

report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent through the District Title IX Compliance Officer shall take appropriate actions to reinforce the District's sexual harassment policy.

Prohibited sexual harassment includes, but is not limited to, sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment. The conduct is sufficiently severe, persistent, pervasive or objectively offensive, so as to create a hostile or abusive educational or working environment or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the individual 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.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

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. 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

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 of a uniform complaint, 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 harassment, prevent recurrence, and address any continuing effect on students;

6. Information about the District's procedure 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 is ongoing; and

8. A clear message that, when needed, the District will take interim measures to ensure a safe school environment for a student who is the complainant Q4hd

procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Site Designated Title IX Administrator shall promptly investigate any report of the sexual harassment of a student pursuant to the processes outlined in AR 5145.7. Upon verifying that sexual harassment occurred, they shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the District's Title IX Compliance Officer in accordance with the District's Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

Upon 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 appropriate disciplinary and/or other corrective action or interventions. For students in grades 4 through 12, the 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. Students in grades K-3 may not be suspended or recommended for expulsion pursuant to Education Code 48900.2, however appropriate restorative discipline and/or other corrective actions will be provided based upon the totality of the circumstances involved.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Upon investigation of a sexual harassment complaint, any employee who engages in, permits or fails to report sexual harassment or sexual violence toward any student shall be subject to appropriate disciplinary action up to and including dismissal in accordance with law and the applicable collective bargaining agreement. District personnel shall take immediate steps to intervene when safe to do so when she or he witnesses an act of discrimination, harassment, intimidation, retaliation, or bullying. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

(cf. 5141.4 - Child Abuse Reporting Procedures)

(cf. 1312.3 - Uniform Complaint Procedures)

The District prohibits retaliatory behavior against any complainant or

any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential / Privileged Information)

Record-Keeping

The District's Title IX Compliance Officer 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.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

212.5 Sexual harassment

212.6 Sexual harassment policy

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028

Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona R.-S. etc. v. Santa Rosa City Schools et al (N.D. Cal. 1995) 890 F. Supp. 1452

Patricia H. v. Berkeley Unified School District (N.D. Cal. 1993) 830 F. Supp. 1288

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender

and Gender-Nonconforming Students, Policy Brief, February 2014
Safe Schools: Strategies for Governing Boards to Ensure Student
Success, 2011

U. S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender
Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School
Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U. S. Department of Education, Office for Civil Rights: [http://
www.ed.gov/about/offices/list/ocr](http://www.ed.gov/about/offices/list/ocr)

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

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