

SEXUAL HARASSMENT

The Governing Board prohibits unlawful sexual harassment of or by any student by anyone in or from the district.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

Any student who engages in the sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

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

The Board expects students or staff to immediately report incidents of sexual harassment to the principal or designee or to another district administrator.

Any student who feels that he/she is being discriminated against or harassed should immediately contact the principal or designee. In addition a written complaint can be filed in accordance with BP/AR 1312.3. Written complaint policies are available at all school sites and at the Education Center.

(cf. 1312.3 - Uniform Complaint Procedures)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

(cf. 1312.3 - Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status or progress.

SEXUAL HARASSMENT (cont'd)

2. Submission to or rejection of the conduct by an individual is used as the basis for academic or employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic or work performance, or of creating an intimidating, hostile or offensive educational or work environment.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities at or through the school.

Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawing, pictures or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students.
7. Touching an individual's body or clothes in a sexual way.
8. Cornering or blocking of normal movements for sexual purposes.
9. Displaying sexually suggestive objects in the educational or work environment.
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

SEXUAL HARASSMENT (cont'd)

A copy of the district's policy on Harassment shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980)

(cf. 5145.6 - Notifications Required by Law)

2. Be displayed in a prominent location in the main administrative building or other area of the campus or school site where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5)
3. 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)
4. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code 231.5)

The principal or designee shall take appropriate actions to reinforce the district's sexual harassment policy. These actions may include:

1. Removing vulgar or offending graffiti.
2. Providing staff inservice and student instruction or counseling.
3. Taking appropriate disciplinary action as needed.

Questions or complaints regarding sexual harassment can also be raised with or be directed to one of the Title IX Coordinators for the District. The Title IX Coordinators are as follows:

The Associate Superintendent, Education Services is the Title IX Coordinator for student to student sexual harassment complaints. Telephone: (916) 686-7785.

The Assistant Superintendent for Human Resources is the Title IX Coordinator for any student sexual harassment complaint involving an employee of the District. Telephone: (916) 686-7795.

Legal Reference: EDUCATION CODE
200-240 Prohibition of discrimination on the basis of sex, especially:
212.5 Sexual harassment
212.6 Sexual harassment policy
230 Particular practices prohibited

Students

BP 5145.7(d)

SEXUAL HARASSMENT (cont'd)

48900(n) Suspension or expulsion for sexual assault/battery

48900.2 Suspension or expulsion for sexual harassment

48980 Notice at beginning of term

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

Franklin vs. Gwinnet County Schools (1992) 112 S. Ct. 1028

Policy

Adopted: October 29, 1984

Revised: June 21, 1993

April 6, 1998

July 10, 2002

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California