

## FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

**Students**  
**SEXUAL HARASSMENT**Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
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 any County Superintendent-operated program or activity.

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of County Superintendent/County Board policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a County Superintendent/County Board school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A County Superintendent employee conditioning the provision of a County Superintendent aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the County Superintendent education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

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Examples of Sexual Harassment

Examples of types of conduct which are prohibited in the County Superintendent-operated schools and programs and which may constitute sexual harassment under state and/or federal law, in accordance with the definitions above, include, but are not limited to:

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, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Title IX Coordinator

The County Superintendent designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972. The Title IX Coordinator(s) may be contacted at:

Assistant Superintendent, Human Resources  
Office of the Fresno County Superintendent of Schools  
1111 Van Ness Avenue  
Fresno, CA 93721-2000  
(559) 265-3000  
[LGabriel@fcoe.org](mailto:LGabriel@fcoe.org)

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Notifications

The County Superintendent or designee shall notify students and parents/guardians that the County Superintendent/County Board do not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the County Superintendent/County Board may be referred to the County Superintendent's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The County Superintendent shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the County Superintendent's Title IX Coordinator. (34 CFR 106.8)

A copy of the County Superintendent/County Board sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of County Superintendent rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster, which shall be prominently and conspicuously displayed in each bathroom and locker room at each school or program site. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school or program. (Education Code 231.6)
4. Be posted in a prominent location on the County Superintendent's web site in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee(s) designated as the County Superintendent's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any school or County Superintendent publication that sets forth the school's or program's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

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7. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to students or parents/guardians (34 CFR 106.8)

The County Superintendent or designee shall also post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the County Superintendent's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.6)

**Reporting Complaints**

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the lead site administrator, the County Superintendent's Title IX Coordinator, or any other available school or program employee. Within one school day of receiving such a report, the lead site administrator or other school employee shall forward the report to the County Superintendent's Title IX Coordinator. Any employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the lead site administrator or Title IX Coordinator. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school or school activity.

When a verbal or informal report of sexual harassment is submitted, the Title IX Coordinator shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with applicable County Superintendent complaint procedures.

**Complaint Procedures**

All complaints and allegations of sexual harassment by and against students shall be investigated and resolved in accordance with law and County Superintendent procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to Administrative Regulation 1312.3 - Uniform Complaint Procedures or other applicable County Superintendent/County Board policies, regulations, or standard operating procedures.

Adopted: 10/15/2020, 04/20/2023