

Sacramento City USD

Board Policy

Sexual Harassment

AR 5145.3

Student

Reports of harassment raise the issue of possible discrimination and shall be addressed through the District's nondiscrimination/harassment policy and complaint procedures regardless of whether the matter has been referred to another agency.

School districts are responsible for responding to reports of harassment even if a formal complaint is not filed. [United States Code, Title 42, 2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended.]

(cf. [5145.7](#) - Sexual Harassment)

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code [234.1](#); 5 CCR [4621](#))

Chief Human Resource Officer

5735 47th Ave.

Sacramento, CA 95824

(916) 643-7474

Director of Student Hearing and Placement

5735 47th Ave.

Sacramento, CA 95824

(916) 643-9425

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.3](#) - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code [234.1](#))

Examples of prohibited discrimination, harassment, hostile environment, etc., include, but are not limited to, the following:

* Reenactments of Human Auctions

* Jokes, derogatory posters, notes, stories, cartoons, drawings, pictures or obscene gestures, or computer-generated images

* Slurs, epithets, threats, verbal abuse, derogatory comments or degrading descriptions

The above does not pertain to or prohibit appropriate pedagogical activities or curriculum that complies with applicable Board policies and regulations.

(cf. [6141](#) - Curriculum Development And Evaluation)

(cf. [6144](#) - Controversial Issues)

(cf. [6161.1](#)- Selection and Evaluation of Instructional Material)

(cf. [6161.11](#) - Supplemental Instructional Material)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

Investigation of Complaints at School:

1. The principal or designee shall promptly investigate all complaints of discrimination and shall immediately notify the student who is complaining that an investigation will be conducted. As part of the investigation, the principal or designee shall talk individually with:

- a. The student who is complaining
- b. The person accused of discrimination and/or harassment
- c. Witnesses who saw the discrimination and/or harassment take place
- d. Witnesses mentioned as having related information

2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the discrimination and/or harassment, and put his/her complaint in writing.

3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:

- a. The Superintendent or designee
- b. The parent/guardian of the student who complained
- c. The parent/guardian of the person accused of discrimination and/or harassment
- d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
- e. Child protective agencies responsible for investigating child abuse reports

(cf. [5141.41](#) - Child Abuse Prevention)

f. Legal counsel for the district

4. The principal or designee shall consider and implement any reasonable means to prevent further incidents of discrimination and/or harassment.

5. When the student who complained and the person accused of discrimination and/or harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

6. The principal or designee shall tell the student, and when appropriate their parent or guardian, who complained that s/he has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.

(cf. [1312.3](#) - Uniform Complaint Procedures)

7. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of past instances of discrimination and/or harassment by the accused person
- e. Evidence of past discrimination and/or harassment complaints that were found to be untrue

8. To judge the severity of the discrimination and/or harassment, the principal or designee may take into consideration:

- a. How the misconduct affected one or more students' education
- b. The type, frequency and duration of the misconduct
- c. The number of persons involved
- d. The age and sex of the person accused of discrimination and/or harassment
- e. The subject(s) of the discrimination and/or harassment
- f. The place and situation where the incident occurred
- g. Other incidents at the school

9. Depending upon the extent and complexity of the investigation, within a reasonable period of time (approximately two weeks) after receiving the complaint, the principal or designee shall determine whether or not the student who complained was discriminated against and/or harassed.

10. Within a reasonable period of time thereafter, the principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.

11. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If s/he verifies that discrimination and/or harassment occurred, this report shall describe the actions s/he took to end the discrimination and/or harassment, address the effects of the discrimination and/or harassment on the complaining student, and prevent retaliation or further discrimination and/or

harassment. The principal or designee shall retain a copy of the report at the school site and forward a copy to the Coordinator for Nondiscrimination.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's nondiscrimination and harassment policies. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. [5131.5](#) - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. [4112.6/4212.6/4312.6](#) - Personnel Files)

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

(cf. [5125](#) - Student Records)

5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of discrimination and/or harassment which he/she knew was not true.

(cf. [4118](#) - Suspension/Disciplinary Action)

(cf. [4218](#) - Dismissal/Suspension/Disciplinary Action)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. [6159.4](#) - Behavioral Interventions for Special Education Students)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code [234.1](#))

(cf. [1113](#) - District and School Web Sites)

(cf. [1114](#) - District-Sponsored Social Media)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code [234.1](#))

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

(cf. [5145.6](#) - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code [234.1](#) and [48985](#). In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

(cf. [1240](#) - Volunteer Assistance)

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code [234.1](#))

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Regulation SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

approved: January 31, 2006 Sacramento, California

revised: March 16, 2015

revised: June 12, 2017