

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

Students

**SEXUAL HARASSMENT**

The County Superintendent and County Board are committed to maintaining a safe school environment that is free from harassment and discrimination. The County Superintendent and County Board prohibit, at school, program or at school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The County Superintendent and County Board also prohibit retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant alleging sexual harassment.

The County Superintendent and County Board strongly encourage students who feel that they are being or have been sexually harassed on school or program grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, to immediately contact their teacher, the lead site administrator, the County Superintendent's Title IX Coordinator, or any other available school or program employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of the uniform complaint procedures.

Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Adopted: 03/21/2013

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

## LEGAL REFERENCE

Education Code

200-262.4 Prohibition of discrimination on the basis of sex

48900 Grounds for suspension or expulsion

48900.2 Additional grounds for suspension or expulsion; sexual harassment

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

48904 Liability of parent/guardian for willful student misconduct  
48980 Notice at beginning of term  
48985 Notices, report, statements and records in primary language

Civil Code

51.9 Liability for sexual harassment; business, service and professional relationships  
1714.1 Liability of parents/guardians for willful misconduct of minor

Government Code

12950.1 Sexual harassment training

Code of Regulations, Title 5

4600-4670 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs

United States Code, Title 20

1092 Definition of sexual assault  
1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972

United States Code, Title 34

12291 Definition of dating violence, domestic violence, and stalking

United States Code, Title 42

1983 Civil action for deprivation of rights  
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 Regulation, Title 34

99.1-99.67 Family Educational Rights and Privacy  
106.1-106.82 Nondiscrimination on the basis of sex in education programs

Court Decisions

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567  
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130  
Reese v. Jefferson School District, (2000, 9th Cir.) 208 F.3d 736  
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629  
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274

Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473  
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

MANAGEMENT RESOURCES

CSBA Publications

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

U.S. Department of Education, Office for Civil Rights Publications

Q&A on Campus Sexual Misconduct, September 2017

Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016

Dear Colleague Letter: Title IX Coordinators, April 2015

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

Websites

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>