Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/19/2022 | **Last Revised Date:** 01/20/2026 | **Last Reviewed Date:** 01/20/2026

The Governing Board is committed to maintaining a welcoming, safe, and supportive school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sex discrimination, including sex-based harassment, targeted at any student by anyone.

Additionally, the Board also prohibits retaliatory behavior or action against any person who reports, files a complaint, or testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1, 221.8; 34 CFR 106.71)

The District strongly encourages students who feel that they are being, or have been, subjected to sex discrimination, including sex-based harassment, on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus discrimination or 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 immediately notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through the appropriate Board Policy or Administrative Regulation, which may include Administrative Regulation 5145.71 - "Title IX Sexual Harassment Complaint Procedures," or Board Policy/Administrative Regulation 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 Administrative Regulation 5145.71 concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The Title IX Coordinator or designee 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 website, and including it in student and staff handbooks. All District staff shall be trained regarding the policy.

The Superintendent or designee shall ensure that all District staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

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 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 sex discrimination, including sex-based harassment, under any circumstance.

3. Encouragement to report observed incidents of discrimination and harassment even when the alleged subject of the conduct has not complained.

4. A clear message that student safety is the District's primary concern, and that any separate rule violation involving a person reporting an allegation, or a person who was allegedly subject to discrimination or harassment will be addressed separately, and will not affect the manner in which the original 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 alleged subject of the conduct, 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 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 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 alleged subject of the conduct and/or other students during an investigation.

Disciplinary Actions

Upon completion of an investigation of a sex discrimination, including sex-based harassment, complaint, any student found to have engaged in conduct 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 considered.

Upon investigation of a complaint, any employee found to have engaged in the conduct 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 behavior in District schools.

Pursuant to 34 CFR 106.8, the District must provide the Title IX Coordinator's contact information on its website and in any handbook for students or parents/guardians. In addition, state law (Education Code 231.5, 231.6, 234.6, and 48980) requires distribution of the District's sex discrimination and sex-based harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the District's website, in school offices, and in a poster displayed in locker rooms and bathrooms.

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The Code of Federal Regulations, Title 34, Section 106.8 requires the District to issue the following notification to students at all grade levels and their parents/guardians:

The District does not discriminate on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688 34 CFR Part 106) and extends to employment. The District also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education or both.

The District has designated and authorized the following employee as the District's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including harassment:

Robert Arellano
Affirmative Action Officer
777 N. F Street
San Bernardino, CA. 92410

909-381-1122
robert.arellano@sbcusd.k12.ca.us

Any individual may report sex discrimination, including sex-based harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During District business hours, reports may also be made in person. Upon receiving an allegation, the Title IX Coordinator or designee will promptly notify the parties, in writing, of the applicable District complaint procedure.

To view an electronic copy of the District's Policies and Administrative Regulations, including the grievance process that complies with 34 CFR 106.45, please see 5145.71, "Title IX Sexual Harassment Complaint Procedures," on the District's website at www.sbcusd.com.

To inspect or obtain a copy of the District's sexual harassment policies and administrative regulations, please contact:

Affirmative Action Office
777 N. F Street
San Bernardino, CA 92410
909-381-1122

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process are also publicly available on the District's website or at the District office upon request.