

Policy 5145.7: Sex Discrimination and Sex-Based Harassment

Status: ADOPTED

Original Adopted Date: 01/23/2013 | **Last Revised Date:** 09/21/2022 | **Last Reviewed Date:** 09/21/2022

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

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

The district strongly encourages students who feel that they are being or have ~~been sexually harassed~~ **experienced sex discrimination, including sex-based harassment,** on school grounds or at a school-sponsored or school-related activity ~~by another student or an adult, or who have experienced,~~ or off-campus ~~sexual harassment that~~ **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-sex discrimination, including sex-based harassment~~ **shall notify the, 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 the complaint or allegation is addressed through ~~AR~~ **Administrative Regulation 5145.71 - Title IX SexualSex Discrimination and Sex-Based Harassment Complaint Procedures or BP/AR 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..~~

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 Superintendent Chief Learning Officer 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 ~~or designee shall ensure that all district staff handbooks.~~ All district staff shall be ~~are~~ trained regarding the policy. **district's sex discrimination and sex-based harassment policy, and that all employees receive training related to their duties under Title IX as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sex Discrimination and Sex-Based Harassment. (34 CFR 106.8)**

Instruction/Information

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

1. What acts and behavior constitute ~~sexual~~ **sex discrimination and sex-based** harassment, including the fact that ~~sexual~~ **sex discrimination and sex-based** 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~~ **sex discrimination or sex-based** harassment under any circumstance
3. Encouragement to report observed incidents of ~~sexual~~ **sex discrimination and sex-based** harassment even when the alleged victim of the **discrimination or** harassment has not complained
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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~~ **sex discrimination or sex-based** harassment incident will be addressed separately and will not affect the manner in which the ~~sexual~~ **sex discrimination or sex-based** 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~~ **sex discrimination and sex-based** harassment allegation that involves a student, whether as the complainant, respondent, or victim of the **discrimination or** 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 ~~sexual~~ **sex discrimination and/or sex-based** 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~~ **sex discrimination or sex-based** 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~~ **sex discrimination or sex-based** harassment and/or other students during an investigation

Disciplinary Actions

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

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The Superintendent Chief Learning Officer or designee shall maintain records in accordance with law, including in accordance with 34 CFR 106.8 as specified in Administrative Regulation 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and district policies and regulations, ~~the Superintendent Chief Learning Officer or designee shall maintain a record of~~ all reported cases of ~~sexual~~**sex-based** harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.
