

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5145.7

ADOPTED: 07/14/97

CLASSIFICATION: Students

**REVISED: 05/29/12
12/05/16**

SUBJECT: Sexual Harassment Policy - Students

The Ventura County Superintendent of Schools and the Board of Education are committed to maintaining a safe school environment that is free from harassment and discrimination. The County Superintendent and the Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The County Superintendent and 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.

Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus is strongly encouraged to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or the Ventura County Office of Education (VCOE) compliance officer. Once notified, the principal or compliance officer shall take the steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

The County Superintendent or designee shall take appropriate actions to reinforce the VCOE's sexual harassment policy.

INSTRUCTION/INFORMATION

The County Superintendent or designee shall ensure that all VCOE students receive age-appropriate 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 incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is the VCOE'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 harassment, prevent recurrence, and address any continuing effect on students
6. Information about the VCOE'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 VCOE investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the VCOE will take interim 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 and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

COMPLAINT PROCESS AND DISCIPLINARY ACTIONS

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the 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 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 harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

RECORD-KEEPING

The County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the VCOE to monitor, address, and prevent repetitive harassing behavior in VCOE schools.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of Discrimination on the Basis of Sex
48900, 48900.2	Grounds for Suspension or Expulsion
48904	Liability of Parent/Guardian for Willful Student Misconduct
48980	Required Notification 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

GOVERNMENT CODE

12950.1	Sexual harassment training
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CODE OF REGULATIONS, TITLE 5

4600-4687	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1221	Application of laws
1232g	Family Educational Rights and Privacy Act
1681-1688	Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983	Civil action for deprivation of rights
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

99.1-99.67	Family Educational Rights and Privacy
106.1-106.71	Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447