
Note: This policy addresses harassment of District students. For provisions regarding harassment of District employees, see DIA. For reporting requirements related to child abuse and neglect, see FFG.

SEXUAL HARASSMENT
BY AN EMPLOYEE

The District prohibits sexual harassment, bullying, dating violence and other prohibited harassment, including harassment based on a person's race, color, gender, national origin, disability, or religion.

Employees shall not tolerate harassment of students and shall make reports as required at REPORTING PROCEDURES, below.

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DF]

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

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Examples of sexual harassment of a student may include, but are not limited to, sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

DATING VIOLENCE

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

BULLYING

"Bullying" is another form of prohibited harassment. It is defined as engaging in written or verbal expression or physical conduct that the Board or designee determines will have the effect of physically harming a student, damaging a student's property or placing a student in reasonable fear of harm to the student's person or of damage to the student's property. Bullying includes conduct that is so sufficiently severe, persistent or pervasive that the action or threat

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	creates an intimidating, threatening or abusive educational environment for a student. [See policy FDB; also see Student Code of Conduct]
OTHER PROHIBITED HARASSMENT	<p>Other prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student's race, color, gender, national origin, disability, or religion that is so severe, persistent, or pervasive that the conduct:</p> <ol style="list-style-type: none">1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or3. Otherwise adversely affects the student's educational opportunities.
EXAMPLES	Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.
CAMPUS REPORTING PROCEDURES	<p>Any student who believes that he or she has experienced prohibited harassment should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.</p> <p>Any District employee who learns about or witnesses an incident of prohibited harassment, including sexual harassment, dating violence, bullying and other prohibited harassment involving students that occurs anywhere under the jurisdiction of the District shall report the alleged acts to an appropriate campus administrator or to one of the District officials designated below under TIMELY REPORTING and DISTRICT OFFICIALS.</p> <p>Any other person who knows or believes that a student has experienced prohibited harassment should immediately report the alleged acts to the appropriate campus administrator or to a person designated below under TIMELY REPORTING and DISTRICT OFFICIALS.</p>
TIMELY REPORTING	<p>Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]</p> <p>Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may</p>

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	<p>impair the District's ability to investigate and address the harassment.</p> <p>A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment directly to one of the District officials below:</p>
DISTRICT OFFICIALS	<ol style="list-style-type: none">1. For sexual harassment, the Title IX coordinator. [See FB (LOCAL)]2. For all other prohibited harassment, the Superintendent. <p>A report against the Title IX coordinator may be made directly to the Superintendent; a report against the Superintendent may be made directly to the Board.</p>
NOTICE OF REPORT	<p>Upon receipt of a report of harassment, a principal shall immediately notify the appropriate District official listed above.</p>
NOTICE TO PARENTS	<p>The principal or District official shall promptly notify the parents of any student alleged to have experienced prohibited harassment by a District employee or another adult associated with the District. In cases of student-to-student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.</p>
CONFIDENTIALITY	<p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p>
COMPLAINT REPORT FORMS	<p>Any student may request a complaint form at any time through any counselor or administrator. The counselor or administrator shall assist the student in completing the form.</p> <p>Students, parents, and school personnel shall be informed of a student's right to complain about prohibited harassment, including sexual harassment, dating violence, bullying, and other prohibited harassment. An explanation of how to file a complaint shall be provided to all parents, students, and school personnel. Complaint forms shall be available from counselors and administrators.</p> <p>A complaint report shall be prepared by the counselor or administrator on behalf of a student who is unwilling to file a complaint report form.</p>
INVESTIGATION OF THE REPORT	<p>The District may request from a targeted student or a non-District employee, but shall not insist upon, a written report. If a report is made orally, the counselor or administrator to whom a report has been made, either by a student, a District employee or any other person, shall reduce the report to written form. A District employee</p>

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making an oral report shall be required to reduce the employee's statement to writing.

Upon receipt or notification of a report, the District official shall determine whether the allegations, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy. If so, the District official shall immediately authorize or undertake an investigation or make a request to an appropriate District official that an investigation take place. If the campus principal is not the alleged perpetrator, the principal shall be involved in or kept informed about the ensuing investigation.

INTERIM ACTION

If appropriate, the District shall promptly take interim action to prevent harassment during the course of an investigation. In the case of alleged harassment by students, the targeted student and the accused student shall be separated. Both students shall have an opportunity to meet with the investigator.

The investigation may be conducted by an appropriate District official or a designee, for example, the Title IX coordinator, campus principal or assistant principal, or by a third party designated by the District.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations, and may include analysis of other information or documents related to the allegations.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within 15 business days from the receipt of the report by the investigating officer; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation and the person who is charged with taking corrective action, whether or not such action is warranted.

DISTRICT ACTION

If the results of an investigation indicate that prohibited harassment occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment.

DISCIPLINARY ACTION

The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy.

CORRECTIVE ACTION

Corrective action may include intervention with the targeted student and/or intervention with the accused student.

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TARGETED STUDENT	<p>The administrator in charge of corrective action shall meet with the targeted student and his or her parent to present the corrective intervention that has been identified to address the student's safety and ability to participate in school without fear or intimidation. These actions shall include positive behavior support interventions.</p> <p>The student and parent shall be informed of the right to file charges and/or seek legal protection; and the student shall be encouraged to report further incidents.</p> <p>The student shall be informed of the right to request a stay-away agreement. [See FFH(EXHIBIT)]</p> <p>If, in the administrator's opinion, the prohibited harassment involves sexual harassment, the student shall be informed of the right to file a complaint alleging sexual harassment with the District's Title IX coordinator.</p>
ACCUSED STUDENT	<p>The administrator in charge of corrective intervention shall also meet with the accused student and his or her parent. Expectations for positive behavior shall be emphasized and disciplinary and other consequences shall be identified. The parent and student shall be given information regarding help and support in the community; and the seriousness of retaliation against the targeted student for reporting an incident or cooperating with an investigation shall be addressed.</p> <p>If behavior that violates the Student Code of Conduct is identified, disciplinary consequences shall be administered in accordance with the Code.</p>
APPEAL	<p>A student, including a complainant, may appeal through FNG(LOCAL), beginning at the appropriate level. A complainant shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
RETALIATION PROHIBITED	<p>Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.</p>
RECORDS RETENTION	<p>Retention of records shall be in accordance with Board policy FB(LOCAL).</p>
ACCESS TO POLICY	<p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies</p>

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of the policy shall be readily available at each campus and the District's administrative offices.