

Policy 5145.7: Sexual Harassment

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Governing Board is committed to maintaining a ~~safe~~welcoming, safe, and supportive school environment that is free from ~~harassment and discrimination~~discrimination and harassment. The Governing Board prohibits, at school district or at school district-sponsored or school district-related activities, sexual harassment ~~targeted at any student by anyone.~~ The Board also, as defined in the accompanying administrative regulation, targeted at any student.

Additionally, the Governing Board prohibits retaliatory behavior or action against ~~any~~ person who reports, ~~complaints~~files a complaint, testifies about, assists or otherwise participates in the ~~complaint process established pursuant to this policy and the administrative regulation.~~with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1, 221.8; 34 CFR 106.71)

The district strongly encourages ~~any~~ students who feel that they are being or have ~~been sexually harassed on school~~experienced sexual harassment on district grounds or at a school district-sponsored or school district-related activity ~~by another student or an adult, or who has experienced off-campus sexual harassment that,~~ or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment ~~shall immediately notify~~by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint ~~or allegation~~alleging sexual harassment is addressed through ~~AR~~Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures or ~~BP/AR~~Board Policy/Administrative Regulation 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 shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3~~ Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

The Title IX Coordinator shall offer **and coordinate** supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

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.~~ **this policy in the manner specified in the accompanying administrative regulation.**

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

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 under any circumstance
3. Encouragement to report observed ~~instances~~ **incidents** of sexual harassment, even ~~where~~ **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 ~~prompt~~ action shall be taken to ~~stop any~~ respond to the harassment, prevent recurrence, and address any continuing effect on students

6. Information about the district's ~~procedure~~ procedures 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-~~8-12~~8, 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.

Upon ~~completion of an~~ investigation of ~~a sexual harassment complaint~~, any employee found to have engaged in sexual harassment or sexual violence toward any student shall ~~have their employment terminated~~ be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining ~~agreements~~ agreement.

Record-Keeping

~~In accordance with law and district policies and regulations, the Superintendent or designee shall maintain a record~~ The Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in ~~its~~ district schools.