

Students

BP 5145.7

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Superintendent or designee shall ensure that students receive age- appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual conduct or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school. They shall be informed that they should immediately contact the principal or designee if they feel they are being harassed.

(cf. 5131.5- Vandalism, Theft and Graffiti}
(cf. 5137- Positive School Climate}
(cf. 5141.41 -Child Abuse Prevention}
(cf. 5145.3 -Nondiscrimination/Harassment}
(cf. 6142.1 -Family Life/Sex Education}

Any student who engages in the sexual harassment of anyone at school or a school or related activity shall be subject to disciplinary action up to and including expulsion.
(cf. 5144.1 -Suspension and Expulsion/Due Process)

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

(cf. 4118- Suspension/Disciplinary Action)
(cf. 4218- Dismissal/Suspension/Disciplinary Action)
(cf. 5141.4- Child Abuse Reporting Procedures)

Staff shall immediately report complaints of sexual harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

If a situation involving sexual harassment is not promptly investigated and remedied by the principal or designee, a complaint of harassment may be filed in accordance with the district's uniform complaint procedures or procedures for complaints concerning district employees. The Superintendent or designee shall determine which procedure is appropriate.

(cf. 1312.1 -Complaints Concerning District Employees)
(cf. 1312.3 -Uniform Complaint Procedures)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related

information outside the investigation process.

STUDENTS

BP 5145.7(b)

SEXUAL HARASSMENT (continued)

*(cf. 4119.23/4219.23/4319.23- Unauthorized Release of Confidential/ Privileged Information)**Legal Reference:*EDUCATION CODE*200-240 Prohibition of discrimination on the basis of sex, especially:**212.5 Sexual harassment**212.6 Sexual harassment policy**230 Particular practices prohibited**48900-2 Additional grounds for suspension or expulsion; sexual harassment**48904 Liability of parent/guardian for willful student misconduct 48980 Notice at beginning of term*CIVIL CODE*51.9 Liability for sexual harassment; business, service and professional relationships**1714.1 Liability of parents/guardians for willful misconduct of minor*UNITED STATES CODE. TITLE 42*2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended**2000h-2 et seq. Title IX, 1972 Education Act Amendments**Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028**Doe v. Petaluma City School District (1995) 54 F.3d 1447**Clyde K. v. Puyallup School District #3 (1994) 35 F.3d 1396**Oona R.-S. etc. v. Santa Rosa City Schools et al (1995) 890 F.Supp. 1452**Patricia H. v. Berkeley Unified School District (1993) 830 F.Supp. 1288**Davis v. Monroe County Board of Education (11th Cir.) 74 F.3d 1186**Kelson v. City of SDrinafield. Orean (1985, 9th Cir.) 767 F.2d 651*Policy
adopted: February 3, 1998CULVER CITY UNIFIED SCHOOL DISTRICT
Culver City, California