

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 10/27/1993 | **Last Revised Date:** 03/17/2021 | **Last Reviewed Date:** 03/17/2021

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

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 the District's Title IX Coordinator/ Uniform Complaint Procedure (UCP) Compliance Officer, a teacher, the principal, or any other available school employee.

Any employee who receives a report or observes any incident of sexual harassment shall notify the District's Title IX Coordinator/UCP Compliance Officer and may notify the principal. Any principal who receives a report or observes an incident of sexual harassment shall notify the District Title IX Coordinator/UCP Compliance Officer.

Once notified, the Title IX Coordinator/UCP Compliance Officer shall ensure the report is addressed through the District's Title IX Sexual Harassment Complaint Procedures (AR 5145.71) or Uniform Complaint Procedures (AR 1312.3), as applicable.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The Superintendent or designee shall ensure that all District students receive age-appropriate 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 or gender 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 when 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 student's noncompliance with the writing, timeline, or other filing requirements, every sexual harassment allegation that involves a student, whether as the victim of the harassment, reporting party, or respondent shall be addressed consistent with the District's Title IX Sexual Harassment Complaint Procedures (AR 51471) or Uniform Complaint Procedures (AR 1312.3), as applicable.
6. Information about the District's Title IX Sexual Harassment Complaint Procedures (AR 5145.71) or Uniform Complaint Procedures (AR 1312.3) for addressing reports of sexual harassment, 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 during the District's investigation of a sexual harassment complaint.
8. A clear message that the District will implement supportive measures to ensure a safe school environment for students involved consistent with applicable District procedures.

Disciplinary Actions

Any student determined to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action, which may include suspension and expulsion, in accordance with applicable law and District procedures. (Education Code 48900, 48900.2, 48915)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Any employee determined 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 any applicable collective bargaining agreement.

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

In accordance with law, the Superintendent or designee shall maintain a record of all reported allegations of sexual harassment to enable the District to monitor, address, and prevent repetitive harassing behavior in District schools.

(cf. 3580 - District Records)
