

SEXUAL HARASSMENT

The Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments pertaining to academic life. In accordance with Title VII and Title IX, the District defines sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status, (2) submission to, or rejection of, such conduct by an individual is used as the basis for an employment decision or academic decision affecting that person, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

The appointed Uniform Complaint Officer for the District is the Title IX Officer, and Sexual Harassment Officer. Students shall be assured that they need not endure any form of unwelcome sexual behavior or communication. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school. The Uniform Complaint Officer shall ensure that students receive age-appropriate information related to sexual harassment.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include, but is not limited to, suspension and/or expulsion.

Students shall be informed that they should immediately report any incidents to either the principal, or their designee if they feel they are being harassed. Any student or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint in an informal process or may file a formal complaint with the District. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee and to the Uniform Complaint Officer's office, who will immediately log the complaint. Staff shall similarly report any such incidents they may observe even if the harassed student has not complained to the principal or designee.

The principal or designee shall immediately investigate any report of the sexual harassment of a student. If a more extensive investigation is necessary, the District may utilize an outside investigator who shall serve as a fact finder. Upon verifying that sexual harassment occurred, the principal or designee shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of harassment. A student may make either an informal complaint, which is a complaint which is either written or verbal, of an alleged act of sexual harassment; or a student may file a formal complaint, which is a complaint filed on the District's complaint form, with the Superintendent or designee in accordance with District's procedure.

The District prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible, within legal constraints and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

Legal Reference:

EDUCATION CODE

200-212.4 Prohibition of discrimination on the basis of sex; compliance; enforcement.

212.5 Sexual harassment

231.5 Sexual harassment policy

48900.2 Additional grounds for suspension or expulsion; sexual harassment

48980 Annual Notification to Parents

Franklin v. Gwinnet County Schools 503 US 60 (1992)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 119 s. ct. 1661 (1999)

Policy

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Capistrano Unified School District
San Juan Capistrano, California