

DAILEY ELEMENTARY CHARTER SCHOOL

SEXUAL HARASSMENT POLICY: STUDENTS

The FICS Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy.

Instruction/Information

The Principal shall ensure that all district students receive age-appropriate instruction and 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 gender
2. A clear message that students do not have to endure sexual harassment
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

Complaint Process

Any student who feels that he/she is being or has been subjected to sexual harassment shall immediately contact his/her teacher or any other employee. A school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the principal or designee.

Any school employee who observes any incident of sexual harassment involving a student shall report this observation to the principal or designee, whether or not the victim files a complaint.

The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with administrative regulation. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the FICS Board and refer the matter to law enforcement authorities, where required.

Disciplinary Measures

Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action.

Record-Keeping

The Principal shall maintain a record of all reported cases of sexual harassment to enable the school to monitor, address and prevent repetitive harassing behavior in its school.

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.

Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex
- 48900.2 Additional grounds for suspension or expulsion; sexual harassment
- 48904 Liability of parent/guardian for willful student misconduct

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, Discrimination

UNITED STATES CODE, TITLE 42

- 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

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

- Reese v. Jefferson School District, (2001) 208 F.3d 736
- Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
- Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
- Nabozny v. Podlesny, (1996, 7th Cir.) 92 F.3d 446
- Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
- Oona R.-S. etc. v. Santa Rosa City Schools et al, (1995) 890 F.Supp. 1452

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Rosa H. v. San Elizario Ind. School District, (W.D. Tex. 1995) 887 F. Supp. 140, 143
Clyde K. v. Puyallup School District #3, (1994) 35 F.3d 1396
Patricia H. v. Berkeley Unified School District, (1993) 830 F.Supp. 1288
Franklin v. Gwinnet County Schools, (1992) 112 S. Ct. 1028
Kelson v. City of Springfield, Oregon, (1985, 9th Cir.) 767 F.2d 651

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
Protecting Students from Harassment and Hate Crime: A Guide for Schools, January 1999

OFFICE OF CIVIL RIGHTS' PUBLICATIONS
Revised Sexual Harassment Guidance, January 2001
Sexual Harassment Guidance, March 1997

WEB SITES

OCR: <http://www.ed.gov/offices/OCR>

Board APPROVED: 3/15/2011