

Students

Sexual Harassment

The Governing Council is committed to maintaining a school environment that is free from harassment. The Council prohibits sexual harassment of any student by another student, an employee or other person, at school or at a school-sponsored or school-related activity. The Council also prohibits retaliatory behavior or action against any person who complains, testifies, assists or otherwise participates in the complaint process established in accordance with this policy.

The Director or designee shall ensure that all school 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 gender
2. A clear message that students do not have to endure sexual harassment. Students should be encouraged to report observed instances of sexual harassment, even where the victim of the harassment has not complained
3. Information about the person(s) to whom a report of sexual harassment should be made.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other **verbal**, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when: (Education Code 212.5)

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.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.

Types of conduct which are prohibited in the school and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, 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, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors

Students**Sexual Harassment (continued)**

6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering or blocking normal movements
9. Limiting a student's access to educational tools
10. Displaying sexually suggestive objects

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 9 through 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. Such circumstances shall include but are not limited to:

1. Age and maturity of the victim and the perpetrator
2. Pervasiveness of the alleged harassing conduct (i.e., how many times the act(s) occurred, how many individuals were involved, etc.)
3. Prior complaints against the perpetrator

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact a school employee. A school employee to whom a complaint is made shall, within 24 hours of his/her getting the complaint, report it to the Director or designee. Any school employee who observes any incident of sexual harassment on any student shall similarly report his/her observation to the Director or designee, whether or not the victim makes a complaint. If the alleged harasser is the Director or designee, the employee may report the complaint or his/her observation of the incident to the President of the Governance Council or designee who shall investigate the complaint.

The Director is the Title IX officer. The Director or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint. Where it is found that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The person taking the complaint shall also advise the victim of any other remedies that may be available, and shall file a report and refer the matter to law enforcement authorities, where necessary. In addition, the student may file a formal complaint with the Director or designee in accordance with the school's uniform complaint procedures.

Complainants may seek help from agencies such as legal assistance agencies, local mediation centers or the county office of education. Local resources include the Siskiyou County Human Services Department, District Attorney's Office, and private legal counsel.

The Director or designee shall maintain a record of all reported cases of sexual harassment to enable the school to monitor, address and prevent repetitive harassing behavior in its school.

Students**SEXUAL HARASSMENT (continued)**

Information gathered in the course of investigating a sexual harassment complaint shall be kept confidential to the extent possible.

A copy of the school'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 (Education Code 48980)
2. Be displayed in a prominent location near each school site office (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students (Education Code 231.5)
4. Appear in any school publication that sets forth the school's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

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, Discrimination

UNITED STATES CODE, TITLE 42

2000d - 2000d-7 Title VI, Civil Rights Act of 1964

2000e - 2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1 - 106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Davis v. Monroe County Board of Education (1999) No. 97-843, 1999 U.S. Lexis 3452, -- U.S.--

Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989

Nabozny v. Podlesny (1996, 7th Cir.) 92 F.3d 446

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

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

Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143

Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396

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

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

Kelson v. City of Springfield, Oregon (1985, 9th Cir.) 767 F.2d 651

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Sexual Harassment (continued)

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS

Sexual Harassment Guidance, 62 FR 49, 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

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