

**Students**

**Sexual Harassment**

The Governing Board is committed to maintaining an educational environment that is free from any form of harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of sexual harassment.

**Sexual Harassment Prevention**

District and school strategies shall focus on prevention of sexual harassment by providing age-appropriate training and information to students and staff, including, but not limited to, the District's anti-harassment policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

**Intervention**

Students are encouraged to notify school staff immediately of any incidents of sexual harassment. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously.

School staff who witness incidents of sexual harassment shall immediately intervene to stop the incident when it is safe to do so.

As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

**Complaints and Investigation**

The following position is the designated Coordinator to handle complaints regarding sexual harassment, and to answer inquiries regarding the District's policies:

**DIRECTOR OF STUDENT SERVICES**

Any student that feels that he/she is being sexually harassed should immediately contact a teacher, site administrator, or the Director of Student Services. In addition, any student who observes any such incident should report the incident to a teacher, site administrator, or the Director of Student Services, whether or not the victim files a complaint. Any school employee who observes an incident of sexual harassment shall report the incident to a teacher, site

administrator, or the Director of Student Services. 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. The Superintendent or designee may also establish other processes for students to submit anonymous reports of discrimination or harassment.

Complaints of sexual harassment shall be investigated immediately and resolved in accordance with site-level grievance procedures specified in AR 5145.7.

When a student is reported to be engaging in sexual harassment off campus, the Superintendent or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance. Law enforcement officials will be notified in accordance with the law.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the Superintendent or designee also may file a complaint with the Internet site or service to have the material removed.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's anti-harassment policy, procedures for filing a complaint regarding sexual harassment, and the resources that are available to students who witness or are subject to any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students, parents, and staff.

### **Discipline**

Any student who engages in sexual harassment, on or off campus in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, shall be subject to discipline, which may include suspension or expulsion, in accordance with District Board Policies and Administrative Regulations.

### **Confidentiality**

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.

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**Sexual Harassment**

Prohibited 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, when made on the basis of sex and under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of 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.

Examples of types of conduct which are prohibited in the District and which may constitute sexual harassment 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 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 sexual suggestive objects.

**11. Sexual assault, sexual battery, or sexual coercion.**

**School-Level Complaint Process/Grievance Procedure**

**Complaints of sexual harassment, or any behavior prohibited by the District's Nondiscrimination/Harassment policy – BP 5145.3 and Bullying policy - BP 5131.2, Complaint Forms are available and your child's school and shall be handled in accordance with the following procedure:**

**1. Notice and Receipt of Complaint:** Any student who believes he/she has been subjected to sexual harassment, discrimination, or bullying or who has witnessed sexual harassment, discrimination, or bullying may file a complaint with any school employee. Within twenty-four (24) hours of receiving a complaint, the employee must report it to the Principal or designee at the school site. In addition, any school employee who observes any incident of sexual harassment, discrimination, or bullying involving a student shall, within twenty-four (24) hours, report this observation to the Principal or designee, whether or not the victim files a complaint. If the school employee receives the complaint on a Friday or a holiday, the employee must report it to the Principal the next business day.

**In any case of sexual harassment, discrimination, or bullying involving the Principal to whom the complaint would ordinarily be made, the employee who receives the student's complaint or who observes the incident shall instead report to the Superintendent's designee.**

**2. Initiation of Investigation:** The Principal or designee shall initiate an impartial investigation of an allegation of sexual harassment, discrimination, or bullying within five (5) school days of receiving notice of the sexually harassing, discriminatory, or bullying behavior, regardless of whether a formal complaint has been filed. The District shall be considered to have "notice" of the need for an investigation upon receipt of a complaint from a student who believes he/she has been subjected to sexual harassment, discrimination, or bullying, the student's parent/guardian, or an employee who received the complaint, any employee or student who witnessed the behavior, or any student, employee, or parent/guardian who filed an official complaint on the District's official complaint form.

**If the Principal or designee receives an anonymous complaint or media report about alleged sexual harassment, discrimination or bullying, he/she shall determine whether it is reasonable to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged harassment.**

**3. Initial Interview with Student:** When a student or parent/guardian has complained or provided information about sexual harassment, discrimination, or bullying, the Principal or designee shall describe the District's grievance procedure and discuss what actions are being sought by the student in response to the complaint. The student who is complaining shall have an opportunity to describe the incident, identify witnesses who may have relevant information, provide other evidence of the harassment, and put his/her complaint in writing on the District's

official complaint form. If the student requests confidentiality, he/she shall be informed that such a request may limit the District's ability to investigate.

