

*Riverside County Office of Education*  
*Board Policy 5145.7 Students: Sexual Harassment*

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**STUDENTS**

**SUBJECT: Sexual Harassment**

The County Board of Education and County Superintendent of Schools are committed to maintaining an educational environment that is free from harassment and discrimination. The County Office of Education prohibits sexual harassment of students by other students, employees, or other persons, at school or at school-sponsored or school-related activities. The County Office of Education also prohibits retaliatory behavior or action against persons who complain, testify, assist, or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

The County Board of Education strongly encourages students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult who has experienced off-campus sexual harassment that has a continuing effect on campus to immediately contact their teacher, the principal, the County Office of Education's Title IX Coordinator, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator. Once notified, the Title IX Coordinator shall ensure the complaint is addressed through AR 5145.71 - Title IX Sexual Harassment Complaint Procedures or BP/AR 1312.3 - 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 AR 5145.71 concurrently meets the requirements of BP/AR 1312.3.

- (cf. 0410. - Nondiscrimination in Programs and Activities)
- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 1312.1 - Complaints Concerning County Office of Education Employees)
- (cf. 5131 - Conduct)
- (cf. 5131.2 - Bullying)
- (cf. 5137 - Positive School Climate)
- (cf. 5141.4 - Child Abuse Prevention and Reporting) (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.71 – Title IX Sexual Harassment Complaint Procedures)

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

The Superintendent or designee shall inform students and parents/guardians of the County Office of Education's sexual harassment policy by disseminating it through parent/guardian notifications, publishing it on the County Office of Education's web site, and including it in student and staff handbooks. All County Office of Education staff shall be trained regarding the policy.

**Instruction/Information**

The County Superintendent or designee shall ensure that all students receive age- appropriate instruction and information on sexual harassment. Such instruction and information shall include:

**Riverside County Office of Education**  
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1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence.
2. A clear message that students do not have to endure any form of sexual behavior or communication, including harassment.
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained.
4. A clear message that student safety is the County Office of Education's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved.
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or victim of the harassment, shall be investigated and prompt action shall be taken to stop any harassment, prevent recurrence, and address any continuing effect on students.
6. Information about the County Office of Education's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made.
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the County Office of Education investigation of a sexual harassment complaint continues.
8. A clear message that, when needed, the County Office of Education will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation.

**Disciplinary Actions**

Upon completion of an investigation of a sexual harassment complaint any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Upon investigation of a sexual harassment complaint, any employee found to have engaged in sexual harassment or sexual violence toward any student shall have their employment terminated in accordance with law and the applicable collective bargaining agreement.

**Riverside County Office of Education**  
**Board Policy 5145.7 Students: Sexual Harassment**

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(cf. 4117.7/4317.7 - Employment Status Report)  
(cf. 4118 - Dismissal/Suspension/Disciplinary Action) (cf. 4218 -  
Dismissal/Suspension/Disciplinary Action) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

**Confidentiality and Record-Keeping**

The County Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the County Office of Education to monitor, address, and prevent repetitive harassing behavior in the schools.

(cf. 3580 – County Office of Education Student Records)

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 48904 Liability of parent/guardian for willful student misconduct

48980 Notice at beginning of term 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 REGULATIONS, TITLE 34

99.1-99.67 Family Educational Rights and Privacy

106.1-106.71 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, (2001, 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

**Riverside County Office of Education**  
**Board Policy 5145.7 Students: Sexual Harassment**

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Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS  
Sexual Harassment: It's Not Academic, September 2008 Revised Sexual Harassment Guidance,  
January 2001

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

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

Students, or Third Parties, January 2001

WEB SITES

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/index.html>

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