

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

BP 5145.7
Sexual Harassment

Students

The Tulare County Board of Education and Tulare County Superintendent of Schools are committed to maintaining a safe school environment that is free from harassment and discrimination. The Tulare County Office of Education prohibits sexual harassment of students at school or at school-sponsored or school-related activities. The Tulare County Office of Education 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 county office 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 to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a county office compliance officer.

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and county office procedures specified in BP/AR 1312.3 – Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under BP/AR 1312.3 and where to obtain a copy of the procedures.

The county office designates the individual(s) identified below as the employee(s) responsible for coordinating the county office's efforts to comply with state and federal civil rights laws including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the county office's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 – Uniform Complaint Procedures as the responsible employee(s) to handle complaints regarding unlawful discrimination, harassment, intimidation, or bullying based on actual ancestry, age, color disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, age, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at:

Deputy Superintendent, Instructional Services (title or position) 2637 West Burrel Avenue, Visalia CA 93291 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6328 (telephone number)	Director, Human Resources (title or position) 2637 West Burrel Avenue, Visalia CA 93291 (physical address) P.O. Box 5091, Visalia CA 93278-5091 (mailing address) (559) 733-6306 (telephone number)
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The county superintendent or designee shall take appropriate actions to reinforce the county office's sexual harassment policy.

Instruction/Information

The county superintendent or designee shall ensure that all of its students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behaviors 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 circumstances
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 county office'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. Information about the county office's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and 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.

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

Record-Keeping

The county superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the county office to monitor, address, and prevent repetitive harassing behavior in county office programs and schools.

Legal References begin on next page

Legal Reference:

EDUCATION CODE

200-262.4 – *Prohibition of discrimination on the basis of sex*

48900 – *Grounds for suspension or expulsion*

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*

GOVERNMENT CODE

12950.1 – *Sexual harassment training*

CODE OF REGULATIONS, TITLE 5

4600-4687 – *Uniform complaint procedures*

4900-4965 – *Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

1221 – *Application of laws*

1232g – *Family Education 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 Education Rights and Privacy*

106.1-106.71 – *Nondiscrimination on the basis of sex in education programs*

COURT DECISIONS

Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567

Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130 (9th Cir.)

Reese v. Jefferson School District (2001) 208 F.3d 736 (9th Cir.)

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey (1998) 143 F.3d 473 (9th Cir.)

Doe v. Petaluma City School District (1995) 54 F.3d 1447 (9th Cir.)

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Questions and Answers on Title IX and Sexual Violence, April 2014

Dear Colleague Letter: Sexual Violence, April 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

Management Resources continue on next page

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: <http://www.ed.gov/about/offices/list/ocr>

Policy adopted: 9/15/93

Tulare County Board of Education
Visalia, California

Revised: 1/11/06, 7/8/2015