

SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.1s

Meeting Date: October 18, 2018

Subject: Approve Board Policy (BP) 5145.7 Sexual Harassment Revisions

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
-

the harassed student has not complained.

The Superintendent through the District Title IX Compliance Officer will 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 educational environment.

5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex or gender identity or expression
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, sexual violence, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus and outside of school that

Upon verifying that sexual harassment occurred, ~~they~~ ensure that appropriate action is promptly taken to end the harassment, ~~assess~~ 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 ~~Superintendent or designee~~ District's Title IX Compliance Officer in accordance with the ~~district~~ District's Uniform Complaint Procedures.

(cf. 1312.3 Uniform Complaint Procedures)

~~The District's Title IX Compliance Office 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~~

~~200-240 Prohibition of discrimination on the basis of sex, especially:~~

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:

Sacramento City USD

Board Policy

Sexual Harassment

BP 5145.7

Students

The Governing Board is committed to maintaining a safe learning environment that is free of harassment and discrimination. The Board prohibits at school or at school sponsored or school related activities, sexual harassment targeted at any student by any person. The Board also prohibits retaliatory behavior or action against any person who submits a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The District strongly encourages any student who feels that they are being sexually harassed on school grounds or at a school sponsored or school related activity by another student or an adult, or who have experienced off campus sexual harassment including cyber harassment/online/social media activity and/or sexual violence that has a continuing effect on campus, to immediately contact the teacher, the principal, or any other available school employee. Any district employee who receives a report or observes an incident of sexual harassment shall notify the principal, Site Designated Title IX Administrator or a District Title IX Compliance Officer. Once notified, the Site Designated Title IX Administrator or District Title IX Compliance Officer shall take the steps to promptly investigate and address the allegation, as specified in the accompanying administrative regulations. District and site personnel shall take immediate steps to intervene when safe to do so when she or he witnesses an act of discrimination, harassment, intimidation, retaliation, and bullying. While the district has promulgated a written complaint form, there is no requirement that a complaint be filed.

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

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 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

The District Title IX Compliance Officer shall receive training and shall oversee appropriate trainings for District staff, including management as well as certificated and non-certificated staff. Each Site Designated Title IX Administrator shall receive initial ongoing training as appropriate to carry out their duties.

(cf. 5131.5 - mp1)2(o)2(n)4.45.15 Td 17.47, mp3)2(o)2(n)8.02.15 Td 17.47,

