

STUDENT SEXUAL AND GENDER-BASED HARASSMENT POLICY

I. STATEMENT OF PURPOSE

It is the policy of the Governing Board of the Santa Cruz County Office of Education to provide all students an educational environment that is free of sexual or gender-based harassment.

This policy is intended to supplement, and not replace, any applicable local, state, or federal laws and regulations.

II. DEFINITIONS

A. Sexual Harassment

This policy adopts the pertinent definition of sexual harassment in Education Code Section 212.5:

“Sexual harassment is unwelcome sexual conduct including advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting.”

B. Gender-Based Harassment

Gender-based harassment may include acts of verbal, non-verbal, Physical aggression, intimidation or hostility based on sex or gender identification, although they may not necessarily be sexual in nature.

C. Harassment

Sexual and/or gender-based harassment is conduct that denies or limits a student’s ability to participate in or benefit from the District’s school programs under any of the following conditions:

1. The conduct has the purpose or effect of having a negative impact upon the student’s academic performance, or of creating an intimidating, hostile, or offensive educational environment.

2. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
3. Submission to, or rejection of the conduct by the student, is used as the basis of academic decisions affecting the student.
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 the educational institution.

D. Patterns of Conduct; Hostile Environment

Sexual or gender-based harassment may occur as single incidents or in the form of a pattern of speech or actions ranging from subtle verbal or physical annoyances or distractions to deliberate intimidations as frank threats or sexual demands.

A hostile environment based on sex or gender has been created when the conduct of harassment is sufficiently persistent or serious as to interfere with or limit a student's ability to attend or otherwise participate in any school program.

III. EXAMPLES

A. Sexual Harassment

Examples of conduct which may constitute sexual harassment include, but are not limited to:

1. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movements, leering, gestures or display of sexually suggestive objects, images or texts, whether conducted in person or through an electronic means.
2. Among peers, continuing to show sexual interest after being informed that the interest is unwelcome (reciprocal attraction among peers, is not considered sexual or gender-based harassment.)
3. Within the educational environment, implying or actually withholding grades earned or deserved; suggesting a scholarship recommendation or college application will be supported on a condition of receiving sexual favors.
4. Within the educational environment, engaging in sexual behavior to control, influence, or affect the educational opportunities, grades, and /or learning environment of a student.

5. Offering favors, education, or employment benefits such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

B. Gender-Based Harassment

Examples of conduct which may constitute gender-based harassment include, but are not limited to:

1. Slurs, threats, derogatory comments, unwelcome jokes, or degrading descriptions related to or because of a student's gender or gender identification.
2. Harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her his, or their sex, or conversely for non-conformity with stereotypical notions of masculinity and femininity.
3. Harassment of a student because of his, her, or their non-traditional choice of extracurricular activities, apparel, or personal grooming choices.
4. Disparaging remarks about a student based on the sex or gender identification of the student's friends or social networks.

IV. VIOLATIONS OF THIS POLICY

It is a violation of this policy by any employee, agent, student or any party with which the Santa Cruz County Office of Education has a cooperative agreement, to engage in sexual or gender-based harassment or to create, promote, or participate in a hostile environment based on sex or gender.

With respect to any allegation of sexual or gender-based harassment, it is further a violation of this policy to cause delay in investigation or enforcement, to conceal or obscure relevant information, to promulgate false or unverified information, to attempt to influence parties or witnesses to the alleged conduct, or in any other manner to interfere with the thorough and proper resolution of the allegation.

This policy is intended to supplement, and not replace, any applicable local, state, or federal laws and regulations. Complaints regarding a violation of this policy shall be processed in accordance with the applicable policies of the Santa Cruz County Office of Education.

V. REMEDIAL AND CORRECTIVE ACTION

Where sexual or gender-based harassment is found to have occurred, the Santa Cruz County Office of Education will take appropriate remedial and/or corrective action(s), which may include consideration of the following:

BP 5145.7

Student Sexual and Gender-Based Harassment Policy

Page 4

- A. Providing counseling for targeted student(s) subjected to harassment.
- B. Providing counseling for person(s) found to have engaged in harassment.
- C. Limiting the interactions between the targeted student(s) and the harassing person(s).
- D. Any remedial measures necessary to respond to the impact of the harassing conduct on witnesses or bystanders.
- E. Any other school-wide actions, such as education and training, that may be appropriate to respond to the harassing conduct and prevent a recurrence.
- F. Removal of the offending party from any or all programs.

VI. TRAINING AND CURRICULUM

To implement this policy, the Santa Cruz County Office of Education will provide appropriate training programs for staff and students.

VII. NOTIFICATION

To ensure adequate notification of the policy, the Santa Cruz County Office of Education will employ means including permanent posters in public areas, offices and in hallways of all facilities, and publication in Santa Cruz County Office of Education materials for employees.