

Policy 5145.7: Sex Discrimination and Sex-Based Harassment

Status: DRAFT

Original Adopted Date: 04/12/2023

The Governing Board is committed to maintaining a welcoming, safe and supportive school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sex discrimination or sex based sexual harassment, as defined in the accompanying regulations, targeted at any student based on the student's actual or perceived sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy or lactation, including related medical conditions or recovery; and, parental, marital, and family status. 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.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment., reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code § 220.1; 34 C.F.R. § 106.71)

The District strongly encourages students who feel that they he/she are is being or have experienced sex discrimination, including sex-based harassment been sexually harassed on school grounds or at a school-sponsored or school-related activity when the conduct has a by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their his/her 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 sex discrimination, including sex-based sexual harassment, by or again a student in the District's education program or activity shall report the incident to the shall notify the Title IX Coordinator within one work day.

Once notified, the Title IX Coordinator 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 or BP/AR 5131.2-Bullying, 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.

The Title IX Coordinator shall offer and coordinate supportive measures to be provided to the complainant and, if the district has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall all District staff are trained regarding the District's sex discrimination and sex-based harassment policy and that all employees received training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4219.11--Sex Discrimination and Sex-Based Harassment (34 C.F.R. § 106.8) 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.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sex discrimination and sex-based harassment sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sex discrimination and sex-based sexual harassment, including the fact that sex discrimination and sex-based 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 sex discrimination and sex-based sexual harassment under any circumstance
3. Encouragement to report observed incidents of sex discrimination and sex-based sexual harassment even when the alleged victim of the discrimination or 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 sex discrimination and sex-based 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 sex discrimination and sex-based 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 procedures for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based 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 sex discrimination or sex-based 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 sex discrimination or sex-based sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sex discrimination and/or sex-based sexual harassment complaint, any student found to have engaged in sex discrimination and/or sex-based 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.

Upon investigation of a sex discrimination and/or sex-based sexual harassment complaint, any employee found to have engaged in sex discrimination and/or sex-based 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.

Record-Keeping

The Superintendent or designee shall maintain records in accordance with law, including in accordance with 34 C.F.R. § 106.8 as specified in Administrative Regulation 5145.71 – Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sex discrimination or sex-based harassment. ~~In accordance with law and district policies and regulations, 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.
