

SEXUAL HARASSMENT

Definitions

~~Prohibited s~~Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite gender, in the educational setting, ~~when~~ under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment.
2. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
3. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity

3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Examples of Sexual Harassment

Examples of ~~T~~types of conduct which are prohibited in the district and which may constitute sexual harassment **under state and/or federal law, in accordance with the definitions above**, include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. Sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, **derogatory posters**, notes, stories, **cartoons**, drawings, pictures ~~or obscene~~ gestures, **or computer-generated pictures of a sexual nature**.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-~~sex~~ **gender** class.
7. Massaging, grabbing, fondling, stroking or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. ~~Purposefully cornering~~ Impeding or blocking ~~normal~~ movements or any physical interference with school activities when directed at an individual on the basis of sex.
10. Displaying sexually suggestive objects.
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator/Compliance Officer

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

(title or position)

(address)

(telephone number)

(email)

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the district's sexual harassment policy and regulation shall

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building at each school site or other area where notices of district rules, regulations, procedures,

and standards of conduct are posted (Education Code 231.5)

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
- ~~2- 5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)~~
- ~~3. Be provided to employees and employee organizations.—~~
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR

106.8)

The Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

~~Investigation of Complaints at School (Site-Level Grievance Procedure)~~

- ~~1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:—~~
 - ~~a. The student who is complaining.—~~
 - ~~b. The person accused of harassment.—~~
 - ~~c. Anyone who witnessed the conduct complained of.—~~
 - ~~d. Anyone mentioned as having related information.—~~
- ~~2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.—~~
- ~~3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:—~~
 - ~~a. The Superintendent or designee.—~~
 - ~~b. The parent/guardian of the student who complained.—~~
 - ~~c. If the alleged harasser is a student, his/her parent/guardian.—~~
 - ~~d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth.—~~
 - ~~e. Child protective agencies responsible for investigating child abuse reports.—~~
 - ~~f. Legal counsel for the district.—~~

- ~~4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.—~~
- ~~5. In reaching a decision about the complaint, the principal or designee may take into account:—~~
 - ~~a. Statements made by the persons identified above.—~~
 - ~~b. The details and consistency of each person's account.—~~
 - ~~c. Evidence of how the complaining student reacted to the incident.—~~
 - ~~d. Evidence of any past instances of harassment by the alleged harasser.—~~
 - ~~e. Evidence of any past harassment complaints that were found to be untrue.—~~
- ~~6. To judge the severity of the harassment, the principal or designee may take into consideration:—~~
 - ~~a. How the misconduct affected one or more students' education.—~~
 - ~~b. The type, frequency and duration of the misconduct.—~~
 - ~~c. The number of persons involved.—~~
 - ~~d. The age and gender of the person accused of harassment.—~~
 - ~~e. The subject(s) of harassment.—~~
 - ~~f. The place and situation where the incident occurred.—~~
 - ~~g. Other incidents at the school, including incidents of harassment that were not related to gender.—~~
- ~~7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.—~~
- ~~8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that~~

~~sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.~~

- ~~9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.~~

Reporting Complaints

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the district's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district complaint procedures.

Enforcement

~~The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:~~

- ~~1. Removing vulgar or offending graffiti.~~
- ~~2. Providing staff inservice and student instruction or counseling.~~
- ~~3. Notifying parents/guardians of the actions taken.~~
- ~~4. Notifying child protective services.~~

~~5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.~~

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Revised:

Adopted: August 27, 2008