

Board Policy

Sexual Harassment

BP 5452
Students

The Grizzly ChalleNGe Charter School Board of Directors is committed to maintaining a school environment that is free from harassment. The Charter School prohibits sexual harassment of students by other students, employees, or other persons, at school or at a school-related activity. The Charter School also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established in accordance with this policy.

The Governing Board strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced an off-campus sexual harassment incident that involved anyone with whom they may continue to have contact on campus, to immediately contact their teacher, the principal or program administrator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Principal or the designated compliance officer so that steps may be taken to investigate and address the allegation in accordance with law and related Charter School regulation.

Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and Charter School uniform complaint procedures. 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. (5 CCR 4964)

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have his/her employment terminated in accordance with law and the applicable collective bargaining agreement.

Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action, which may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account

Title IX Officer for Students

The Grizzly ChalleNGe Charter School designates the following Title IX officer to receive and investigate complaints and ensure compliance with the law:

Assistant Superintendent for Student Programs and Services
San Luis Obispo County Office of Education
3350 Education Drive
San Luis Obispo, CA 93405
(805) 782-7300

Notifications

A copy of the Charter School'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 (Education Code 48980; 5 CCR 4917);
2. Be displayed in a prominent location in the main administrative building or other area where notices of Charter School rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5);
3. Be posted on Charter School web site and, when available, on Charter School-supported social media;
4. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5);
5. Appear in any publication that sets forth the program/school's or Charter School's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5);
6. Be included in the student handbook; and
7. Be provided to the Principal for distribution to employees and employee organizations.

Instruction/Information

The Grizzly ChalleNGe Charter School shall ensure that all students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender;

2. A clear message that students do not have to endure sexual harassment;
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained;
4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
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6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex 48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment 48904 Liability of parent/guardian for willful student misconduct

48915 Grounds for expulsion 48980 Notice at beginning of term CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships 1714.1

Liability of parents/guardians for willful misconduct of minor GOVERNMENT CODE

12950.1 Sexual harassment training CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs UNITED

STATES CODE, TITLE 20

1221 Application of laws

1232g Family Educational Rights and Privacy Act 1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 Nondiscrimination on the basis of sex in education programs

106.8 Designation of responsible employee for Title IX COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567 Flores v. Morgan Hill

Unified School District, (2003, 9th Cir.) 324 F.3d 1130 Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

Davis v. Monroe County Board of Education, (1999) 526 U.S. 629 Gebser v. Lago Vista

Independent School District, (1998) 524 U.S. 274 Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473

Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

10/09

APPROVED:

10/20