

STUDENTS

Sexual Harassment

The El Dorado County Office of Education 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 officers may be contacted at:

Personnel Services, Title IX Coordinator
Executive Director, Personnel Services
cjohnson@edcoe.org

Special Education
Executive Director, Special Services

Child Development and Nutrition
Executive Director, Child Development Programs and Services

Charter Programs
Executive Director, Charter Alternative Programs

Address: 6767 Green Valley Road, Placerville, CA 95667
Phone Number: 530-622-7130

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 gender, in the educational setting, when: (E.C. 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.

Types of conduct which are prohibited in El Dorado County Office of Education programs 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 poster, 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 program-related or program-sponsored activities will be regarded as sexual harassment in violation of EDCOE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she 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 teacher, the principal, the program director, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the designated compliance officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the program director or designee or a designated compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the program director or principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she 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 program director, principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures. Regardless of whether a formal complaint is filed, the program director, 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.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the designated 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 program director, 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.

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.

However, when a complainant or victim of sexual harassment notifies EDCOE of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit EDCOE's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, EDCOE 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 EDCOE of the harassment but requests that EDCOE not pursue an investigation, EDCOE will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the program director or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The program director/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 EDCOE policy. The program director or designee 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 program director or designee 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 El Dorado 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. (E.C. 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of EDCOE rules, regulations, procedures and standards of conduct are posted. (E.C. 231.5)
3. A copy of EDCOE's sexual harassment policy and regulation shall be posted on the EDCOE website.
4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session. (E.C. 231.5)

5. Appear in any EDCOE program or school publication that sets forth the program's` or EDCOE's comprehensive rules, regulations, procedures and standards of conduct. (E.C. 231.5)
6. Be included in the student handbook.
7. Be made available to employees and employee organizations.

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining.
 - b. The person accused of harassment.
 - c. Anyone who witnessed the conduct complained of.
 - d. Anyone 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 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. If the alleged harasser is a student, his/her parent/guardian.
 - 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
 - f. Legal counsel for the El Dorado County Office of Education.
4. When the student who complained and the alleged harasser 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 not be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
5. 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 any past instances of harassment by the alleged harasser.
 - e. Evidence of any past harassment complaints that were found to be untrue.
6. To judge the severity of the 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 gender of the person accused of harassment.
 - e. The subject(s) of harassment.
 - f. The place and situation where the incident occurred.

- g. Other incidents at the school, including incidents of harassment that were not related to gender.
7. 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.
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the County Office of Education's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti.
2. Providing staff in-service and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
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 sexual harassment which he/she knew was not true.