



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

**Administrative
Regulation:**

#5145.7

Section: 5000

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SEXUAL HARASSMENT

Definitions

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. (Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; 20 USC 1681-1688)

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 sex in the educational setting, under any of the following conditions: (Education Code 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.

Any prohibited conduct that occurs off campus or outside of district-related or district-sponsored programs or activities will be regarded as sexual harassment in violation of district policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291.

Title IX Coordinator/Compliance Officer

The district designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Administrative Regulation 1312.3 -

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Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator(s) may be contacted at:

Kristine Keene
Assistant Superintendent, Educational Services
1163 East Seventh St.
Chico, CA 95928
(530) 891-3000
Email: kkeene@chicousd.org

Notifications

The Superintendent or designee shall notify students and parents/guardians that the district does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The district shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

The Superintendent or designee shall ensure that a copy of the district's sexual harassment policy and regulation:

1. Is included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Is displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted. (Education Code 231.5)
3. Is summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school.

The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Is posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6; 34 CFR 106.8)
5. Is provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session. (Education Code 231.5)
6. Appears in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)



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Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sexual harassment in a district program or activity or who has witnessed sexual harassment is strongly encouraged to report the incident to the district's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within three business days of receiving such a report, the principal or other school employee shall forward the report to the district's Title IX Coordinator. Any school employee who observes an incident of sexual harassment shall, within one school day, report the observation to the principal or Title IX Coordinator as specified in the accompanying Board policy. The report shall be made regardless of whether the alleged victim files a formal complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable district's complaint procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and district procedures. The district's Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

Policy Reference Disclaimer: *These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

State	Description
5 CCR 432	<u>Student records</u>
5 CCR 4600-4670	<u>Uniform complaint procedures</u>
5 CCR 4900-4965	<u>Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance</u>
Civ. Code 1714.1	<u>Liability of parent/guardian for act of willful misconduct by a minor</u>
Civ. Code 51.9	<u>Liability for sexual harassment; business, service and professional relationships</u>
Ed. Code 200-280	<u>Prohibition of discrimination</u>

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State	Description
Ed. Code 220.1	<i>Prohibition of retaliation related to educational equity</i>
Ed. Code 220.3	<i>No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression</i>
Ed. Code 220.5	<i>Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression</i>
Ed. Code 35292.5	<i><u>School restrooms; all-gender restrooms</u></i>
Ed. Code 48900	<i><u>Grounds for suspension or expulsion</u></i>
Ed. Code 48900.2	<i><u>Additional grounds for suspension or expulsion; sexual harassment</u></i>
Ed. Code 48904	<i><u>Liability of parent/guardian for willful student misconduct</u></i>
Ed. Code 48980	<i><u>Parent/Guardian notifications</u></i>
Ed. Code 48985	<i><u>Notices to parents/guardians in language other than English</u></i>
Ed. Code 49060-49079	<i><u>Student records</u></i>
Gov. Code 11135	<i><u>Prohibition of discrimination</u></i>
Gov. Code 12950.1	<i><u>Sexual harassment training</u></i>
Federal	Description
20 USC 1092	<i><u>Definition of sexual assault</u></i>
20 USC 1221	<i><u>Application of laws</u></i>
20 USC 1232g	<i><u>Family Educational Rights and Privacy Act (FERPA) of 1974</u></i>
20 USC 1681-1688	<i><u>Title IX of the Education Amendments of 1972; discrimination based on sex</u></i>
34 CFR 106.1-106.82	<i><u>Nondiscrimination on the basis of sex in education programs or activities</u></i>
34 CFR 99.1-99.67	<i><u>Family Educational Rights and Privacy</u></i>
34 USC 12291	<i><u>Definition of dating violence, domestic violence, and stalking</u></i>
42 USC 1983	<i><u>Civil action for deprivation of rights</u></i>
42 USC 2000d-2000d-7	<i><u>Title VI, Civil Rights Act of 1964</u></i>
42 USC 2000e-2000e-17	<i><u>Title VII, Civil Rights Act of 1964, as amended</u></i>
Management Resources	Description
Court Decision	<i><u>Tennessee v. Cardona (2024) 737 F.Supp.3d 510</u></i>
Court Decision	<i><u>Davis v. Monroe County Board of Education (1999) 526 U.S. 629</u></i>
Court Decision	<i><u>Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447</u></i>
Court Decision	<i><u>Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274</u></i>
Court Decision	<i><u>Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473</u></i>
Court Decision	<i><u>Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736</u></i>

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Court Decision	<i>Donovan v. Poway Unified School District</i> (2008) 167 Cal.App.4th 567
Court Decision	<i>Flores v. Morgan Hill Unified School District</i> (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	<i>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</i>
Federal Register	<i>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</i>
U.S. DOE, Office for Civil Rights Publication	<i>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</i>
Website	<i>CSBA District and County Office of Education Legal Services</i>
Website	<i>California Department of Education</i>
Website	<i>CSBA</i>
Website	<i>U.S. Department of Education, Office for Civil Rights</i>

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
1114	District-Sponsored Social Media
1312.1	Complaints Concerning District Employees
1312.3	Uniform Complaint Procedures
1313	Civility
3515.4	Recovery For Property Loss Or Damage
3530	Risk Management/Insurance
3580	District Records
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.12	Title IX Sexual Harassment Complaint Procedures
4119.24	Maintaining Appropriate Adult-Student Interactions
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.12	Title IX Sexual Harassment Complaint Procedures
4219.24	Maintaining Appropriate Adult-Student Interactions

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4231	Staff Development
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.12	Title IX Sexual Harassment Complaint Procedures
4319.24	Maintaining Appropriate Adult-Student Interactions
5125	Student Records
5131	Conduct
5131.2	Bullying
5131.5	Vandalism And Graffiti
5132	Dress And Grooming
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.2	Freedom Of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.9	Hate-Motivated Behavior
6142.1	Sexual Health And HIV/AIDS Prevention Instruction
6142.8	Comprehensive Health Education
6143	Courses Of Study
6145	Extracurricular And Cocurricular Activities
6145.2	Athletic Competition
6163.4	Student Use Of Technology