

ORANGE COUNTY DEPARTMENT OF EDUCATION
Costa Mesa, California

SUPERINTENDENT'S POLICY PROCEDURE

100-9

The Orange County Department of Education 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 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under Uniform Complaint Procedures. The compliance officer may be contacted at:

Associate Superintendent, Administrative Services
200 Kalmus Drive, Costa Mesa, CA 92628
714-966-4061
rhendrick@ocde.us

In addition, the Alternative, Community, and Correctional Education Schools and Services (ACCESS) Division will establish a point person to facilitate the resolution of concerns and complaints of students in the ACCESS Division in coordination with the compliance officer. The Access point person may be contacted at:

Manager, ACCESS
1669 E. Wilshire Ave., Suite 607, Santa Ana 92705
(714) 245-6402
mzamora@ocde.us

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 sex in the educational setting, under any of the following conditions:

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 Orange County Department of Education program or activity.

Examples of types of conduct which are prohibited in the Orange County Department of Education and which may constitute sexual harassment 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

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 Orange County Department of Education policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

Reporting Process and Complaint Investigation and Resolution

Any student who believes that he/she 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 his/her teacher, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal, the ACCESS point person, and/or the Orange County Department of Education's compliance officer identified in the Uniform Complaint Procedures. In addition, any

school employee who observes an incident of sexual harassment involving a student shall, within one school day, report his/her observation to the principal, the ACCESS point person, and/or the Orange County Department of Education compliance officer. The employee shall take these actions, whether or not the alleged victim files a complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she 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.

When a verbal or informal report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the Orange County Department of Education's uniform complaint procedures. Regardless of whether a formal complaint is filed, the principal or compliance officer shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and Orange County Department of Education procedures.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the victim shall not be considered, except to the extent that such evidence may relate to the victim's prior relationship with the respondent.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily be reported or filed, the report may instead be submitted to the Superintendent or designee who shall determine who will investigate the complaint.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action.

However, when a complainant or victim of sexual harassment notifies the Orange County Department of Education of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the Orange County Department of Education's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the Orange County Department of Education will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

When a complainant or victim of sexual harassment notifies the Orange County Department of Education of the harassment but requests that the Orange County Department of Education not pursue an investigation, the Orange County Department of Education will determine whether or

not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, in consultation with the compliance officer, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment. Interim measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Orange County Department of Education policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

Notifications

A copy of the Orange County Department of Education'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
2. Be displayed in a prominent location in the main administrative building or other area where notices of Orange County Department of Education rules, regulations, procedures, and standards of conduct are posted

A copy of the Orange County Department of Education's sexual harassment policy and regulation shall be posted on Orange County Department of Education and school web sites and, when available, on Orange County Department of Education-supported social media.

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session
4. Appear in any school or Orange County Department of Education publication that sets forth the school's or Orange County Department of Education's comprehensive rules, regulations, procedures, and standards of conduct
5. Be included in the student handbook

6. Be provided to employees