

STUDENT SEXUAL HARASSMENT

The Monterey County Superintendent of Schools (County Superintendent) designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under AR 1312.3 - Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent of Student Services
(831) 755-6404

OR

Assistant Superintendent of Special Education
(831) 755-0345
901 Blanco Cir. Salinas, CA 93901

Prohibited 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 (EC) 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 MCOE program or activity.

Examples of types of conduct which are prohibited by the Monterey County Office of Education (MCOE) and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions

2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teacher, the principal, the program administrator, or any other employee of the school site or MCOE.

Any employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal, program administrator, division head, and the Assistant Superintendent for incidents involving an MCOE employee. The employee who observed the incident shall take these actions, whether or not the alleged victim files a complaint. For complaints involving only students, the employee who received the initial report shall, within one school day of receiving the report, forward the report to the principal, program administrator, or division head.

If an MCOE employee receives a complaint that involves an MCOE employee, the employee shall, within one school day of receiving such a report, forward the report to

the principal or program administrator and the Assistant Superintendent of Human Resources. In any case of sexual harassment involving the principal, program administrator, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the County Superintendent or designee.

When a report of sexual harassment is submitted, the principal, program administrator, or division head shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with MCOE's uniform complaint procedures outlined in AR 1312.3.

Within two (2) business days of receiving a complaint of sexual harassment, the program director or designee shall contact the complainant and investigate and resolve the complaint in accordance with law and MCOE procedures specified in AR 1312.3.

Confidentiality

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]

However, when a complainant or victim of sexual harassment notifies MCOE of the harassment but requests confidentiality, the complainant shall be notified that the request may limit MCOE's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, MCOE will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies MCOE of the harassment but requests that MCOE not pursue an investigation, MCOE will determine whether it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the program director or designee shall determine whether interim measures are necessary pending the results of the investigation. The program director or designee shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. MCOE should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. MCOE should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual

harassment occurs off MCOE grounds or outside school or MCOE-sponsored or related programs and activities.

Instruction/Information

The Division Head or designee shall ensure that all MCOE 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 involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is MCOE'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. Information about MCOE's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Notifications

The Division Head shall ensure that a copy of MCOE's sexual harassment policy and regulation:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year [EC 489 80; 5 C CR 4917]
2. Be displayed in a prominent location in the main administrative building or other area where notices of MCOE rules, regulations, procedures, and standards of conduct are posted, including school web sites [EC 231.5]

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session [EC 231.5]
4. Appear in any MCOE publication that sets forth MCOE's comprehensive rules, regulations, procedures, and standards of conduct [EC 231.5]
5. Be included in the student handbook
6. Be provided to employees and employee organizations

Staff Training

The Division Head or designee shall take appropriate actions to reinforce MCOE's sexual harassment policy. Two hours of sexual harassment training and education shall be provided to supervisory employees once every two years.

Student Discipline

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity or engages in cyber intimidation that can originate on or off the school site is in violation of this policy and shall be subject to disciplinary action.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Staff Discipline

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4117.4 - Dismissal)

(cf. 4117.7 - Employment Status Report)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record Keeping

The Assistant Superintendent of Student Services or designee shall maintain a record of all reported cases of sexual harassment involving a student to enable MCOE to monitor, address, and prevent repetitive harassing behavior in county schools and programs. In

addition, the Human Resources department shall maintain a record of all reported cases of sexual harassment involving an MCOE employee.

Approved: 03/02/18