

recommended for expulsion and you want to determine if a stipulated agreement may be possible, call the Education Center and ask to speak with a District Administrative Hearing Officer (Telephone No. 631-4639).

Sexual Harassment - Of or By A Student

The law and board policy prohibits sexual harassment of students at school or at school-sponsored or school-related activities. Retaliatory behavior or action against any person who files a complaint, testifies, or otherwise participates in District complaint processes is also prohibited.

Schools in the District are to establish and maintain a climate of equity and caring. Students must (a) demonstrate respect for each other, (b) refrain from coercion or force to obtain compliance from others, and (c) not discriminate on the basis of gender. Students are prohibited by this policy and California law from engaging in unlawful sexual harassment.

Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee. Within 24 hours of receiving a complaint, the school employee shall report it to the Principal or District Coordinator for Nondiscrimination (Personnel Administrator) (Principal/Coordinator). In addition, any school employee who observes any incident of sexual harassment involving a student shall, within 24 hours, report this observation to the Principal or Coordinator, whether or not the victim files a complaint. In any case of sexual harassment involving the Principal or designee to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to the Superintendent or designee.

The Principal/Coordinator shall initiate an impartial investigation of an allegation of sexual harassment promptly, but in no case later than five school days after receiving notice of the harassing behavior, regardless of whether a formal complaint has been filed. No more than 30 days after receiving the complaint, the Principal/Coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the Principal/Coordinator shall notify the student who complained and explain the reasons for the extension.

The Board policy entitled "Sexual Harassment of or by Students" is reproduced below. Additional information is available from the school principal or the District Coordinator for Nondiscrimination (Human Resources Administrator).

References: Title 42, United States Code; 2000d and 2000e et seq. Title VI and Title VII, Civil Rights Act of 1964 as amended; 2000h-2 et seq. Title IX, 1972 Education Act Amendments; Civil Code 51.9, 1714.1; Code of Federal Regulations 106.1-106.7; Education Code Sections 200-262.4, 48900, 48900.2, 48904, 48980 and 48915; Government Code 12950.1; Title 5 California Code of Regulations Section 4600-4687, 4900-4965; *Donovan v. Poway Unified School District*, (2008) 167 Cal.App.4th 567; *Flores v. Morgan Hill Unified School District*, (2003, 9th Cir.) 324 F.3d 1130; *Reese v. Jefferson School District*, (2001) 208 F.3d 736; *Davis v. Monroe County Board of Education*, (1999) 526 U.S. 629; *Gebser v. Lago Vista Independent School District*, (1998) 524 U.S. 274; *Oona by Kate S. v. McCaffrey*, (1998, 9th Cir.) 143 F.3d 473; *Doe v. Petaluma City School District*, (1995, 9th Cir.) 54 F.3d 1447; Board Policy 601.6

SEXUAL HARASSMENT OF OR BY STUDENTS

Policy of the Board of Education, 601.6

The Governing Board is committed to maintaining safe, healthy, and secure school environments that are 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 files a complaint, testifies, or otherwise participates in District complaint processes.

(cf. BB 100.12 – Values, Vision, Mission, and Superintendent Priorities)

(cf. BP 300.63 – Nondiscrimination in District Programs and Activities)

(cf. BP 500.38 – Sexual Harassment)

(cf. BP 601.1 – Conduct of Pupils)

(cf. BP 600.4 – Positive School Climate)

(cf. BP 605.3 – Uniform Complaint Procedures)

The Governing Board intends to establish and maintain a climate of equity and caring in each school. Students must (a) demonstrate respect for each other, (b) refrain from coercion or force to obtain compliance from others, and (c) not discriminate on the basis of gender. Students are prohibited by this policy and California law from engaging in unlawful sexual harassment. (cf. BP 601.14 – Nondiscrimination/Harassment)

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 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.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. Information about the District's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
5. Information about the rights of students and parents/guardians to file a criminal complaint, as applicable.

Complaint Process

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 (e.g., by visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

(cf. BP 300.13 – Complaints Concerning District Employees)

(cf. BP 603.7 – Child Abuse and Neglect Reporting Procedures)

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4 through 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. BP 601.4 – Suspension and Expulsion/Due Process)

(cf. BP 606.6 – Suspension and Expulsion/Due Process [Students with Disabilities])

Confidentiality and 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 its schools.

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action (5 CCR 4964).

(cf. BP 300.49 – Unauthorized Release of Confidential/Privileged Information)

Nondiscrimination, Harassment, Bullying and Threats

The Governing Board intends to provide students with a school environment in which all members of the school community are treated fairly and with respect. Harassment, bullying, and threats interfere with or limit the ability of an individual to participate in or benefit from the District's programs and activities. Intimidation, harassment, bullying, and threats of a student are prohibited whether the acts are committed by an employee, student or other person in the district. Hate-motivated behavior or other types of bias-motivated misconduct are also prohibited. Students who harass, bully or threaten other students or commit acts of hate-motivated or bias motivated misconduct shall be subject to appropriate discipline, up to and including suspension and/or expulsion.

Board Policy 601.12: Hate-Motivated Behavior

Board Policy 601.14: Nondiscrimination/Harassment

Board Policy 601.2 Bullying