



HUMAN RESOURCE SERVICES
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Jorge A. Aguilar, Superintendent
Cancy McArn, Chief Human Resources Officer

SUBJECT: TITLE IX | SEXUAL HARASSMENT | DISCRIMINATION HR-03

TO: All Employees, Substitutes, and Short-Term Temps

DATE: July 1, 2022

PREPARED BY: Christina Villegas

DEPARTMENT: Human Resource Services

REVIEWED BY: Monica Garland
Nanci Rose
Tiffany Smith-Simmons, Ed.D.
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APPROVED: _____

Sexual harassment violates federal and state law as well as the Sacramento City Unified School District's Board Policies and Administrative Regulations - 4119.11(a) and 5145.7(a). By definition, "sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting." Additionally, the District prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnic

Includes Nondiscrimination & SexualHarassment(BP/AR 0410,4119.11 &4030)

The Governing Board prohibits unlawful discrimination, intimidation, bullying against and/or harassment of district employees, job applicants, and District programs & activities on the basis of actual or perceived race, color, national origin, nationality, ancestry, ethnicity, ethnic group identification, religious creed, religion, age, marital status, pregnancy, physical or mental disability, disability, medical condition, veteran status, gender, gender identity, gender expression, and sexual orientation. 92.685 B1.3.5(a)7-13(an)]TTj

PROCESS OF INVESTIGATION OF

EMPLOYEE HARASSMENT OR DISCRIMINATION IN EMPLOYMENT

Confidentiality Rule: Do not delegate calling to anyone else. Do not leave messages that are detailed. Mark all information regarding this matter CONFIDENTIAL.

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Important Note: At

CONFIDENTIAL

1. **Name of Complainant:** _____

Home Address

Zip

Home Telephone

School/Office: _____

2. **Nature of Your Complaint:** Please describe the action you believe may be in violation of Title IX, or Title VII and identify any person(s) you believe may be responsible. (Attach additional sheets if necessary.)

3. Have you discussed your complaint with any Sacramento City Unified School District

1. Providing periodic training to all staff regarding the district's sexual harassment policy, particularly the procedures for registering complaints and employees' duty in availing themselves

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
adopted: May 6, 2002 Sacramento, California

Sexual Harassment

The Governing Board is committed to maintaining a safe learning environment that is free of harassment and discrimination. The Board prohibits, at school or at school-sponsored or school-related activities, sexual harassment targeted at any student by any person. The Board also prohibits retaliatory behavior or action against any person who submits a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

The District strongly encourages any student who feels 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 off-campus sexual harassment, including cyber harassment/on-line/social media activity and/or sexual violence, that has a continuing effect on campus, to immediately contact their teacher, the principal, or any other available school employee. Any district employee who receives a report or observes an incident of sexual harassment shall notify the principal, Site Designated Title IX Administrator or a District Title IX Compliance Officer. Once notified, the Site Designated Title IX Administrator or District Title IX Compliance Officer shall take the steps to promptly investigate and address the allegation, as specified in the accompanying administrative regulation. District and site personnel shall take immediate steps to intervene when safe to do so when she or he witnesses an act of discrimination, harassment, intimidation, retaliation, and/or bullying. While the district has promulgated a written complaint form, there is no requirement that the reporting student provide their complaint in writing in order for an investigation to occur.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [5131](#) - Conduct)

(cf. [5131.2](#) - Bullying)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.4](#) - Child Abuse Prevention and Reporting)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [6142.1](#) - Sexual Health and HIV/AIDS Prevention Instruction)

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed by a fellow student, staff member, or other person. District and site staff shall promptly report complaints of sexual harassment to the Site Designated Title IX Administrator or the District Title IX Compliance Officer designated in AR 5145.7 and AR 1312.3. District and site staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The Superintendent through the District Title IX Compliance Officer shall take appropriate actions to reinforce the District's sexual harassment policy.

Prohibited sexual harassment includes, but is not limited to, sexual violence, unwelcome sexual advances,

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 or gender identity or expression
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, sexual violence, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus and outside of school-related or school-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.

Instruction/Information

The Superintendent and District Title IX Compliance Officer shall ensure that students receive age-appropriate information related to 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;

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.

The District Title IX Compliance Officer shall receive training and shall oversee appropriate trainings for

Upon investigation of a sexual harassment complaint, any employee who engages in, permits or fails to report sexual harassment or sexual violence toward any student shall be subject to appropriate disciplinary

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

Franklin v. Gwinnet County Schools (1992) 112 S. Ct. 1028

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

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

Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona R.-S. etc. v. Santa Rosa City Schools et al (N.D. Cal. 1995) 890 F.Supp. 1452

Patricia H. v. Berkeley Unified School District (N.D. Cal. 1993) 830 F.Supp. 1288

Davis v. Monroe County Board of Education (1999) 526 U.S. 629

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

