

# MUPU ELEMENTARY SCHOOL DISTRICT

## BOARD POLICY

### Sexual Harassment

BP 4145.7

#### Students

The Mupu Elementary School District Governing Board prohibits unlawful sexual harassment of or by any student by anyone in or from the district. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by any employee, volunteer or student in the school district.

Pursuant to law, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature constitutes sexual harassment when:

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

Other types of conduct which are prohibited in the district and which may constitute sexual harassment include:

1. Unwelcome leering, sexual flirtations or propositions.
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
3. Graphic verbal comments about an individual's body, or overly personal conversation.
4. Sexual jokes, stories, drawings, picture or gestures.
5. Display of sexually suggestive objects or pictures in the educational, work or co-curricular environment.
6. Spreading sexual rumors.
7. Touching an individual's body or clothes in a sexual way.
8. Teasing or sexual remarks about the students of the opposite sex enrolled in a predominantly single-sex class.
9. Purposely limiting a student's access to educational tools.
10. Cornering or blocking of normal movements.
11. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Acts of sexual harassment must be considered by a reasonable person, who is of the same gender as the victim, to be sufficiently severe or pervasive to have a negative impact upon the individual's academic or work performance or to create an intimidating, hostile or offensive educational or work environment.

Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of sexual harassment.

Any student who engages in the sexual harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

All individuals or groups who file a complaint shall be granted the right of confidentiality and privacy as is practicable in the scope of an investigation. Retaliation of any kind by the alleged harasser shall be considered a violation of Title IX of the Civil Rights Act and will result in immediate punitive action. An individual who has experienced sexual harassment may submit a complaint to:

1. **Teachers:** Individuals may complain directly to teacher about the incidence of sexual harassment. Teachers must insure that a written complaint is prepared and shall ask the grievant if he/she wants to prepare it individually, with an adult representative, or with the teacher. The written complaint will then be forwarded to the school principal or hi/her designee, who will then take the appropriate actions to solve the problem and prevent its recurrence in the future.
2. **Principals:** Individuals alleging sexual harassment may complain to the principal or his/her designee. The principal or designee must insure that a written complaint is prepared and shall ask the grievant if she/he wants to prepare it individually, with an adult representative, or with principal or designee. The principal or designee will then take the appropriate actions to solve the problem and prevents it recurrence in the future.
3. **Office of Gender Equity—California Department of Education:** Individuals alleging sexual harassment may complain directly or after filing a separate complaint with the school district to the California Department of Education at Office of Gender Equity, CDE, 721 Capital Mall, Sacramento, CA 95814 (916) 657-2813.
4. **Office of Civil Rights:** Individuals alleging sexual harassment may complain directly or after filing a separate complaint with the school district with the O.C.R. If filing a complaint in both places, the complaint to the O.C.R. must occur within 60 days after the last act of the school district's grievance process. U. S. Dept. of Education, 50 United Nations Plaza, #239, San Francisco, CA 94102, (650) 556-7000.

Individuals who are dissatisfied with the school district's response to a sexual harassment complaint may appeal to the school district, the Office of Gender Equity, the Office of Civil Rights, or seek civil law remedies. Call (805) 525-0422 for procedural information.

All materials concerning the complaint shall be maintained on file by the school district.