

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment, discrimination, and/or bullying based on gender, gender identity, and gender expression. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Superintendent or designee shall ensure that students annually receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment, discrimination, and/or bullying because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

(cf. 5131.5 - Vandalism, Theft and Graffiti)
(cf. 5137 - Positive School Climate)
(cf. 5141.41 - Child Abuse Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 6142.1 - Family Life/Sex Education)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

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

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. 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. 5141.4 - Child Abuse Reporting Procedures)

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee or to another District administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

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The principal or designee shall immediately investigate any report of the sexual harassment, discrimination, and/or bullying of a student. Upon verifying that sexual harassment discrimination, and/or bullying occurred, he/she 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 Superintendent or designee in accordance with the District's uniform complaint 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 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)

Legal Reference:EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment

230 Particular practices prohibited

231.5 Sexual harassment policy

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

COURT DECISIONS

Davis v. Monroe County Board of Education (1996, 11th Cir.) 74 F.3d 1186

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, 887 F. Supp. 140, 143 (W.D. Tex. 1995)

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

Policy

Adopted: November 8, 1999

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BREA OLINDA UNIFIED SCHOOL DISTRICT

Brea, California