**4. Investigation Process:** The Principal or designee shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary or appropriate action. (5 CCR 4964)

The Principal or designee shall interview individuals who are relevant to the investigation, including but not limited to, the student who is complaining, the person accused of sexual harassment, discrimination, or bullying, anyone who witnessed the reported sexual harassment, discrimination, or bullying and anyone mentioned as having relevant information. The Principal may take other steps such as reviewing any records, notes, or statements related to the sexual harassment, discrimination, or bullying complaint or visiting the location where the sexual harassment, discrimination, or bullying is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, the Principal or designee also may discuss the complaint with the Superintendent's designee, the parent/guardian of the student who complained, the parent/guardian of the alleged harasser if the alleged harasser is a student, a teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth, law enforcement and/or child protective services, and District legal counsel or the District's risk manager.

**5. Interim Measures:** The Principal or designee shall determine whether interim measures are necessary during and pending the results of the investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher.

**6. Optional Mediation:** In cases of student-on-student sexual harassment, discrimination or bullying, when the student who complained and the alleged perpetrator so agree, the Principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator, or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree, and he/she shall be advised of the right to end the informal process at any time.

**7. Factors in Reaching a Determination:** In reaching a decision about the complaint, the Principal or if the complaint is sent to the Superintendent's designee may take into account:

- a. Statements made by the persons identified above.
- b. The details and consistency of each person's account.
- c. Evidence of how the complaining student reacted to the incident.
- d. Evidence of any past instances of sexual harassment, discrimination, or bullying by the alleged perpetrator.
- e. Evidence of any past sexual harassment, discrimination, or bullying complaints that were found to be untrue.

To judge the severity of the sexual harassment, discrimination, or bullying the Principal or if the complaint is sent to the Superintendent or designee may take into consideration:

- a. How the misconduct affected one or more students' education.
- b. The type, frequency, and duration of the misconduct.
- c. The identity, age, and sex of the alleged perpetrator(s) and the student who complained, and the relationship between them.
- d. The number of persons engaged in the sexual harassment, discrimination, or bullying conduct and at whom the sexual harassment, discrimination, or bullying was directed.
- e. The size of the school, location of the incidents, and context in which they occurred.
- f. Other incidents at the school involving different students.

**8. Written Report and Findings and Follow-Up:** No more than 30 days after receiving the complaint, the Principal, or if the complaint is sent to the Superintendent's designee, shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause.

**9. Appeal Process:** An appeal process will be afforded to the complainant should he or she disagree with the resolution of the complaint filed pursuant to this policy. The complainant may appeal in writing to the Superintendent within five (5) business days. The Superintendent will review the complaint and any associated documentation and will render a final decision within thirty (30) days.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If it is determined that sexual harassment, discrimination, or bullying occurred, the report shall also include any corrective actions that have or will be taken to address the sexual harassment, discrimination, or bullying and prevent any retaliation or further sexual harassment, discrimination, or bullying. This report shall be presented to the student who complained, the person accused, the parents/guardians of the student who complained and the student who was accused, and the Superintendent or designee.

In addition, the Principal, or if the complaint is sent to the Superintendent's designee, shall ensure that the complainant student and his/her parent guardian are informed of the procedures for reporting any subsequent problems. The Principal, or if the complaint is sent to the Superintendent's designee, shall make follow up inquiries to see if there have been any new incidents or retaliation and shall keep a record of this information.

### **Enforcement of District Policy**

The Superintendent or designee shall take appropriate actions to reinforce the District's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing training to students, staff, and parents/guardians about how to recognize harassment and how to respond.

- 3. Disseminating and/or summarizing the District's policy and regulation regarding sexual harassment.**
- 4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to parents/guardians and the community.**
- 5. Taking appropriate disciplinary action.**

**In addition, disciplinary measures may be taken against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.**

#### **Notifications**

**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.**
- 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, including school web sites.**
- 3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session.**
- 4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct.**
- 5. Be included in the student handbook.**
- 6. Be provided to employees and employee organizations.**