



## Capistrano Unified School District

# SEXUAL HARASSMENT POLICY

The District maintains a learning and business environment free of sexual harassment. The District prohibits the unlawful sexual harassment of any student, employee, or other person at any school-related activity.

District Board Policies 5183 (Students) and 4119.11 (Personnel) are available on the District webpage.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature may be sexual harassment when:

- (1) submission is a term or condition employment or academic status or progress;
- (2) submission to, or rejection of, such conduct is used as the basis for an employment decision or academic decision;
- (3a) the conduct has the purpose or effect of having a negative impact on an individual's work or academic performance.
- (3b) the conduct creates intimidating, hostile, or offensive environment; or
- (4) submission to or rejection of the conduct is used as the basis for a decision affecting the employee or student regarding District benefits and services, honors, programs, or activities.

Per Title IX (34 C.F.R. § 160.30), sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service provided by the District on participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it denies a person equal access to the District's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking, as those terms are defined by law. (See 20 U.S.C. § 1902(f)(6)(A)(v), 34 U.S.C. § 12291(a)(10); 34 U.S.C. § 12291(a)(8) and 34 U.S.C. § 12291(a)(30).)

Board Policy 5183 describes the rights and responsibilities of students and staff. These include the right to report incidents of sexual harassment. You also have the right to be free of retaliation for participation in the complaint process. The District must intervene when it is aware of concern with harassment and discrimination. A respondent has rights as well. These include the rights to supportive measures and an investigation. Other rights and responsibilities are outlined in Board Policy, available online.

## **FOR STUDENTS AND EMPLOYEES**

If you believe a violation of policy has occurred, a report should be made.

You may report to your teacher, supervisor, or directly to the District's Title IX Coordinator:

Laura Lyon  
Assistant Superintendent, Human Resource Services  
33122 Valle Road  
San Juan Capistrano, California 92675  
(949) 234-9200  
Llyon@capousd.org