

BUTTE COUNTY OFFICE OF EDUCATION

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 5145.7

SEXUAL HARASSMENT

The County Superintendent is committed to maintaining an educational environment that is free from harassment and discrimination. The County Superintendent prohibits sexual harassment of students by other students, employees, or other persons, at Butte County Office of Education (BCOE) schools or at school-sponsored or school-related activities. The County Superintendent also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint processes.

BCOE strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the principal, the BCOE's Title IX Coordinator, or any other available school employee. Any employee who receives a report of or observes an incident of sexual harassment shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 5145.71, Title IX Sexual Harassment Complaint Procedures or SP/AR 1312.3- Uniform Complaint Procedures, as applicable, and shall offer supportive measures to the complainant. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

The County Superintendent or designee shall inform students and parents/guardians of the BCOE's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on BCOE's web site, and including it in the annual notification handbook for students and parents and staff handbooks. All staff shall be trained regarding the policy.

Instruction/Information

The County Superintendent or designee shall ensure that all students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could include sexual violence
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students
5. Information about the procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the BCOE procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the investigation of a sexual harassment complaint continues
8. A clear message that, when needed or as required by Title IX regulation, the BCOE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

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Disciplinary Actions

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Confidentiality and Record-Keeping

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. The County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to monitor, address, and prevent repetitive harassing behavior in the schools.

Legal Reference:

CIVIL CODE

Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

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

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

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

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AR 5145.7

REGULATIONS REGARDING SEXUAL HARASSMENT

The following administrative regulation shall be used to resolve complaints of sexual harassment by or against a Butte County Office of Education (BCOE) student.

Title IX Coordinator

BCOE designates the following individual 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 this and other applicable BCOE regulations and policies. The Title IX Coordinator may be contacted at:

Assistant Superintendent, Human Resources
Address: 1859 Bird Street, Oroville, CA 95965
Telephone: 530-532-5766

BCOE 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 BCOE's Title IX Coordinator.

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, when made on the basis of sex and under any of the following conditions:

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 BCOE program or activity

Examples of Sexual Harassment

Examples of types of conduct which are prohibited 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

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11. Sexual assault, battery, or sexual coercion
12. Electronic communications containing comment, words or images described above

Notice and Receipt of Complaint:

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, BCOE'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 BCOE'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 BCOE complaint procedures.

Complaint Procedures

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and BCOE 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.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Notifications

The County Superintendent or designee shall notify students and parents/guardians that the BCOE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the BCOE may be referred to the BCOE Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education.

The Butte County Office of Education shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the BCOE Title IX Coordinator.

A copy of Butte County Office of Education'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
2. Be displayed in a prominent location in the main administrative building or other area where notices of BCOE rules, regulations, procedures, and standards of conduct are posted
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or BCOE publication that sets forth the school's or BCOE's comprehensive rules, regulations, procedures, and standards of conduct

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5. Be included in the student handbook
6. Be provided to employees and employee organizations
7. 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.
8. Be posted in a prominent location on BCOE'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 BCOE's Title IX Coordinator.

The County Superintendent or designee shall also prominently post on the BCOE web site the definition of sex discrimination and harassment as described in Education Code [230](#), including the rights set forth in Education Code [221.8](#).

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