

Redlands Unified School District
Regulation 5145.7 Sex Discrimination and Sex-Based Harassment

Definitions

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 sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. 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.
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 a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the bases described in [§ 106.10](#), that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent. These include: (34 CFR 106.2, 106.44)

(1) ***Quid pro quo harassment.*** An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) ***Hostile environment harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (*i.e.*, creates a hostile environment).

1. (3) ***Specific offenses.*** The specific offenses include sexual assault, dating violence, domestic violence, or stalking.

Examples of Sexual Harassment

Examples of 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. Unwelcome 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, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking 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

Assistant Superintendent of Compliance

The district designates the following individual as the responsible employee 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 Assistant Superintendent of Compliance may be contacted at:

Rudy Wilson
Assistant Superintendent of Compliance
Redlands Unified School District
20 W. Lugonia Avenue
Redlands, CA 92374
(909) 307-5300
compliance@redlands.k12.ca.us

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 Assistant Superintendent of Compliance 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 Assistant Superintendent of Compliance. (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 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 high 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 Assistant Superintendent of Compliance, in a prominent location on the district's web sites in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)

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)
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 Assistant Superintendent of Compliance, 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)

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 Assistant Superintendent of Compliance, or any other available school employee. The school employee shall immediately forward the report to the district's Assistant Superintendent of Compliance or file the report in the Centralized System. Any school employee who observes an incident of sexual harassment involving a student shall immediately report his/her observation to the principal and Assistant Superintendent of Compliance. The report shall be made regardless of whether or not the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Assistant Superintendent of Compliance shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Assistant Superintendent of Compliance 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 Assistant Superintendent of Compliance shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the applicable district complaint procedures. All verbal reports of sexual harassment will be investigated and resolved in the same manner as written reports.

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 Assistant Superintendent of Compliance 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.

In cases of alleged sexual abuse by a staff member against a student, prior to interviewing the complainant student, the District will provide telephonic notification to the parent or guardian. This will be followed up by written notification sent to the parent/guardian at the address on record with the district via certified mail, return receipt requested. This requirement is subordinate to the need to cooperate with law enforcement investigations and will not apply where law enforcement directs the District not to make these notifications.

If sexual harassment or a boundaries violation (as defined in BP 4019.1 – Professional Adult/Student Boundaries) is found following an investigation, the Assistant Superintendent of Compliance, 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 in accordance with the procedures set forth in the aforementioned Administrative Regulations.