

**Policy 5145.7: Sexual Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 10/12/2016

The Board of Education 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 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, 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.

(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 take appropriate actions to reinforce the district's sexual harassment policy.

**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 where 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 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 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 take interim 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 and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

#### Complaint Process and Disciplinary Actions

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.

(cf. 1312.3 - Uniform Complaint Procedures)

Upon 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 have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7 - Employment Status Report)

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

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

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

#### 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 district schools.

(cf. 3580 - District Records)

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

5 CCR 4600-4670

#### Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Civ. Code 51.9

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training

**Federal References**

20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

**Description**

**Management Resources References**

Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office For Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	California Department of Education - <a href="https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==">https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==</a>
Website	CSBA - <a href="https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==">https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==</a>
Website	U.S. Department of Education, Office for Civil Rights - <a href="https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==">https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==</a>

**Description**

**Cross References**

**Description**

0410 Nondiscrimination In District Programs And Activities -  
<https://simbli.eboardsolutions.com/SU/xAUocbqAdpluskfrGwvO6tSPQ==>

0450 Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/jTPx5bWZGGrtK5VTxf8E6w==>

0450 Comprehensive Safety Plan -  
<https://simbli.eboardsolutions.com/SU/hkUARwDIISUR80gl9WXRbQ==>

1312.1 Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/c0zrk9mC3818yBxPBEvccg==>

1312.1 Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/wzOdKEmpluscIH0JPV4QytMSA==>

1312.1-E PDF(1) Complaints Concerning District Employees -  
<https://simbli.eboardsolutions.com/SU/hZST6YAxGTzxOVP9KtEXmQ==>

1312.3 Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/SADjVeaolFQ6G6NpHgpluvPA==>

1312.3 Uniform Complaint Procedures -  
<https://simbli.eboardsolutions.com/SU/8ejL2s0yxcUvDGo2OfslshdmA==>

3515.4 Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/Dha0TctJmJpaGR4jux3nlQ==>

3515.4 Recovery For Property Loss Or Damage -  
<https://simbli.eboardsolutions.com/SU/plusCOISUcp7xvczp0Mz0qPLQ==>

3530 Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/3cQC9P5jfX6AJCwX5oUOIA==>

3530 Risk Management/Insurance -  
<https://simbli.eboardsolutions.com/SU/3AGg2zuJhfgCYMkv56Ji4A==>

3580 District Records -  
<https://simbli.eboardsolutions.com/SU/3HOcbqf5lpRqleLplus4xHokw==>

3580 District Records -  
<https://simbli.eboardsolutions.com/SU/yUbZKxLMXmDedrmPpwlvYw==>

4117.7 Employment Status Reports -  
<https://simbli.eboardsolutions.com/SU/H6RZoBXt659dr8PWpQJUwg==>

4119.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/pgf35NTS1Dh9jVFgpTWCjQ==>

4119.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/jMDdU6mNZxawQwwq4rxrnw==>

4131 Staff Development -  
<https://simbli.eboardsolutions.com/SU/9I5Z1M4ugzIqEplusyxpcslshQdQ==>

4218 Dismissal/Suspension/Disciplinary Action -  
<https://simbli.eboardsolutions.com/SU/wRWH2FpIDQMRXKawJSwTaA==>

4219.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/TtJMRfQhZRBKpluslmucl6W5g==>

4219.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/gybSplusajOD8YzXmPPyQCwWQ==>

4219.21 Professional Standards -  
<https://simbli.eboardsolutions.com/SU/xfbPQCnvANcmqgH2USmJTW==>

4219.21-E PDF(1) Professional Standards - Code Of Ethics -  
<https://simbli.eboardsolutions.com/SU/TdUriay1w5Gx5Nli4x1B6w==>

