

NOTICE OF STUDENT POLICY PROHIBITING SEXUAL HARASSMENT

BP 5145.7 - Sexual Harassment AR 5145.71 - Title IX Sexual Harassment Complaint Procedures AR 1312.3 - Uniform Complaint Procedures

The Elk Grove Unified School (“District”) prohibits sexual harassment directed toward any student by anyone, at school, or at any school-sponsored or school-related events. The District **strongly encourages** all students to report suspected incidents of sexual harassment to any school site administrator or directly to the District’s Title IX Coordinator, even when the potential victim of harassment has not complained. Any employee who receives a report or observes an incident of suspected sexual harassment of a student **shall** immediately notify the principal of the student’s school site or the District’s Title IX Coordinator. The District prohibits retaliatory behavior toward any person who brings forth a complaint of sexual harassment or who provides information about the alleged conduct. All complaints of sexual harassment brought forth by or on behalf of any student will be processed in accordance with the applicable complaint procedure, i.e., either District Administrative Regulation (“AR”) 5145.71 - Title IX Sexual Harassment Complaint Procedures or AR 1312.3 – Uniform Complaint Procedures. These procedures can be found on the District’s website. A copy of the procedures can also be requested from the school site administration or the District administration office.

Sexual Harassment under State Law:

Under California State Law, “sexual harassment” means any unwelcome sexual advance, unwelcome requests for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature, whether it occurs between individuals of the same sex or individuals of opposite sex, under any of the following conditions (Ed. Code § 212.5 and 5 C.C.R. § 4916):

1. Submission to the conduct is explicitly or implicitly made a term or a condition of a student's academic status or progress;
2. Submission to, or rejection of, the conduct by the student is used as the basis of an academic decisions affecting the student;
3. The conduct has the purpose or effect of having a negative impact upon the student’s academic performance or progress or has the purpose or effect of creating an intimidating, hostile, or offensive educational environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive, so as to create a hostile or abusive educational environment or to limit the student's ability to participate in or benefit from an educational program or activity; and/or
4. Submission to, or rejection of, the conduct is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through the District.

Examples of conduct that might constitute sexual harassment under state law include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about a student’s body; overly familiar conversations; pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, or innuendoes; derogatory comments; sexually degrading descriptions; the spreading of sexual rumors;
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit e-mails; displaying sexually suggestive objects;
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual’s body or clothes in an overly familiar or sexual way; cornering, blocking, leaning over, or impeding normal movements;
4. “Educational environment” includes, but is not limited to, the following: (1) campus or school grounds of the District; (2) properties controlled or owned by the District; and (3) off-campus, if such activity is sponsored by the District, or is conducted by organizations sponsored by or under the jurisdiction of the District; and/or
5. Any act of retaliation against an individual who reports a violation of this policy or who participates in an investigation into alleged conduct prohibited by this policy, is prohibited.

Sexual Harassment under Federal Law (Title IX):

Under federal law, “sexual harassment” means conduct, on the basis of sex, that satisfies one or more of the following (34 C.F.R. § 106.30):

1. A District employee conditioning the provision of an aid, benefit, or service of the District on the student’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable individual to be so severe, pervasive, **and** objectively offensive that it effectively denies the student equal access to the District’s education program or activity; and/or;
3. “Sexual assault” as defined in United States Code, title 20, section 1092 (f)(6)(A)(v), “dating violence” as defined in United States Code, title 34, section 12291(a)(10), “domestic violence” as defined in United States Code, title 34, section 12291(a)(8), or “stalking” as defined in United States Code, title 34, section 12291(a)(30);

4. *“Sexual assault”* means actual or intentional physical sexual acts against an individual without consent that may include: rape, rape and seduction, sodomy, lewd and lascivious acts, oral copulation, sexual penetration, sexual battery, and sexual assault, as defined under Education Code section 48900(n) and Penal Code sections 261, 266c, 286, 288, 288a, 289 and 243.4;
5. *“Dating violence”* means violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim (34 U.S.C. § 12291(a)(10));
6. *“Domestic violence”* means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by an individual with whom the victim shares a child in common, by an individual who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by an individual similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws (Ed. Code, § 48900 (n));
7. *“Stalking”* means engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress (34 U.S.C. § 12291(a)(30));
8. *“Without consent”* or *“against that individual’s will”* may include force, duress, violence, fear of immediate harm, or an individual's inability to consent.

**To Report Sexual Harassment or Obtain Additional Information,
You May Contact the Student Title IX Coordinator or a School Site Administrator:
Dr. Bindy Grewal: Assistant Superintendent, PreK-6 Education/Title IX Coordinator
T: (916) 686-7704 E: TitleIX@egusd.net**

Any Student Reporting Incidents of Sexual Harassment (Complainant and/or Victim):

- Has the right to file a formal written complaint with the District.
- Will be provided support services by the District/school site upon receipt of their complaint, which may include counseling, academic support services, and/or a “no contact” order.
- May agree to engage in procedures to informally resolve their complaint, in compliance with the applicable complaint procedure.
- Will be given the opportunity to explain and provide evidence related to their complaint.
- Will receive notice of the outcome of their complaint, in compliance with the applicable complaint procedure.
- Will receive information about how to appeal the outcome their complaint, should they disagree with it, in compliance with the applicable complaint procedure.
- May file their complaint directly with the US Department of Education, Office for Civil Rights and/or the California Department of Education.

The Individual Named in the Complaint (Respondent/Alleged Offender):

- Will be informed of the claims brought forth against them.
- Will be provided support services by the District/school site, while any complaint is pending against them, which may include counseling, academic support services, and/or a “no contact” order.
- May agree to engage in procedures to informally resolve the complaint brought forth against them, as described in the applicable complaint procedure.
- Will be given the opportunity to respond to and provide evidence related to the complaint.
- Will receive notice of the outcome of the complaint brought forth against them, as described in the applicable complaint procedure.

The District/School Site:

- Will report complaints of sexual harassment to the District’s Title IX Coordinator or designee for processing. The designee will initiate an investigation into the complaint. At the conclusion of the investigation, the designee will issue notice of the outcome to the Complainant/Victim and Respondent/Alleged Offender, in accordance with the applicable complaint procedure.
- Will assist in providing support services for the Complainant/Victim and Respondent/Alleged Offender while any complaint is pending.
- Will keep all complaints and allegations of sexual harassment confidential, except as necessary to carry out the investigation or take other subsequent necessary action.
- Will implement appropriate corrective actions in cases there has been a violation of District policy.