

SEXUAL HARASSMENT

The Board designates the following individual as the responsible employee 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 Administrative Regulation (AR) 1312.4—Uniform Complaint Procedures. The compliance officer may be contacted at:

Deputy Superintendent
Humboldt County Office of Education
901 Myrtle Avenue
Eureka, CA 95501
(707) 445-7030

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 gender, in the educational setting, when made on the basis of sex and under any of the following conditions:

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.
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 Office of Education program or activity.

Types of conduct which are prohibited and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions.
2. 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.

Students

Administrative Regulation 5145.7(b)

4. Sexual jokes, derogatory posters, notes, e-mails, 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-gender class.
7. Massaging, grabbing, fondling, stroking or brushing the body.
8. Touching an individual's body or clothes in a sexual way.
9. Purposefully cornering or blocking normal 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.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, principal, or any other available school employee.

In addition, any school employee who observes an incident of sexual harassment involving a student shall report his/her observation to the principal or compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted the Superintendent or designee.

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the uniform complaint procedures, Board Policy and AR 1312.4.

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.

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

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

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such 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.

Investigation of Complaints at School

The principal or designee shall promptly investigate all complaints of sexual harassment in a thorough and confidential manner. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.

Informal Resolution

When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.

Students

Administrative Regulation 5145.7(d)

Formal Complaints

If the complaining student is unable to communicate directly with the person whose conduct is offensive, or if direct communication has been unavailing, the aggrieved student may file a formal complaint with the principal, compliance officer, or Superintendent.

The complaint should be in writing and submitted in a timely manner following the incident(s) of alleged misconduct. The complaint shall identify the offending person or persons; include reference to specific examples of offensive conduct; and describe any informal efforts made to correct the situation.

The compliance officer or other designee shall have primary responsibility to review the complaint and, as soon as reasonably possible after its receipt, should inform the person who has been accused of harassment about the allegations.

The investigation and a written report shall be completed within 20 workdays unless extenuating circumstances make such a timeline impossible to meet. Additional action, such as disciplinary action, if any is deemed appropriate and warranted, shall be made in an equally responsive manner.

If the compliance officer or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

Additional Policies and Procedures

The Superintendent or designee shall adopt, and from time to time may revise, further procedures as may be necessary to implement this policy and provide for a means of enforcing this policy. Such further procedures may include the following: staff inservice and student instruction or counseling; communications with parents/guardians regarding sexual harassment policy and possible disciplinary action; an explanation of possible civil proceedings and potential legal consequences of sexual harassment; notifying child protective services.

In addition to taking appropriate disciplinary action against students or employees who are found to have sexually harassed, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Notifications

A copy of Office of Education's sexual harassment policy and regulation shall:

Students**Administrative Regulation 5145.7(e)**

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year or upon enrollment.
2. Be displayed in a prominent location in the main administrative building and at school sites in locations where notices of Office of Education rules, regulations, procedures and standards of conduct are posted including the website.
3. Be provided as part of any orientation program conducted for new students.
4. Appear in any school or Office of Education publication that sets forth the school's or Office of Education's comprehensive rules, regulations, procedures and standards of conduct.
5. Be provided to employees and employee organizations.