4231 Staff Development -  
<https://simbli.eboardsolutions.com/SU/Be7IjA2dRiAkDAQ1IXzhtQ==>

4319.11 Sexual Harassment -  
<https://simbli.eboardsolutions.com/SU/slshWohRVy98Seb2XEe7bvghw==>

4319.11	Sexual Harassment - <a href="https://simbli.eboardsolutions.com/SU/brLNm4slshK48fzslsh4TtLhZDplusw==">https://simbli.eboardsolutions.com/SU/brLNm4slshK48fzslsh4TtLhZDplusw==</a>
4319.21	Professional Standards - <a href="https://simbli.eboardsolutions.com/SU/7qjmizEquplusv2YWlbr1JDZg==">https://simbli.eboardsolutions.com/SU/7qjmizEquplusv2YWlbr1JDZg==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/HaFcXkqYid6QqDghyuplAQ==">https://simbli.eboardsolutions.com/SU/HaFcXkqYid6QqDghyuplAQ==</a>
5125	Student Records - <a href="https://simbli.eboardsolutions.com/SU/bINoDslshMirOHpEH0JcNuslsh0A==">https://simbli.eboardsolutions.com/SU/bINoDslshMirOHpEH0JcNuslsh0A==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/Fg3vplusgP5IZDplusJaFWSMspluseQ==">https://simbli.eboardsolutions.com/SU/Fg3vplusgP5IZDplusJaFWSMspluseQ==</a>
5131	Conduct - <a href="https://simbli.eboardsolutions.com/SU/yHdlkGuy3qxjSa3H6UnoJw==">https://simbli.eboardsolutions.com/SU/yHdlkGuy3qxjSa3H6UnoJw==</a>
5131.2	Bullying - <a href="https://simbli.eboardsolutions.com/SU/rGao3UWwzKtZwslshNCFGjUlG==">https://simbli.eboardsolutions.com/SU/rGao3UWwzKtZwslshNCFGjUlG==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/nMxdoDMufErlslshCXdW7rCAQ==">https://simbli.eboardsolutions.com/SU/nMxdoDMufErlslshCXdW7rCAQ==</a>
5132	Dress And Grooming - <a href="https://simbli.eboardsolutions.com/SU/SMvwALrYohGvtq8LyCBibA==">https://simbli.eboardsolutions.com/SU/SMvwALrYohGvtq8LyCBibA==</a>
5137	Positive School Climate - <a href="https://simbli.eboardsolutions.com/SU/sbcTslsh91K3dw7cl62njwhzg==">https://simbli.eboardsolutions.com/SU/sbcTslsh91K3dw7cl62njwhzg==</a>
5138	Conflict Resolution/Peer Mediation - <a href="https://simbli.eboardsolutions.com/SU/oRplus9yZs0L2b3sSSfdbRGyg==">https://simbli.eboardsolutions.com/SU/oRplus9yZs0L2b3sSSfdbRGyg==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/ipuhcuqugajQyOITVQDIPA==">https://simbli.eboardsolutions.com/SU/ipuhcuqugajQyOITVQDIPA==</a>
5141.4	Child Abuse Prevention And Reporting - <a href="https://simbli.eboardsolutions.com/SU/fx4IKplus2RU6G82XZFU4cgQ==">https://simbli.eboardsolutions.com/SU/fx4IKplus2RU6G82XZFU4cgQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/6Eaxx5tysBsDPxywXV0eQ==">https://simbli.eboardsolutions.com/SU/6Eaxx5tysBsDPxywXV0eQ==</a>
5141.52	Suicide Prevention - <a href="https://simbli.eboardsolutions.com/SU/2zMYIyP9GRDSjQVflhGCCQ==">https://simbli.eboardsolutions.com/SU/2zMYIyP9GRDSjQVflhGCCQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/2HCXlh0OnW9b8auhWvwutQ==">https://simbli.eboardsolutions.com/SU/2HCXlh0OnW9b8auhWvwutQ==</a>
5144	Discipline - <a href="https://simbli.eboardsolutions.com/SU/8FgECXLZH2pfplusukrlhtSeA==">https://simbli.eboardsolutions.com/SU/8FgECXLZH2pfplusukrlhtSeA==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/RalyAArnH7xtqXnKIK9wQA==">https://simbli.eboardsolutions.com/SU/RalyAArnH7xtqXnKIK9wQA==</a>
5144.1	Suspension And Expulsion/Due Process - <a href="https://simbli.eboardsolutions.com/SU/Pfu8JkX8rGeSuM7s5oJ5xg==">https://simbli.eboardsolutions.com/SU/Pfu8JkX8rGeSuM7s5oJ5xg==</a>
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - <a href="https://simbli.eboardsolutions.com/SU/HBKZF5a1zamH7nVg5hG4oA==">https://simbli.eboardsolutions.com/SU/HBKZF5a1zamH7nVg5hG4oA==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/86rD2ctt2oxh0IW6wxwt6A==">https://simbli.eboardsolutions.com/SU/86rD2ctt2oxh0IW6wxwt6A==</a>
5145.2	Freedom Of Speech/Expression - <a href="https://simbli.eboardsolutions.com/SU/WhDOEnTS2iFNfTJCq3F17g==">https://simbli.eboardsolutions.com/SU/WhDOEnTS2iFNfTJCq3F17g==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/GxXfqUgOzx5Fg9MaQXEztw==">https://simbli.eboardsolutions.com/SU/GxXfqUgOzx5Fg9MaQXEztw==</a>
5145.3	Nondiscrimination/Harassment - <a href="https://simbli.eboardsolutions.com/SU/4CBk6cMYHQvsZkOxjplYEQ==">https://simbli.eboardsolutions.com/SU/4CBk6cMYHQvsZkOxjplYEQ==</a>
5145.6	Parental Notifications - <a href="https://simbli.eboardsolutions.com/SU/pSJLecASeKORslshmHHslshdGoZQ==">https://simbli.eboardsolutions.com/SU/pSJLecASeKORslshmHHslshdGoZQ==</a>

