

Note: In 1999, the U.S. Supreme Court ruled that a school district can be liable under Title IX when staff members fail to address student-to-student sexual harassment. The court found that school districts can be liable when school officials know or should have known that harassment is occurring and are deliberately indifferent to sexual harassment “so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school.” This ruling makes it more important than ever to educate students and staff on preventing and handling student-to-student sexual harassment. By setting a standard based on “deliberate indifference,” the Court has made it possible for school districts to mount a defense based on having a policy defining and prohibiting sexual harassment and a grievance procedure that is readily accessible to students.

Note: Districts should be aware that when a student misses school or withdraws from a course to avoid sexual harassment, he/she may be deprived of equal educational opportunities.

The School Board recognizes that sexual harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform schoolwork, and increased absenteeism or tardiness.

To promote an environment free of sexual harassment, the principal or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice or student instruction and counseling. Teachers shall discuss this policy with their students in age-appropriate ways and shall assure them that they need not endure any form of sexual harassment.

*(cf. 5131.5 - Vandalism, Theft and Graffiti)*

*(cf. 5137 - Positive School Climate)*

The Board shall not tolerate the sexual harassment of any student by any other student or any district employee. Any student or employee who is found guilty of sexual harassment shall be subject to disciplinary action.

*(cf. 4119.11 - Sexual Harassment)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5141.42 - Professional Boundaries for staff and students)*

Students or staff should immediately report incidences of sexual harassment to the principal or designee. The Superintendent or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 1312.3 - Complaints Concerning Discrimination)*

*Legal Reference*

*Davis v. Monroe County Bd. of Educ., 119 S.Ct. 1661 (1999)*

*Ellison v. Brady, 924 F.2d 872 (9th Cir., 1991)*

*Franklin v. Gwinnett, 503 U.S. 60 (1992)*

*Meritor Savings Bank v. Vision, 477 U.S. 57 (1986)*

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