

Students – Welfare

Sexual Harassment

The Board of Education is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students 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.

Regardless of whether a harassed student, his/her parent/guardian, or a third party files a complaint under the district procedures or otherwise requests action on the student's behalf, a school that knows, or reasonably should know, about possible harassment must promptly take action to determine what occurred and then take appropriate steps to resolve the situation.

- Even where a parent/guardian or student does not wish to disclose the student's identity, district staff will limit the effects of alleged harassment and prevent its recurrence without initiating formal action.
- Such steps may include limited investigative activities and actions to protect the complainant and the school community and prevent recurrence while keeping the identity of the complainant confidential.
- These actions may include providing services to the complainant, such as counseling services; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; or changing and publicizing the school's policies on sexual violence.
- This also applies to harassment based on race, color, national origin, disability, or age.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult or has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

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A. 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 such 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 instances of sexual harassment, even where the 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 stop any 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 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 sexual harassment complaint continues.
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim

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of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

B. Complaint Process and Disciplinary Actions

1. Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.
2. Upon investigation of a sexual harassment complaint, any student who engages 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.
3. 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 discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

C. Record Keeping

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 the schools.

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Legal Reference: Education Code, Sections 200-262.4; 48900; 48900.2; 48904; 48980
Civil Code, Sections 51.9; 1714.1
Government Code, Section 12950.1
California Code of Regulations, Title 5, Sections 4600- 4687; 4900-4965
United States Code, Title 20, Sections 1221; 1232g; 1681-1688;
United States Code, Title 42, Sections 1983; 2000d-2000d-7; 2000e-
2000e-17
Code of Federal Regulations, Title 34, Sections 99.1-99.67; 106.1-106.71
Court Decisions: Donovan v. Poway Unified School District, (2008);
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.); Reese v.
Jefferson School District, (2001, 9th Cir.); Davis v. Monroe County Board
of Education, (1999); Gebser v. Lago Vista Independent School District,
(1998); Oona by KateS. v. McCaffrey, (1998, 9th Cir.); Doe v. Petaluma
City School District, (1995, 9th Cir.)

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Policy Amended: 01/21/1997; 06/30/1998; 02/05/2002; 01/14/2003; 05/20/2008;
11/16/2010; 06/21/2011; 04/05/2016; 10/18/2016

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