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PROHIBITION ON SEXUAL HARASSMENT

BP 5145.7

The Sacramento County Board of Education (Board) prohibits sexual harassment targeting any person at any Sacramento County Office of Education (SCOE) school, or school-sponsored or school-related activity. This policy also applies to acts that occur outside of school activities but may create a hostile environment at school.

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted 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:

1. Submission to the conduct is explicitly or implicitly made a term or condition of a pupil's academic status or progress.
2. Submission to or rejection of the conduct by a pupil is used as the basis for academic decisions affecting the pupil.
3. The conduct has the purpose or effect of having a negative impact on the pupil's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the pupil is used as the basis for any decision affecting the pupil regarding benefits and services, honors, programs, or activities available at or through any SCOE program or activity.

The Board also prohibits any form of retaliation against any person who files a complaint or report, testifies, or otherwise participates in the process for a complaint alleging sexual harassment.

The Superintendent or designee will appoint an individual to coordinate SCOE's efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints (Title IX Coordinator). The contact information for the Title IX Coordinator as well as the rules and procedures for resolving sexual harassment complaints are set forth in the accompanying regulation, ARR 5145.7.

Grievance Procedures

Pupils who feel that they are being or have been sexually harassed by another pupil or an adult in a SCOE setting, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the 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.

The Title IX Coordinator will ensure that all complaints of sexual harassment related to SCOE's schools or programs are investigated and resolved in accordance with ARR 5145.7 and applicable law. Depending on the circumstances of the complaint, the Title

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IX Coordinator will follow Title IX Regulations or SCOE's Uniform Complaint Procedures to address each complaint. The Title IX Coordinator shall provide supportive measures to pupils involved in the complaint process, as set forth in ARR 5145.7.

Persons who are found to have engaged in sexual harassment or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline.

Prevention and Education and Training

To the extent possible, SCOE schools shall focus on the prevention of sexual harassment by establishing clear rules for pupil conduct and implementing strategies to promote a positive, collaborative school climate.

The Superintendent or designee shall ensure that all SCOE pupils receive age-appropriate information on sexual harassment and that all SCOE staff are trained on SCOE's policy.

When employees and volunteers provide instruction, guidance, supervision, or other services to SCOE pupils and parents/guardians, they shall carefully guard against stereotyping or inappropriately segregating pupils.

Notice

The Superintendent or designee shall notify pupils, parents/guardians, and applicants for admission about SCOE's sexual harassment policy in SCOE's annual parent notices. The policy will also be posted in a prominent location on SCOE's website and be displayed in a prominent location in the main administrative building or other area where notices of SCOE's rules, regulations, procedures, and standards of conduct are posted.

Legal References:

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

200-262.4 Prohibition of discrimination
48900-48927 Suspension and expulsion
48980 Notice at beginning of term
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51007 Legislative intent: state policy

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51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials

GOVERNMENT CODE

11000 Definitions
11135 Nondiscrimination in programs or activities funded by the state
11138 Rules and regulations
54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime
422.6 Interference with constitutional right or privilege

TITLE 20, UNITED STATES CODE

1681-1688 Discrimination based on sex or blindness, Title IX

TITLE 42, UNITED STATES CODE

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964

TITLE 5, CALIFORNIA CODE OF REGULATIONS

4600-4671 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
4916 Sexual harassment definitions

TITLE 34, CODE OF FEDERAL REGULATIONS

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI
104.1-104.39 Section 504 of the Rehabilitation Act of 1973
106.1-106.71 Nondiscrimination on the basis of sex in education programs

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