



Board Policy

BP 5145.7

Students

SEXUAL HARASSMENT

The Board of Trustees is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment targeted at any student within any District program or activity. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about alleged sexual harassment.

The District designates the following individual as the Title IX Coordinator:

Director, Constituent Services
Stockton Unified School District
56 S. Lincoln Street Stockton, CA. 95203
(209) 933-7000 Ext. 2195
constituentservices@stocktonusd.net

The Title IX Coordinator shall be responsible for coordinating and overseeing the District's efforts to comply with Title IX of the Education Amendments of 1972 and Education Code Section 234.1.

The District strongly encourages 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, or who has experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact a teacher, school principal, school counselor, 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 appropriate principal and the District Title IX Coordinator. Once notified, the Title IX Coordinator or designee shall take the steps to investigate and address the allegation, as specified in AR 5145.7 and AR 5145.71.

The Superintendent or designee shall take appropriate actions to enforce the District's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all District 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 District'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 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 continues
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

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 5145.7 and AR 5145.71.

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 be subject to discipline in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain for a period of at least seven years: (34 CFR § 106.45) the following:

1. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment as well as a statement as to why the District's response was not deliberately indifferent; in any instance where a complainant was not provided with supportive measures, the District shall document the reasons why supportive measures were not reasonable in light of the known circumstances;
2. A record of each sexual harassment investigation including any determination regarding responsibility, disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant, any appeal and the result of the appeal, any informal resolutions and the results thereof; and
3. All materials used to train Title IX Coordinators, decision-makers, and any person who facilitates an informal resolution process. The training materials shall be publicly available on the District website.

Notifications

A copy of the District's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code § 48980; 5 CCR § 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of District rules, regulations, procedures, and standards of conduct are posted (Education Code § 231.5)
3. Be posted on District and school websites (34 CFR § 106.8)
4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code § 231.5)
5. Appear in any school or District publication that sets forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct (Education Code § 231.5)
6. Be included in any school student handbook
7. Be provided to employees and employee organizations

References:

BP 0410 - Nondiscrimination in District Programs and Activities

BP/AR 1312.1 - Complaints Concerning District Employees

BP/AR 1312.3 – Uniform Complaint Procedures

AR 4117.7 - Employment Status Report

BP/AR 4218 - Dismissal/Suspension/Disciplinary Action

BP/AR 4119.11/4219.11/4319.11 - Sexual Harassment

BP 5131 - Conduct BP 5131.2 - Bullying

BP 5137 - Positive School Climate

BP/AR 5141.4 - Child Abuse Prevention and Reporting

BP/AR 5144 - Discipline

BP/AR 5144.1 - Suspension and Expulsion/Due Process

AR 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

BP/AR 5145.3 - Nondiscrimination/Harassment

BP 5145.6 - Parental Notifications BP/AR

6142.1 – Family Life/Sex Education Legal

References:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900-48926 Student discipline

48980 Parental notifications

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

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

Replaces: 2/25/20 5/15/23