

Policy 5145.7: Sex Discrimination and Sex-Based Harassment

Status: ADOPTED

Original Adopted Date: 11/15/2016 | **Last Revised Date:** 08/20/2024 | **Last Reviewed Date:** 08/20/2024

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from discrimination and harassment. The Board prohibits at school or at school-sponsored or school-related activities, sex discrimination and sex-based harassment, as defined in the accompanying administrative regulation, targeted at any student, based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The district strongly encourages students who feel that they are being or have experienced sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity, or off-campus when the conduct 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 sex discrimination, including sex-based harassment, by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances.

The Superintendent or designee shall ensure that all district staff are trained regarding the district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)

Instruction/Information

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

1. What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based 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 sex discrimination or sex-based harassment under any circumstance
3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even when the alleged victim of the discrimination or 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 sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based 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 sex discrimination and sex-based harassment allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or 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 sex discrimination and/or sex-based 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 sex discrimination or sex-based 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 sex discrimination or sex-based harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of sex discrimination and/or sex-based harassment, any student found to have engaged in sex discrimination, and/or sex-based 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 sex discrimination and/or sex-based harassment, any employee found to have engaged in sex discrimination against, and/or sex-based 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

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex-based 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 432

5 CCR 4600-4670

5 CCR 4900-4965

Civ. Code 1714.1

Civ. Code 51.9

Ed. Code 200-270

Ed. Code 220.1

Description

Student records

Uniform complaint procedures

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[Liability of parent or guardian for act of willful misconduct by a minor](#)

[Liability for sexual harassment; business, service and professional relationships](#)

[Prohibition of discrimination](#)

Prohibition of retaliation related to educational equity

State References

Ed. Code 220.3
 Ed. Code 220.5
 Ed. Code 35292.5
 Ed. Code 48900
 Ed. Code 48900.2
 Ed. Code 48904
 Ed. Code 48980
 Ed. Code 48985
 Ed. Code 49060-49079
 Gov. Code 12950.1

Federal References

20 USC 1092
 20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
 34 CFR 106.1-106.82
 34 CFR 99.1-99.67
 34 USC 12291
 42 USC 1983
 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

Management Resources References

California Department of Education Publication
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 Court Decision
 CSBA Publication
 CSBA Publication
 CSBA Publication

Description

Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
 Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
 School restrooms; all-gender restrooms
[Grounds for suspension or expulsion](#)
[Additional grounds for suspension or expulsion; sexual harassment](#)
[Liability of parent/guardian for willful student misconduct](#)
[Parent/Guardian notifications](#)
[Notices to parents in language other than English](#)
[Student records](#)
[Sexual harassment training](#)

Description

Definition of sexual assault
 Application of laws
 Family Educational Rights and Privacy Act (FERPA) of 1974
 Title IX of the Education Amendments of 1972; discrimination based on sex
 Nondiscrimination on the basis of sex in education programs
 Family Educational Rights and Privacy
 Definition of dating violence, domestic violence, and stalking
 Civil action for deprivation of rights
 Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended

Description

California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
 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
 Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
 Davis v. Monroe County Board of Education (1999) 526 U.S. 629
 Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
 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
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014](#)
[Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022](#)

Management Resources References

Federal Register

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

Website

Description

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)

[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](#)

[CSBA District and County Office of Education Legal Services](#)

[California Department of Education](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

Cross References

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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](#)

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[Civility](#)

[Recovery For Property Loss Or Damage](#)

[Recovery For Property Loss Or Damage](#)

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[Risk Management/Insurance](#)

[District Records](#)

[District Records](#)

[Employment Status Reports](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Dismissal/Suspension/Disciplinary Action](#)

[Sex Discrimination and Sex-Based Harassment](#)

[Sex Discrimination and Sex-Based Harassment](#)

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

[Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures](#)

[Staff Development](#)

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[Dress And Grooming](#)
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[Positive School Climate](#)
[Conflict Resolution/Peer Mediation](#)
[Child Abuse Prevention And Reporting](#)
[Child Abuse Prevention And Reporting](#)
[Suicide Prevention](#)
[Suicide Prevention](#)
[Discipline](#)
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[Suspension And Expulsion/Due Process](#)

Cross References

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Description

[Suspension And Expulsion/Due Process](#)
[Suspension And Expulsion/Due Process \(Students With Disabilities\)](#)
[Freedom Of Speech/Expression](#)
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[Nondiscrimination/Harassment](#)
[Nondiscrimination/Harassment](#)
[Parent/Guardian Notifications](#)
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[Hate-Motivated Behavior](#)
[Married/Pregnant/Parenting Students](#)
[Sexual Health And HIV/AIDS Prevention Instruction](#)
[Sexual Health And HIV/AIDS Prevention Instruction](#)
[Comprehensive Health Education](#)
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[Extracurricular And Cocurricular Activities](#)
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