

Regulation 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 07/15/2009 | **Last Revised Date:** 12/02/2021 | **Last Reviewed Date:** 12/02/2021

Title IX Coordinator

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The Title IX Coordinator(s) may be contacted at:

Tammy Aldaco, Assistant Superintendent, Human Resources & Business
426 N. Blackstone
Tulare, CA 93274
(559) 688-2021
tammy.aldaco@tulare.k12.ca.us

The district shall notify students, parents/guardians, employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

Prohibited Conduct

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 sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

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 district program or activity.

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment 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

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

Notifications

A copy of the district'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 (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
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. (Education Code 231.6)
4. Be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the district's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)
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 (Education Code 231.5)
6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)
7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)

Reporting 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 district'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 district'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, regardless of whether the alleged victim files a formal complaint.

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 district complaint procedures.

Complaint Procedures

All complaints of sexual harassment by and against students shall be investigated and resolved in accordance with law and district 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 AR 1312.3 – Uniform Complaint Procedures.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

5 CCR 4600-4670

5 CCR 4900-4965

Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - https://simbli.eboardsolutions.com/SU/NSknepeFduiYWusJFnU3r9Q==
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships - https://simbli.eboardsolutions.com/SU/RFwiKgYI364luH8a6QAqdg==
Ed. Code 200-262.4	Educational equity; prohibition of discrimination on the basis of sex - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 48900	Grounds for suspension and expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Notice at beginning of term
Gov. Code 12950.1	Sexual harassment training

Federal References

- 20 USC 1221
- 20 USC 1232g
- 20 USC 1681-1688
- 34 CFR 106.1-106.71
- 34 CFR 99.1-99.67
- 42 USC 1983
- 42 USC 2000d-2000d-7
- 42 USC 2000e-2000e-17

Description

- Application of laws
- Family Educational Rights and Privacy Act (FERPA) of 1974
- Title IX, discrimination
- Nondiscrimination on the basis of sex in education programs
- Family Educational Rights and Privacy
- Civil action for deprivation of rights
- Title VI, Civil Rights Act of 1964
- Title VII, Civil Rights Act of 1964, as amended

Management Resources References

- Court Decision
- Court Decision
- Court Decision
- Court Decision
- Court Decision
- Court Decision
- Court Decision
- CSBA Publication
- CSBA Publication
- U.S. DOE, Office For Civil Rights Publication
- U.S. DOE, Office for Civil Rights Publication
- U.S. DOE, Office for Civil Rights Publication
- U.S. DOE, Office for Civil Rights Publication
- U.S. DOE, Office for Civil Rights Publication

Description

- Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
- Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
- 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
- Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
- Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
- 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
- Dear Colleague Letter: Title IX Coordinators, April 2015
- Q&A on Campus Sexual Misconduct, September 2017
- 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
- Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Website

California Department of Education - <https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

- Website [CSBA -
https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==](https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==)
- Website [U.S. Department of Education, Office for Civil Rights -
https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==](https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==)

Cross References

Description

- 0410 [Nondiscrimination In District Programs And Activities -
https://simbli.eboardsolutions.com/SU/U7vfcuV3plusLnelp7of2slshYPA==](https://simbli.eboardsolutions.com/SU/U7vfcuV3plusLnelp7of2slshYPA==)
- 0450 [Comprehensive Safety Plan -
https://simbli.eboardsolutions.com/SU/3Vg524QARRUNvD1dSZ9bA==](https://simbli.eboardsolutions.com/SU/3Vg524QARRUNvD1dSZ9bA==)
- 0450 [Comprehensive Safety Plan -
https://simbli.eboardsolutions.com/SU/vv0BdplustBoAsqv72kWh8TIA==](https://simbli.eboardsolutions.com/SU/vv0BdplustBoAsqv72kWh8TIA==)
- 1312.1 [Complaints Concerning District Employees -
https://simbli.eboardsolutions.com/SU/jgsiCEBdBrHp8FbcxdQjCQ==](https://simbli.eboardsolutions.com/SU/jgsiCEBdBrHp8FbcxdQjCQ==)
- 1312.1 [Complaints Concerning District Employees -
https://simbli.eboardsolutions.com/SU/1yVYqXL7U0HCnZSCyK08oQ==](https://simbli.eboardsolutions.com/SU/1yVYqXL7U0HCnZSCyK08oQ==)
- 1312.1-E(1) [Complaints Concerning District Employees -
https://simbli.eboardsolutions.com/SU/Bc1JAXIeQgWBVAv9wGMsNg==](https://simbli.eboardsolutions.com/SU/Bc1JAXIeQgWBVAv9wGMsNg==)
- 1312.3 [Uniform Complaint Procedures -
https://simbli.eboardsolutions.com/SU/thSxnDplustsolvjGrcEEomfg==](https://simbli.eboardsolutions.com/SU/thSxnDplustsolvjGrcEEomfg==)
- 1312.3 [Uniform Complaint Procedures -
https://simbli.eboardsolutions.com/SU/Wslsh7QM5MI9H11kslshTPNHKwHA==](https://simbli.eboardsolutions.com/SU/Wslsh7QM5MI9H11kslshTPNHKwHA==)
- 1312.3-E(1) [Uniform Complaint Procedures -
https://simbli.eboardsolutions.com/SU/gFwJs2mYh06c1RsVAL1Acg==](https://simbli.eboardsolutions.com/SU/gFwJs2mYh06c1RsVAL1Acg==)
- 3515.4 [Recovery For Property Loss Or Damage -
https://simbli.eboardsolutions.com/SU/YHLyd5bFd3PpuFrR7kmtWQ==](https://simbli.eboardsolutions.com/SU/YHLyd5bFd3PpuFrR7kmtWQ==)
- 3515.4 [Recovery For Property Loss Or Damage -
https://simbli.eboardsolutions.com/SU/WESlshKXYt82z289NZr6lIFOQ==](https://simbli.eboardsolutions.com/SU/WESlshKXYt82z289NZr6lIFOQ==)
- 3530 [Risk Management/Insurance -
https://simbli.eboardsolutions.com/SU/F9pZ2Q2kOwlFaYieqHsJtQ==](https://simbli.eboardsolutions.com/SU/F9pZ2Q2kOwlFaYieqHsJtQ==)
- 3530 [Risk Management/Insurance -
https://simbli.eboardsolutions.com/SU/bJii60AJkXALFaWFEDsj3w==](https://simbli.eboardsolutions.com/SU/bJii60AJkXALFaWFEDsj3w==)
- 4117.7 [Employment Status Reports -
https://simbli.eboardsolutions.com/SU/fsAFA5mHJa9Tr3tvZplus5bzA==](https://simbli.eboardsolutions.com/SU/fsAFA5mHJa9Tr3tvZplus5bzA==)
- 4119.11 [Sexual Harassment -
https://simbli.eboardsolutions.com/SU/dybccGKVeslsh8d8O9oj7rUFw==](https://simbli.eboardsolutions.com/SU/dybccGKVeslsh8d8O9oj7rUFw==)
- 4119.11 [Sexual Harassment -
https://simbli.eboardsolutions.com/SU/IAgNaxECIQSwJvSbB451jQ==](https://simbli.eboardsolutions.com/SU/IAgNaxECIQSwJvSbB451jQ==)
- 4219.11 [Sexual Harassment -
https://simbli.eboardsolutions.com/SU/ZWCi8l1uO5xiFaBce8VmsQ==](https://simbli.eboardsolutions.com/SU/ZWCi8l1uO5xiFaBce8VmsQ==)
- 4219.11 [Sexual Harassment -
https://simbli.eboardsolutions.com/SU/W8rN8jn2LZplusBmTrffWpnqQ==](https://simbli.eboardsolutions.com/SU/W8rN8jn2LZplusBmTrffWpnqQ==)
- 4219.21 [Professional Standards -
https://simbli.eboardsolutions.com/SU/GWvuAtIU0pruBxM34G0Fig==](https://simbli.eboardsolutions.com/SU/GWvuAtIU0pruBxM34G0Fig==)
- 4231 [Staff Development -
https://simbli.eboardsolutions.com/SU/cLMHvTyX9RCplusqcvUeQ6ozw==](https://simbli.eboardsolutions.com/SU/cLMHvTyX9RCplusqcvUeQ6ozw==)
- 4317.7 [Employment Status Reports -
https://simbli.eboardsolutions.com/SU/bic8omZ63A93HxejPCYBWw==](https://simbli.eboardsolutions.com/SU/bic8omZ63A93HxejPCYBWw==)
- 4319.11 [Sexual Harassment -
https://simbli.eboardsolutions.com/SU/qnHMshHCwbWm4TISHFDYs2w==](https://simbli.eboardsolutions.com/SU/qnHMshHCwbWm4TISHFDYs2w==)

4319.11	Sexual Harassment - https://simbli.eboardsolutions.com/SU/bqE7c1OphxlGYkc1BEB7g==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/cNnn4BUtbAJxLLHWDourfA==
4319.21-E(1)	Professional Standards - https://simbli.eboardsolutions.com/SU/g8zEvaDAac7ipHdPyolwvg==
5125	Student Records - https://simbli.eboardsolutions.com/SU/Brjsu9IQT6kk4qcBJJpluskuA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/luhUiT3slshg9RCGf2oB6ZBuA==
5131	Conduct - https://simbli.eboardsolutions.com/SU/qTeF30xIM1rmHzekOhBDrQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/nCfc4SHWQqd4c7UQp21BUQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/hVD861pUTgF11slshdrlgLbQ==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/46Y9LLI9YeyECIhzC1kZ6Q==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/JJ5lgvkwVygOzhglaMBM7A==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/NslsheqslshYRLC0F0WVYVeYsK6w==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/s3FShXYGNFgb1vUXn422iA==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/4pqlL17dFatRJ2BxtR4wFw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/9LapFd1a9d7wVRkVv86lNg==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/HVgFzpLXLzWKplusThUuefUXg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/GU8WTpXz57YivOuyQ3qVXg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/IDpID5iNslsh8iHIVR33o1Muw==
5144	Discipline - https://simbli.eboardsolutions.com/SU/Exg6zWG7LrLIFHbNsWFGTQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/GSTanblhsGWTC9kOwmh4Pw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/EaRAw96Jl4AsgyLHEplusplusxFg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/9J7ld4qHyEWZwth960bAlg==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/w0J0tfsA6KmG2plusAArwKwhw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/QLRe6101WQXpUWhYTUXFzQ==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/aBQWIFNqtHTLc0eXiAO7vg==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/YfHskDoyR3plusMGEWPNhn7dQ==

5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/h5AVF3Nq0TByRnmbYrYcQ==
5145.6	Parental Notifications - https://simbli.eboardsolutions.com/SU/dBzZeHYRsZH9Ge1x4iXZYQ==
5145.6-E(1)	Parental Notifications - https://simbli.eboardsolutions.com/SU/qfskm4Y2zj2VjnrAeH5YJg==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/mAEyWqLCTQpluszat7Du7cayA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/MzsaU8f4DXXCzNITg70tZg==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/Bh6ogJcWhrgQNe8gab2HiA==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/1pVFMriYz3pEhbzANIMBgA==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/g8P2YD7PCJi9EkYORXZFnQ==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/7Uj8kKKtI4HGfnGmzk5UgA==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/GwEX0Mms9TLsETTFIf2isA==