

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5145.7

ADOPTED: 07/14/97

CLASSIFICATION: Students

**REVISED: 05/29/12
12/05/16
08/28/23**

SUBJECT: Sexual Harassment

The County Superintendent and the County Board are committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a Ventura County Office of Education (VCOE) educational program, school, or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment, or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the VCOE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related VCOE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - Uniform Complaint Procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The County Superintendent or designee shall inform students and parents/guardians of VCOE's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on VCOE's web site, and including it in student and staff handbooks. All VCOE staff shall be trained regarding the policy.

INSTRUCTION/INFORMATION

The County Superintendent or designee shall ensure that all VCOE students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior 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 circumstance
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 VCOE'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. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
6. Information about the VCOE's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the VCOE investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the VCOE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

DISCIPLINARY ACTIONS

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

RECORD-KEEPING

In accordance with law and district policies and regulations, the County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the VCOE to monitor, address, and prevent repetitive harassing behavior in VCOE schools and programs.

Legal Reference:

EDUCATION CODE

200-262.4	Prohibition of Discrimination
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	Parent/Guardian notifications
48985	Notices to parents in language other than English

CIVIL CODE

51.9	Liability for sexual harassment; business, service and professional relationships
1714.1	Liability of parents/guardians for act of willful misconduct by a minor

GOVERNMENT CODE

12950.1	Sexual harassment training
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CODE OF REGULATIONS, TITLE 5

4600-4670	Uniform complaint procedures
4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

UNITED STATES CODE, TITLE 20

1092	Definition of sexual assault
1221	Application of laws
1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex

UNITED STATES CODE, TITLE 34

12291	Definition of dating violence, domestic violence, and stalking
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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 Educational Rights and Privacy
106.1 - 106.82	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, 9th Cir.) 324 F.3d 1130

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
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, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447