

Students

SEXUAL HARASSMENT

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 his/her teacher, the principal (or the principal's designee), or the Legal Compliance Specialist identified in the District's Uniform Complaint Procedures – BP 1312.3. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal (or the principal's designee), or the Legal Compliance Specialist identified in BP 1312.3. Complaints of unlawful sexual harassment shall be addressed consistent with the procedures set forth in BP 1312.3.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted.

(cf. 1312.3 - Uniform Complaint Procedures)

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: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

SEXUAL HARASSMENT (continued)

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

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, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

SEXUAL HARASSMENT (continued)

12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes 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, is strongly encouraged to immediately contact his/her teacher, the principal (or the principal's designee), or the Legal Compliance Specialist identified in the District's Uniform Complaint Procedures – BP 1312.3. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal (or the principal's designee), or the Legal Compliance Specialist identified in BP 1312.3. Complaints of unlawful sexual harassment shall be addressed consistent with the procedures set forth in BP 1312.3.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may have been created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

SEXUAL HARASSMENT (continued)

When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

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)

(cf. 5145.6 - Parental Notifications)

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)

A copy of the district's sexual harassment policy and regulation shall be posted on district and school web sites and, when available, on district-supported social media.

SEXUAL HARASSMENT (continued)

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

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's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Reporting Procedures

Any student who feels that he or she or another student in the District is being sexually harassed by any student, employee, or other person from or in the District should immediately notify school staff or an administrator such as the principal or a vice principal so that the concern can be investigated and addressed. A student or parent may also file a written complaint in accordance with the District's Uniform Complaint Procedures. [BP & AR 1312.3, BP 5131.2, and BP 5145.3] The District prohibits retaliatory behavior against any person filing a complaint or any participant or witness in the complaint process. Each complaint will be fully investigated in a way that respects the privacy of all parties concerned, and appropriate action will be taken to remedy a finding of sexual harassment.

Additional Information

Additional information about these policies, your rights and responsibilities, or about how to file a complaint regarding alleged sexual harassment can be obtained by contacting the Legal Compliance Specialist, legalcompliance@egusd.net, 916-686-7795, Elk Grove Unified School District, 9510 Elk Grove-Florin Road, Elk Grove, CA 95624. For complaints regarding discrimination based on sex, contact the appropriate Title IX and Nondiscrimination Coordinator listed below:

Questions and concerns regarding Title IX compliance *at a school site* must be directed to the school principal (or principal's designee), who is the school's Title IX Designee. For questions and concern regarding Title IX compliance in District Level Programs the Title IX Coordinators are as follows:

SEXUAL HARASSMENT (continued)

For student against student complaints:

Assistant Superintendent, PreK-6 Education
(916) 686-7704; TitleIX@egusd.net
9510 Elk Grove-Florin Road
Elk Grove, CA 95624; or

Assistant Superintendent, Secondary Education
(916) 686-7706; TitleIX@egusd.net
9510 Elk Grove-Florin Road
Elk Grove, CA 95624; or

Executive Director, Education Services
(916) 831-2041; TitleIX@egusd.net
9510 Elk Grove-Florin Road
Elk Grove, CA 95624; or

For complaints against employees:

Legal Compliance Specialist, Human Resources
(916) 686-7795; TitleIX@egusd.net
9510 Elk Grove-Florin Road
Elk Grove, CA 95624

Regulation
Approved: May 13, 2019

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California