

Board Policy 5145.7: Sexual Harassment

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

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5137 - Positive School Climate)
(cf. 5145.3 - Nondiscrimination/Harassment)

The Superintendent's executive cabinet shall include an Assistant Superintendent of Compliance, who shall report directly to the Superintendent.

The Assistant Superintendent of Compliance shall serve as the "Title IX Coordinator" under 34 C.F.R. § 106.8(a) and discharge the duties of the Title IX Coordinator set forth in 8 C.F.R. §§ 106.44(a) and 106.45.

The Assistant Superintendent of Compliance shall, together with the Superintendent, ensure that the District complies with all federal and laws and regulations, Board Policies and Administrative Regulations, and legally binding agreements related to the District's response to complaints of sexual discrimination, harassment and/or assault. The Assistant Superintendent of Compliance may be made responsible for additional duties only insofar as those additional duties do not affect the Assistant Superintendent of Compliance's ability to effectively discharge the duties listed herein and in other BP/ARs.

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 who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact his/her teacher, the principal, the district's ~~Title IX Coordinator~~Assistant Superintendent of Compliance, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall ~~notify the Title IX Coordinator~~immediately notify the Assistant Superintendent of Compliance and the site principal.

Once notified, the ~~Title IX Coordinator~~Assistant Superintendent of Compliance shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 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~~Assistant Superintendent of Compliance shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Assistant Superintendent of Compliance shall receive, investigate,—or, in the event that the District elects to rely on an outside investigator, designate and oversee that investigator—and resolve all complaints under the District’s UCP (BP/AR 1312.3) and ensure that the District complies with Education Code section 33315 and sections 4600-4694 of Title 5 of the California Code of Regulations, and California Education Code section 44030.5, subdivision (a). This includes violations of AR 4019.1 – Professional Adult/Student Boundaries.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

~~The Title IX Coordinator~~(cf. AR 4019.1 – Professional Adult/Student Boundaries)

The Assistant Superintendent of Compliance shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances. The Assistant Superintendent of Compliance shall ensure that any interim measures, supportive measures, or remedies issued in connection with notice or allegations of sexual harassment, assault, or abuse of students of the District are implemented, including by issuing directions as necessary to the Assistant Superintendents of Human Resources and Student Services;

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 web site, and including it in student and staff handbooks. ~~All district staff shall be trained regarding the policy.~~

~~All district staff shall be trained regarding the policy.~~ The Assistant Superintendent of Compliance shall provide support and training to school sites with respect to preventing and responding to notice or complaints of sexual harassment, assault, and abuse of students of the District.

Instruction/Information

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, 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 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 action shall be taken to respond to 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 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 while the district investigation of a sexual harassment complaint 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 victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged 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.

(cf. 5144 - Discipline)

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

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

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 disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

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

Record-Keeping

In accordance with law and district policies and regulations, the Superintendent or designee, who shall be the Assistant Superintendent of Compliance, shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools- by:

1. Administering, monitoring, and ensuring that all required documents and information are properly logged in the Centralized Tracking and Response System for complaints of sexual harassment, assault, and abuse of students of the District described in section III of this Judgment;

2. Establishing, maintaining, and monitoring an email address dedicated to the receipt of complaints and other information related to sexual harassment, abuse, or assault of District students; and
3. Reviewing, analyzing, and informing the Superintendent and Board of any trends in complaints received, and providing leadership for implementation of corrective actions in response.

(cf. 3580 - District Records)