5145.9	Hate-Motivated Behavior - <a href="https://simbli.eboardsolutions.com/SU/29JtCBa0p17slsh0XDp04KMuw==">https://simbli.eboardsolutions.com/SU/29JtCBa0p17slsh0XDp04KMuw==</a>
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - <a href="https://simbli.eboardsolutions.com/SU/sMiuMLZuPANaMfSQn4dlCA==">https://simbli.eboardsolutions.com/SU/sMiuMLZuPANaMfSQn4dlCA==</a>
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - <a href="https://simbli.eboardsolutions.com/SU/XinLWRJkPwplusHXiDeYV5omQ==">https://simbli.eboardsolutions.com/SU/XinLWRJkPwplusHXiDeYV5omQ==</a>
6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/F6hNPAGQH2tjXJalsf0aA==">https://simbli.eboardsolutions.com/SU/F6hNPAGQH2tjXJalsf0aA==</a>
6142.8	Comprehensive Health Education - <a href="https://simbli.eboardsolutions.com/SU/68fy2GpTH20IBRQMFf38gA==">https://simbli.eboardsolutions.com/SU/68fy2GpTH20IBRQMFf38gA==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/eZ5pAsLk2ra3po0VrD1v1Q==">https://simbli.eboardsolutions.com/SU/eZ5pAsLk2ra3po0VrD1v1Q==</a>
6145	Extracurricular And Cocurricular Activities - <a href="https://simbli.eboardsolutions.com/SU/GhqNyoJVuLMjXE8YrovIIA==">https://simbli.eboardsolutions.com/SU/GhqNyoJVuLMjXE8YrovIIA==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/71dsSpCCZvAOyrR1hpmvYQ==">https://simbli.eboardsolutions.com/SU/71dsSpCCZvAOyrR1hpmvYQ==</a>
6145.2	Athletic Competition - <a href="https://simbli.eboardsolutions.com/SU/V073jVl6P6PxxOUplusjL4lw==">https://simbli.eboardsolutions.com/SU/V073jVl6P6PxxOUplusjL4lw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/tFWTplusSeJPmD7oR2IstrNJw==">https://simbli.eboardsolutions.com/SU/tFWTplusSeJPmD7oR2IstrNJw==</a>
6163.4	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/xLcee79tEAgti4u92hYF9w==">https://simbli.eboardsolutions.com/SU/xLcee79tEAgti4u92hYF9w==</a>
6163.4-E PDF(1)	Student Use Of Technology - <a href="https://simbli.eboardsolutions.com/SU/a6QJUYo6RJU8gVZAUePbWQ==">https://simbli.eboardsolutions.com/SU/a6QJUYo6RJU8gVZAUePbWQ==</a>