

**STUDENTS**

**AR 5260**

**A. Sexual Harassment**

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. 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, notes, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class.
7. Massaging, grabbing, fondling, stroking, or brushing the body.
8. Touching an individual's body or clothes in a sexual way.

9. Purposefully cornering or blocking normal movements.
10. Displaying sexually suggestive objects.

#### 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 County Office of Education rules, regulations, procedures and standards of conduct are posted. (E.C. 231.5)
3. 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)
4. Appear in any school or County Office of Education publication that sets forth the school's or County Office of Education's comprehensive rules, regulations, procedures and standards of conduct. (E.C. 231.5)
5. 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 inservice 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.