation contracts

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Gov. Code 4330-4334	California made materials
Gov. Code 53060	Special services and advice
Gov. Code 54201-54205	Purchase of supplies and equipment by local agencies
Pub. Cont. Code 1102	Definition of emergency
Pub. Cont. Code 1103	Definition, responsible bidder
Pub. Cont. Code 12200	Definitions, recycled goods, materials and supplies
Pub. Cont. Code 2000-2002	Responsive bidders
Pub. Cont. Code 20101-20103.7	Public construction projects, requirements for bidding
Pub. Cont. Code 20103.8	Award of contracts
Pub. Cont. Code 20110-20118.4	Local Agency Public Construction Act; school districts
Pub. Cont. Code 20189	Bidder's security, earthquake relief
Pub. Cont. Code 22000-22045	Alternative procedures for public projects (CUPCCAA)
Pub. Cont. Code 22152	Recycled product procurement
Pub. Cont. Code 3000-3010	Roofing projects
Pub. Cont. Code 3400	Bid specifications
Pub. Cont. Code 3410	U.S. produce and processed foods
Pub. Cont. Code 4113	Prime contractor; subcontractor
Pub. Cont. Code 6610	Bid visits