Butte County Office of Education
SUPERINTENDENT POLICIES AND ADMINISTRATIVE REGULATIONS

SP 5145.7
SEXUAL HARASSMENT

The Butte County Office of Education (BCOE) does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The County Superintendent is committed to maintaining a welcoming, safe and supportive school environment that is free from harassment and discrimination. The County Superintendent prohibits at BCOE schools or at school-sponsored or school-related activities sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

Additionally, the County Superintendent prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy.

BCOE 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, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the Title IX Coordinator, or any other available school employee.

Any employee who receives a report of or observes an incident of sexual harassment by or against a student in a BCOE program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure the complaint alleging sexual harassment is addressed through AR 5145.71, Title IX Sexual Harassment Complaint Procedures or SP/AR 1312.3- Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.,

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

The County Superintendent or designee shall inform students and parents/guardians of the BCOE's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on BCOE's web site, and including it in the annual notification handbook for students and parents and staff handbooks. All staff shall be trained regarding the policy, and that employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment.

Instruction/Information
The County Superintendent or designee shall ensure that all students receive age-appropriate 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 sex and could include sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
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 BCOE'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
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant,

respondent, or victim of the harassment, shall be investigated and action shall be taken to respond to harassment, prevent recurrence, and address any continuing effect on students

6. Information about BCOE procedures 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 investigation of a sexual harassment complaint continues
8. A clear message that, when needed. BCOE will implement supportive 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

Disciplinary Actions
Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping
The County Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures, and BCOE policies and regulations, of all reported cases of sexual harassment to monitor, address, and prevent repetitive harassing behavior in BCOE schools.

Legal Reference:

State
CIVIL CODE
51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE
200-280 Prohibition of discrimination on the basis of sex
35292.5 School restrooms; all-gender restrooms
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
48980 Parent/Guardian notifications
48985 Notices to parents/guardians in language other than English
49060-49079 Student records

GOVERNMENT CODE
11135 Prohibition of discrimination
12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5
432 Student records
4600-4670 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

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Federal

UNITED STATES CODE, TITLE 20
1092 Definition of sexual assault
1221 Application of laws
1232g Family Educational Rights and Privacy Act (FERPA) of 1974
1681-1688 Title IX of the Education Amendments of 1972, discrimination based on sex

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
106.1-106.82 Nondiscrimination on the basis of sex in education programs
99.1-99.67 Family Educational Rights and Privacy
12291 Definition of dating violence, domestic violence, and stalking

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Butte County Office of Education
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AR 5145.7
REGULATIONS REGARDING SEXUAL HARASSMENT

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.

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:

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 Butte County Office of Education program or activity

Any prohibited conduct that occurs off campus or outside of Butte County Office of Education-(BCOE)related or sponsored programs or activities will be regarded as sexual harassment in violation of BCOE 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 BCOE school exercises substantial control over the context and respondent:

1. A BCOE employee conditioning the provision of 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 BCOE'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 Compliance Officer
BCOE 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 - 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 may be contacted at:

Assistant Superintendent, Human Resources
Address: 1859 Bird Street, Oroville, CA 95965
Telephone: 530-532-5766
Email: mwilliamson@bcoe.org

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

BCOE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the BCOE Title IX Coordinator.

The County 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
2. Is displayed in a prominent location in the main administrative building or other area where notices of BCOE rules, regulations, procedures, and standards of conduct are posted
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
4. Is posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the BCOE website in a manner that is easily accessible to parents/guardians and students
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
6. Appears in any school or BCOE publication that sets forth the school's and BCOE's comprehensive rules, regulations, procedures, and standards of conduct

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 BCOE program or activity or who has witnessed sexual harassment is strongly encouraged to report the incident to BCOE's Title IX Coordinator, a teacher, the principal, or any other available school employee. Within one workday of receiving such a report, the principal or other school employee shall forward the report to the Title IX Coordinator. Any school employee who observes an incident of sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying Superintendent policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

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 BCOE complaint procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and BCOE procedures. The BCOE 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 Superintendent 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.

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