

Palm Springs USD

Administrative Regulation

AR 5145.7, Students

SEXUAL HARASSMENT

The Board of Education hereby designates the following person(s) (“Coordinator”) as the responsible employee(s) to handle complaints regarding sexual harassment and to coordinate its compliance with Title IX of the Education Amendments of 1972 and California Education Code section 234.1. The Coordinator may be contacted at:

Assistant Superintendent, Educational Services and/or designee

Palm Springs Unified School District

150 District Center Drive

Palm Springs, CA 92264

760-883-2700

Prohibited 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 gender, in the educational setting, when: (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 district program or activity

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions
2. 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, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-gender class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Purposefully cornering or blocking normal movements
10. Displaying sexually suggestive objects
11. Denying or limiting a student's access to educational tools, benefits, services, or opportunities in the school's programs on the basis of sex
12. Sexual assault, sexual battery, or sexual coercion
13. Electronic communication with words or images as described above

Notifications

A copy of the district's 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)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures and standards of conduct are posted (Education Code 231.5)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 231.5)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 231.5)
5. Be provided to employees and employee organizations

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. Within one school day of receiving a complaint of sexual harassment, the principal or designee receiving the complaint at the site level shall notify the Coordinator, who shall immediately initiate

the complaint investigation procedures in accordance with AR 1312.3 – Uniform Complaint Procedures. In so doing, he/she shall talk individually with:

- a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who witnessed the conduct complained of
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The Coordinator or designee may also discuss the complaint with the following persons:
- a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. If the alleged harasser is a student, his/her parent/guardian
 - d. A principal, teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- f. Legal counsel for the district
 - g. Any other person necessary to make a determination regarding the complaint, to stop the harassment, and 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.
4. When the student who complained and the alleged harasser so agree, the Coordinator or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be required to work out the problem directly with the accused person. The student who complained must be informed of his/her right to end the informal process at any point and start the formal complaint process. In certain cases, such as those involving sexual assault, mediation will not be allowed.
5. In reaching a decision about the complaint, the Coordinator or designee may take into account:
- a. Statements made by the persons identified above
 - b. Evidence about the credibility of the complaining student and the alleged harasser such as the details and consistency of each person's account

- c. Evidence of how the complaining student reacted to or behaved after the incident
 - d. Evidence of any past instances of harassment by the alleged harasser
 - e. Evidence of any past harassment complaints that were found to be untrue
6. To judge the severity of the harassment, the Coordinator or designee may take into consideration:
- a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and gender of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to gender
 - h. The relationship between the alleged harasser and the subject(s) of harassment
7. Within two weeks after receiving the complaint, the Coordinator or designee shall determine whether or not the student who complained has been further harassed. The Coordinator or designee shall keep a record of this information, shall take interim measures to ensure a safe school environment for the student who complained, and shall continue this follow-up.
8. The Coordinator or designee shall conclude the investigation and prepare a written report of his/her findings in accordance with the timelines of AR 1312.3 – Uniform Complaint Procedures. If an extension is needed for good cause, the Coordinator or designee shall notify the parties and explain the reasons for the extension.
9. The Coordinator or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
10. The Coordinator or designee shall give the Superintendent or designee a written report of the complaint and investigation. If the Coordinator or designee verifies that sexual harassment occurred, this report shall describe the actions taken to end the harassment, address the effects of the harassment on the student harassed, and prevent retaliation or further harassment.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

- 1. Removing vulgar or offending graffiti.

2. Providing staff inservice and student instruction or counseling.
3. Notifying parents/guardians of the actions taken.
4. Notifying child protective services.
5. Taking appropriate disciplinary action. In addition, the Coordinator or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

Appeal

The student who complained (or parent acting on the student's behalf) shall be afforded the right to appeal as specified in AR 1312.3 – Uniform Complaint Procedures.

Civil Law Remedies

Reporting sexual harassment does not prevent a student from seeking available civil law remedies through state or federal discrimination or harassment laws, such as restraining orders and injunctions. If the allegation includes discrimination, the student may be required to wait 60 days after an appeal is filed with the California Department of Education before pursuing civil law remedies. This information shall be published with the district's sexual harassment complaint procedures and included in any related notices. (Education Code 262.3).

Regulation PALM SPRINGS UNIFIED SCHOOL DISTRICT

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