



Sexual Harassment

It is Never Tolerated

A. Students do not have to endure sexual harassment!

Sexual harassment of students is illegal. A federal law, *Title IX of the Education Amendments of 1972 (Title IX)*, prohibits discrimination on the basis of sex, including sexual harassment in education programs and activities.

B. What acts and behavior constitute sexual harassment?

Sexual harassment is conduct that:

- 1) is sexual in nature;
- 2) is unwelcome; and
- 3) denies or limits a student's ability to participate in or benefit from a school's education program.

Sexual harassment could occur between people of the same sex and could involve sexual violence.

Examples of sexual conduct include:

- making sexual propositions or pressuring students for sexual favors;
- touching of a sexual nature;
- writing graffiti of a sexual nature;
- displaying or distributing sexually explicit drawings, pictures, or written materials;
- performing sexual gestures or touching oneself sexually in front of others;
- telling sexual or dirty jokes;

- spreading sexual rumors or rating other students as to sexual activity or performance; or
- circulating or showing e-mails or Web sites of a sexual nature.

C. Students and community members are encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained. Any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity (e.g., by a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it to the principal in accordance with administrative regulation.

D. What is the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made?

In accordance with BHUSD Administrative Regulation AR 5145.7 the following procedure will be followed:

School-Level Complaint Process/Grievance Procedure
Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who witnessed the conduct complained of
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. If the alleged harasser is a student, his/her parent/guardian
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the district
4. When the student who complained and the alleged harasser so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided and both parties agree.
5. In reaching a decision about the complaint, the principal or designee may take into account:

- a. Statements made by the persons identified above
- b. The details and consistency of each person's account
- c. Evidence of how the complaining student reacted to the incident
- d. Evidence of any past instances of harassment by the alleged harasser
- e. Evidence of any past harassment complaints that were found to be untrue
6. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to gender
7. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
8. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the principal or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.
9. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up.

E. Students and parents/guardians have a right to file a criminal complaint, as applicable. The Beverly Hills Police Department is located at 464 N Rexford Dr, Beverly Hills, CA 90210. (310) 550-4951

For more information about sexual harassment, preventing it, and reporting it; please read the US Department of Education's publications: *Know Your Rights*, and *Sexual Harassment, It's Not Academic* at: <http://tinyurl.com/qdzuqb9>

References:

- BHUSD Board Policy 5145.7
- BHUSD Administrative Regulation 5145.7
- US Department of Education's publication *Know Your Rights*
- US Department of Education's publication *Sexual Harassment, It's Not Academic*