

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5001: SEXUAL HARASSMENT OF PUPILS

A. Introduction

The District recognizes that harassment on the basis of sex is unlawful.

Employees and pupils will not engage in conduct constituting sexual harassment. This Board Policy prohibits any act of sexual harassment as defined by this Board Policy where such act is related to any school activity or school attendance. The District will not condone or tolerate sexual harassment. The District will take appropriate disciplinary action against all employees or pupils found to have engaged in sexual harassment.

B. Definitions of Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. It includes, but is not limited to, circumstances in which:

1. Submission to such conduct is made a term or condition of a pupil's academic status or progress.
2. Submission to or rejection of such conduct is used as the basis for any academic decision affecting such pupil.
3. Such conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to, or rejection of, the conduct is used as the basis for any decision affecting benefits and services, honors, programs, or activities available at or through the school.

C. Forms of Sexual Harassment

Forms of sexual harassment include, but are not limited to, the following:

1. Oral harassment such as derogatory comments, jokes or slurs;
2. Physical harassment such as unnecessary, unwelcome or offensive touching, or impeding or blocking movement;
3. Visual harassment such as derogatory or offensive posters, cards, cartoons, picture, graffiti, drawings, or gestures; and
4. Unwelcome sexual advances, requests, or demands for sexual favors, and other oral or physical conduct of a sexual nature.

D. Complaint Procedure for all Illegal Harassment

Any pupil wishing to make a complaint of sexual harassment should immediately report it to the Superintendent or designee using the complaint procedures identified in Board Policy 5002. The Superintendent shall take the general actions referred to in the Policy and in Board Policy 5002. However, there is absolutely no requirement that a pupil must make a complaint to the alleged harasser. If the Superintendent or designee is the alleged harasser, the pupil should make the complaint to the President of the Governing Board. A pupil making a complaint of sexual harassment shall not suffer any reprisal for doing so. The District will promptly and thoroughly investigate all complaints of sexual harassment. The District also will take immediate and appropriate action to resolve such complaints. All incidents of sexual harassment will be remedied. A report of the results of the investigation will be made to the complainant, the alleged harasser, and the supervisor of the alleged harasser.

Upon receive of a complaint alleging sexual harassment, the District representative conducting the investigation shall do the following:

1. Inform the complainant of his or her rights under this Board Policy and Board Policy 5002;
2. Authorize the investigation of the complaint and supervise and/or conduct the investigation of the complaint. The investigation, at a minimum, shall include interviews with the complainant, the alleged harasser, and all other persons who reasonably may have relevant knowledge about the complaint, including possible witnesses or victims of prior similar conduct;
3. Take reasonable steps to protect the complainant from any retaliation for filing the complaint;
4. Review factual information gathered to determine whether the alleged conduct constitutes sexual harassment;
5. Report the results of the investigation to the complainant, the alleged harasser, and the supervisor of the alleged harasser;
6. If harassment occurred, take and/or recommend prompt and effective remedial action against the harasser;
7. Take reasonable steps to protect the complainant and other potential victims from further harassment if such harassment is determined to have occurred;
8. Take reasonable steps to alleviate the effects of the harassment.

E. Dissemination of Policy

1. A copy of this Policy on sexual harassment shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.
2. A copy of this Policy shall be displayed in a prominent place in the District administration building or other area of the campus or school site where notices regarding the rules regulations, procedures and standards of conduct for the District.
3. A copy of this Policy shall be provided to each employee at the beginning of the first quarter or semester of the school year, and to each new employment at the time hired.
4. A copy of this Policy shall appear in any publication that sets for the comprehensive rules, regulations, procedures and standards of conduct for the District.
5. A copy of this Policy must be provided annually to parents in the District's annual notices to parents required by Education Code section 48980.

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Legal Reference:

Education Code sections 210-231.5, 48980
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