

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE REGULATION NO. 5145.7

ADOPTED: 07/14/97

CLASSIFICATION: Students

REPLACED: 02/03/14

**REVISED: 11/07/16
08/28/23**

SUBJECT: Sexual Harassment

DEFINITIONS

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:

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 Ventura County Office of Education (VCOE) program or activity.

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 VCOE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a VCOE school exercises substantial control over the context and respondent:

1. A VCOE employee conditioning the provision of a VCOE aid, benefit, or service on the student's participation in unwelcome sexual conduct

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the VCOE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

EXAMPLES OF SEXUAL HARASSMENT

Examples of types of conduct which are prohibited in the VCOE and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, 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
12. Electronic communications containing comments, words, or images described above

TITLE IX COORDINATOR/COMPLIANCE OFFICER

The VCOE designates the following individuals as the responsible employees to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinators may be contacted at:

Assistant Superintendent, Human Resources
5189 Verdugo Way
Camarillo, CA 93012
(805) 383-9337
jsantos@vcoe.org

Executive Director of Student Services
5250 Adolfo Road
Camarillo, CA 93012
(805) 383-1924
hminear@vcoe.org

Director of Alternative Education
200 Horizon Circle
Camarillo, CA 93010
(805) 437-1460
srodriguez@vcoe.org

NOTIFICATIONS

The County Superintendent or designee shall notify students and parents/guardians that the VCOE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the VCOE may be referred to the VCOE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education.

The VCOE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the VCOE's Title IX Coordinator.

A copy of the VCOE'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
2. Be displayed in a prominent location in the main administrative building or other area where notices of VCOE rules, regulations, procedures, and standards of conduct are posted
3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school.
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the VCOE's website in a manner that is easily accessible to

parents/guardians and students

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session
6. Appear in any school or VCOE publication that sets forth the school's or VCOE's comprehensive rules, regulations, procedures, and standards of conduct
7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians

The County Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the VCOE's website in a manner that is easily accessible to parents/guardians and students.

COMPLAINTS

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the VCOE's Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the VCOE's Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a complaint or requests confidentiality.

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

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable VCOE complaint procedures.

COMPLAINT PROCEDURES

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and VCOE procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to BP/AR 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Legal References:

EDUCATION CODE

200-262.4	Educational equity; prohibition of discrimination on the basis of sex
1040	Duties and responsibilities; county boards of education
1042	Duties boards; authority
1092	Definition of sexual assault
12291	Definition of dating violence, domestic violence, and stalking
35160	Authority of governing boards
48900	Grounds for suspension and expulsion
48900.2	Additional Grounds for suspension or expulsion; sexual harassment
48904	Liability of parent/guardian for willful student misconduct
48915	Grounds for expulsion
48980	Parent/Guardian notifications

UNITED STATES CODE

20 USC 1221	Application of laws
20 USC 1232g	Family Education Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

CODE OF FEDERAL REGULATIONS

34 CFR 106.1-106.71	Nondiscrimination on the basis of sex in education programs
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy

CIVIL CODE

51.9	Liability for sexual harassment; business, service and professional relationships
1714.1	Liability of parent or guardian for act of willful misconduct by a minor

CALIFORNIA CODE OF REGULATIONS, TITLE 5

4600-4670	Uniform Complaint Procedures
4900-4965	Nondiscrimination in elementary and secondary education programs

GOVERNMENT CODE

12950.1 Sexual harassment training

Management Resources

COURT DECISIONS

Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

U.S. DOE, Office for Civil Rights Publication

Sexual Harassment: It's Not Academic, September 2008
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
Q&A on Campus Sexual Misconduct, September 2017
Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

WEBSITES

U.S. Department of Education, Office for Civil Rights
CSBA
California Department of Education

Cross References

CODE

0410	Nondiscrimination In County Office Programs and Activities
1113	County Office of Education and School Web Sites
1113-E(1)	County Office of Education and School Web Sites
1312.3	Uniform Complaint Procedures
1312.3-E(1)(2)(3)	Uniform Complaint Procedures
5131.2	Bullying
5145.3	Nondiscrimination/Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E(1)(2)	Title IX Sexual Harassment Complaint Procedures