Yuba City USD  
Board Policy  

BP 5145.7  
Students  

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 behavior 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.

(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-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or 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)  

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall 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.

The principal or designee shall immediately investigate any report of the sexual harassment of a student. Any student may be gender specific when requesting another employee be present during any part of an investigation. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures.

(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.

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

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
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
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 20
1681-1688 Title IX, Discrimination
UNITED STATES CODE, TITLE 42
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
106.1-106.71 Nondiscrimination on the basis of sex in education programs
COURT DECISIONS
Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396
Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028
Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:
OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999
OFFICE OF CIVIL RIGHTS' PUBLICATIONS
Revised Sexual Harassment Guidance, January 2001
Sexual Harassment Guidance, March 1997
WEB SITES
OCR: http://www.ed.gov/offices/OCR

Policy  YUBA CITY UNIFIED SCHOOL DISTRICT
adopted:  May 11, 1999       Yuba City, California