

Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 06/05/2020 | **Last Revised Date:** 02/03/2022

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. 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.

The Eden Area Regional Occupational Program (Eden Area ROP) strongly encourages students who feel that they are being or have been 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 that has a continuing effect on campus, to immediately contact their teacher, the principal, the Eden Area ROP's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The Superintendent or designee shall inform students and parents/guardians of the Eden Area ROP's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the web site, and including it in student and staff handbooks. All Eden Area ROP staff shall be trained regarding the policy.

Instruction/Information

The Superintendent or designee shall ensure that all Eden Area ROP 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 when the alleged victim of the harassment has not complained
4. A clear message that student safety is the Eden Area ROP'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 action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the Eden Area ROP's procedures 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 Eden Area ROP investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the Eden Area ROP will implement supportive 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

Disciplinary Actions

Upon completion of an 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 be subject to disciplinary action, up to and including dismissal, in accordance with law.

Record-Keeping

In accordance with law and Eden Area ROP policies and regulations, the Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the Eden Area ROP to monitor, address, and prevent repetitive harassing behavior in schools.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Civ. Code 1714.1

Liability of parent or guardian for act of willful misconduct by a minor - <https://simbli.eboardsolutions.com/SU/NSknepFduiYWusJFnU3r9Q==>

Civ. Code 51.9

Liability for sexual harassment; business, service and professional relationships - <https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==>

Ed. Code 200-262.4

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 48900

Grounds for suspension or expulsion

Ed. Code 48900.2

Additional grounds for suspension or expulsion; sexual harassment

Ed. Code 48904

Liability of parent/guardian for willful student misconduct

Ed. Code 48980

Parent/Guardian notifications

Ed. Code 48985

Notices to parents in language other than English

Gov. Code 12950.1

Sexual harassment training

Federal References

20 USC 1092

Description

Definition of sexual assault

20 USC 1221

Application of laws

20 USC 1232g

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688

Title IX of the Education Amendments of 1972; discrimination based on sex

34 CFR 106.1-106.82

Nondiscrimination on the basis of sex in education programs

34 CFR 99.1-99.67

Family Educational Rights and Privacy

34 USC 12291

Definition of dating violence, domestic violence, and stalking

42 USC 1983

Civil action for deprivation of rights

42 USC 2000d-2000d-7

Title VI, Civil Rights Act of 1964

42 USC 2000e-2000e-17

Title VII, Civil Rights Act of 1964, as amended

Management Resources References

	Description
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014
U.S. DOE, Office For Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Sexual Harassment: It's Not Academic, September 2008
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/e50nGqNuG7JqfN4N7E4ONA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/DrRYIAkWzbu02sJcWkyA9Q==
1114	District-Sponsored Social Media - https://simbli.eboardsolutions.com/SU/4rkxjWrEmitNQNDmUsIsho2o2A==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UfrrhTFRxuKf8z4GXGxqRg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIO1x8xFCdtQRniKVFQQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmsIshPOPghyV4WnQ==

1312.3-E PDF(1) Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==>

1313 Civility -
<https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==>

3515.4 Recovery For Property Loss Or Damage -
<https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQO==>

3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/Ff4ia0AAsaMygDrG5pM2hQ==>

3530 Risk Management/Insurance -
<https://simbli.eboardsolutions.com/SU/hoPekPtWQxdUX1FtAxVw0w==>

3580 District Records -
<https://simbli.eboardsolutions.com/SU/BVBOZJc6bUBBVUHXL3OHsw==>

3580 District Records -
<https://simbli.eboardsolutions.com/SU/xvRmbIVplus3rJ1gRwplus5odLvA==>

4117.7 Employment Status Reports -
<https://simbli.eboardsolutions.com/SU/wGjKh5o4tJoV2uQH4ekpFQ==>

4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==>

4119.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/n53qzOBCeGohWSgWOFoNzA==>

4119.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/cJ0XxmqujshxwgdIHJ4K0sw==>

4119.11-E PDF(1) Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/lrz2uTslshpluso3l8ZiJCD1P9ag==>

4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/uP83U93Ls7bxBnKbH0uuyg==>

4131 Staff Development -
<https://simbli.eboardsolutions.com/SU/8CAcELrJtCybNFPvCiecyw==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==>

4219.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/Qv4TYtYQZHj9TYplusmXThlqQ==>

4219.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/L5frRWhJTxyYr2OuQqk6w==>

4219.11-E PDF(1) Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/NJQ9zeDb7z4szUebtw9EjQ==>

4219.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/L6xFcc0hdppUjb566xoOQQ==>

4231 Staff Development -
<https://simbli.eboardsolutions.com/SU/GJ5nOaM5sMBqslsh21YMISuzQ==>

4231 Staff Development -
<https://simbli.eboardsolutions.com/SU/IQtCNZih73p1VSMTZSLbdw==>

4317.7 Employment Status Reports -
<https://simbli.eboardsolutions.com/SU/xYplusnrOcpGZBCsSpAHTvPAw==>

4319.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/LYG72eG7EyKkWF15slshJZ0TQ==>

4319.11 Sexual Harassment -
<https://simbli.eboardsolutions.com/SU/UuBWDXwVfK8sRA1bwccJlg==>

4319.11-E PDF(1)	Sexual Harassment - https://simbli.eboardsolutions.com/SU/LpTkpE99iM5uqkEdplusGiAoA==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/jtFNj01GCtv96WQS8QUQTQ==
4319.21-E PDF(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/SbNNhECB0KlySslshQpsFom7w==
5125	Student Records - https://simbli.eboardsolutions.com/SU/WH7SkYd23dx87QIsQey8plusw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/5xwV0pshBZqom7dBNC3VjqQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/KJEhAAzM900qAFyqIY8Uww==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/XpL7yioSw0IKNxjRhRzD6g==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/plusf65utUUrgJnCYTRHSpTjw==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/mkBG513idfpAslshWCrzplusbg7A==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/47NI1nZFwIxBAkigIUxLSg==
5141.4-E PDF(1)	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/w7dygQRxCINI6WdppB70ow==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZOz00lw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/JsOVYsraiwdGChgeXbWR7Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkRU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpshHnBCn2muQplusw==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/tYNft4plusplus1xeAmr3vc4T11A==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPCsJZZtt92oksSX5JGw==

5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLGtplusT4iecw==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/euTjsH5FkRHgS9FlabDM2g==
5145.6-E PDF(1)	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/4Sc4OplusYjRnrF0boRrslshnizw==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/p5Ktg9A5BE8gDAJDuuH3LQ==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ptilHvEslshFyOvkZqZyIRgkQ==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/S55oZzOb82uslshNakerO4C1g==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/EbLCvCot44XBu1Vz7xwzdA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/5NoldBcHwFoPG5SXOYovKw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPJlYuXg==