

**SEXUAL HARASSMENT**

**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 ~~and California Education Code 234.1,~~ as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The ~~coordinator/compliance officer(s)~~ **Title IX Coordinator(s)** may be contacted at:

~~Assistant Superintendent of Instructional Support Services~~ **Director of Student Services**  
 (title or position)  
 350 W. Brookside Ave., Beaumont, CA 92223  
 (address)  
 (951) 845-1631  
 (telephone number)  
 \_\_\_\_\_  
 (email)

*(cf. 1312.3 - Uniform Complaint Procedures)*  
*(cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)*

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.

**SEXUAL HARASSMENT** (continued)

*(cf. 5131 - Conduct)*

*(cf. 5131.2 - Bullying)*

*(cf. ~~5137 - Positive School Climate~~)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)*

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.

**SEXUAL HARASSMENT** (continued)**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)

*(cf. 5145.6 - Parental Notifications)*

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)

*(cf. 1113 - District and School Web Sites)*

*(cf. 1114 - District-Sponsored Social Media)*

- ~~3.5.~~ 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)

- ~~4.6.~~ 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)

- ~~5.7.~~ Be included in ~~the student~~ any handbook provided to students, parents/guardians, employees, or employee organizations (34 CFR 106.8)

- ~~6.~~ ~~Be provided to employees and employee organizations~~

**SEXUAL HARASSMENT** (continued)**Reporting Complaints Process and Complaint Investigation and Resolution**

Any student or parent/guardian who believes that he/she 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 his/her 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 principal or the District's compliance officer identified in AR 1312.3 Title IX Coordinator. In addition, a Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her the observation to the principal or a District compliance officer Title IX Coordinator, regardless of . The employee shall take these actions, whether or not the alleged victim files a formal complaint.

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

When a report or complaint of sexual harassment involves off-campus conduct, the principal Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she 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 principal or compliance officer Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the applicable District's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

**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.

## **SEXUAL HARASSMENT (continued)**

~~If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and District procedures specified in AR 1312.3.~~

~~In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.~~

~~In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.~~

~~(cf. 5141.4 – Child Abuse Prevention and Reporting)~~

### **Confidentiality**

~~All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)~~

~~However, when a complainant or victim of sexual harassment notifies the District of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the District's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.~~

~~When a complainant or victim of sexual harassment notifies the District of the harassment but requests that the District not pursue an investigation, the District will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.~~

~~(cf. 4119.23/4219.23/4319.23 – Unauthorized Release of Confidential/Privileged Information)  
(cf. 5125 – Student Records)~~

**SEXUAL HARASSMENT (continued)****Response Pending Investigation**

~~When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school sponsored or school-related programs or activities.~~

**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)~~

~~(cf. 5145.6—Parental Notifications)~~

- ~~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)~~

~~A copy of the District's sexual harassment policy and regulation shall be posted on District and school web sites and, when available, on District-supported social media.~~

~~(cf. 1113—District and School Web Sites)~~

~~(cf. 1114—District Sponsored Social Media)~~

- ~~3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)~~
- ~~4. 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)~~

**SEXUAL HARASSMENT** (continued)

- 5. ~~Be included in the student handbook~~
- 6. ~~Be provided to employees and employee organizations~~

First reading: October 13, 2020  
Regulation  
~~approved: March 28, 2017~~

**BEAUMONT UNIFIED SCHOOL DISTRICT**  
Beaumont, California