

SEXUAL AND GENDER-BASED HARASSMENT (STUDENTS)

Purpose

The purpose of this Administrative Regulation is to implement BP 5145.7, Sexual and Gender-based Harassment (Students).

Reporting Procedure

Any student who believes he or she has been harassed in violation of BP 5145.7 is encouraged to promptly report the alleged incident(s) to a teacher, a school counselor, the school site administrator, or the Superintendent. Any other employee who receives a complaint alleging a violation of BP 5145.7 shall notify the student's teacher or the school site administrator no later than the next school day or, during the summer recess, the next business day. A "business day" is any day the District Office is open to the public. Complaints concerning the school site administrator should be reported directly to the Superintendent. The Superintendent shall identify an investigator to review the complaint.

Complaints concerning the Superintendent should be reported to the Governing Board whose designee shall be responsible for implementation of this administrative regulation in lieu of the Superintendent.

Confidentiality

To the extent consistent with a thorough investigation and applicable laws the complaint and allegations of sexual or gender-based harassment shall be kept confidential. Any complainant who requests strict confidentiality shall be informed that the request may limit the District's ability to investigate thoroughly or take other action in response to the complaint.

Anyone violating confidentiality shall be subject to appropriate restorative, corrective and/or disciplinary action.

Retaliation

The initiation of a sexual or gender-based harassment complaint shall not adversely affect the complainant's student status or grades.

Retaliation against the complainant or anyone participating in the investigation of a sexual or gender-based harassment complaint is prohibited. Allegations of retaliation shall be reviewed as a possible separate incident of misconduct which, if substantiated, shall be addressed with appropriate restorative, corrective and/or disciplinary action.

Time Limits

Students are encouraged to report complaints of sexual or gender-based harassment as provided in this administrative regulation as soon as reasonably possible after the incident.

Students also may report complaints of sexual or gender-based harassment to other agencies such as the Office for Civil Rights. Students and their parents/guardian(s) are

advised to consult a representative of the Office for Civil Rights for applicable filing deadlines and procedures.

Civil law remedies including, but not limited to, injunctions, restraining orders, or other remedies or orders may also be available as specified in Education Code section 262.3.

Informal Mediation

The complaining party will be advised of his/her right to explore resolution by informal mediation. If the complainant wishes to proceed with mediation, the site administrator or designee shall coordinate the process. If the informal process does not result in a resolution that is satisfactory to the complainant, the Investigation Procedure below shall be initiated.

If the complainant or respondent does not wish to participate in the informal process, the Investigation Procedure below will be initiated.

Investigation Procedure

All complaints shall be investigated except if resolved by informal mediation or the complainant voluntarily withdraws the complaint in writing.

Sexual or gender-based harassment complaint investigations shall be handled in a serious, sensitive, and to the extent consistent with a thorough investigation and applicable law, confidential manner. The investigation shall be completed promptly, which ordinarily shall be within 25 school days during the school year, or 25 business days during the summer recess, after filing of the complaint unless the complainant agrees in writing to an extension.

The complainant shall not be required to confront the respondent during the investigation of the complaint.

- (1) Upon receipt of a verbal complaint, the complainant shall be asked for a written summary of the allegations. The site administrator or designee shall assist the complainant with preparing a written summary of the allegations if the complainant is unable to do so or if the complainant requests assistance.
- (2) The investigator shall promptly inform the respondent of the allegation(s) and give him/her an opportunity to respond.
- (3) The investigator shall inform complainant, respondent(s), and witnesses of the confidentiality of the complaint and investigation and the prohibition against retaliation.
- (4) The investigator shall conduct an investigation to determine if the allegations of sexual or gender-based harassment are supported by evidence that a reasonable person would rely on in the conduct of serious affairs. The site administrator or designee will notify the complainant and respondent of the site administrator's findings.

- (5) If any allegation of sexual or gender-based harassment is sustained by a preponderance of the evidence, the site administrator or designee will implement appropriate restorative, corrective and/or disciplinary action to end the harassing conduct and maintain an educational/work environment free of sexual or gender-based harassment.
- (6) Within (5) school days, or business days during the summer recess after receipt of notice of the site administrator's determination, if dissatisfied with the resolution of the complaint, the complainant may file a written appeal with the Superintendent who, after review of the matter, may sustain or overturn the determination with or without further investigation.

If dissatisfied with the resolution of a complaint against any administrator, the complainant may appeal the resolution to the Governing Board which, after review of the matter, may sustain or overturn the determination with or without further investigation.

(Ed. Code sec 234.1(a)(3) – Appeals)

School Site Administrator's Report

At least twice each school year, the school site administrator shall notify the Superintendent or designee of the number and nature of complaints alleging violations of BP 5145.7, how the complaints were resolved (informal process or investigation), and whether any allegations were sustained. The school site administrators shall also notify the Superintendent when the Investigation Procedure has commenced with respect to any sexual or gender-based harassment complaint.

Restorative/Disciplinary/Corrective Action

Anyone who is found to have engaged in sexual or gender-based harassment shall be subject to restorative, corrective, and/or disciplinary action up to and including expulsion or dismissal in accordance with board policy and administrative regulations, state law, and any applicable collective bargaining agreement. Restorative, corrective, and/or disciplinary action(s) may include, but are not limited to, counseling for the complainant, other persons impacted by the harassment, and the respondent; verbal or written warnings; limiting respondent's contact with the complainant; school-wide actions, such as education and training, to stop the harassing conduct and prevent a recurrence; and suspension, expulsion or dismissal in accordance with applicable policies, laws and/or collective bargaining agreements.

The District will also review and consider actions to remedy the impact of the harassment including, but not limited to, counseling services.

With regard to any student who is found to have engaged in sexual or gender-based harassment, the District will consider the nature of the behavior, the student's developmental age, and the student's behavioral history and special needs, if any.

DIXIE SCHOOL DISTRICT

Administrative Regulation 5145.7

Special Assistance

To obtain additional information regarding this administrative regulation and Board Policy 5145.7, contact the Superintendent.

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