



Book	Policy Manual
Section	Article 5 - Students
Title	Sexual Harassment
Code	5145.7
Status	Active
Adopted	February 22, 1993
Last Revised	December 15, 2021

### **Sexual Harassment**

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment targeted at any students by anyone, at school or at school-sponsored or school-related activities. 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.

(cf. 0410 — Nondiscrimination in District Programs and Activities)  
(cf. 5131 — Conduct)  
(cf. 5131.2 — Bullying)  
(cf. 5137 — Positive School Climate)  
(cf. 5145.3 — Nondiscrimination/Harassment)

The district 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 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 5145.7 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.

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#### **Title IX Coordinator and UCP Compliance Officer**

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## Equity Compliance Officer

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(cf. 1312.1 — Complaints Concerning District Employees)  
(cf. 1312.3 — Uniform Complaint Procedures)  
(cf. 5141.4 — Child Abuse Prevention and Reporting)  
(cf. AR 5145.7 — Title IX Sexual Harassment Complaint Procedures)

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 website, 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 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 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 prompt action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the district's procedure 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 take 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 Action

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.

(cf. 5144 — Discipline)  
(cf. 5144.1 — Suspension and Expulsion/Due Process)  
(cf. 5144.2 — Suspension and Expulsion/Due Process (Students with Disabilities))

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.

(cf. 4117.7/4317.7 — Employment Status Report)  
(cf. 4118 — Dismissal/Suspension/Disciplinary Action)  
(cf. 4119.11/4219.11/4319.11 — Sexual Harassment)  
(cf. 4218 — Dismissal/Suspension/Disciplinary Action)

### **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.

(cf. 3580 — District Records)

Legal References:

### **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  
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

### **WEBSITES**

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>

Adopted:

February 22, 1993

Revised:

May 6, 1997

October 7, 1997

June 5, 2001

January 3, 2006

April 20, 2010

September 4, 2012

September 3, 2013

September 19, 2017

November 18, 2020

December 15, 2021

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