

Fontana Unified School District
SEXUAL HARASSMENT POLICY: STUDENTS
Grades 6 through 12

In accordance with California Education Code Section 231.5(e) a copy of the educational institution's written policy on sexual harassment, as it pertains to students, shall be provided as part of any orientation program conducted for new students annually at the beginning of a quarter, semester, or summer school session, as applicable.

It is the policy of the Fontana Unified School District ("District") to provide a school environment that promotes learning and is free of harassment, including sexual harassment of any student by any employee, student or other person at school or at any school-related activity.

As used in this Policy, "sexual harassment" means unwelcomed sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in school, under any of the following conditions:

1. Submission to such conduct is made either explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honor, programs, or activities available at or through the educational institution.

Any student of the District who believes that he or she has been subjected to sexual harassment, or any student who observes harassment in violation of this Policy, is urged to promptly pursue the matter and file a complaint

Administrative Procedures:

1. **Dissemination of Policy.** In order to ensure that all students have knowledge of this Policy and administrative procedure the administration will: (a) Include the Sexual Harassment Policy in the Board Policy Manual. (b) Provide copies of the Sexual Harassment Policy to all students. (c) Provide appropriate in-service training regarding the Sexual Harassment Policy for all administrators and supervisors. (d) Review annually the Sexual Harassment Policy and administrative procedures as part of staff orientation activities.
2. **Confidentiality.** Every effort will be made to protect the privacy of students involved in any complaint. Complaints shall be investigated, reviewed and resolved on a need-to-know basis only. Confidentiality notwithstanding, all parties shall have a right to representation in the complaint process by the appropriate bargaining unit member, or other representative.
3. **Retaliation.** The District absolutely forbids retaliation against student who reports sexual harassment, or the exercise of any rights granted by the Policy.
4. **Examples of Conduct which may be considered inappropriate:**
 - a. **Verbal or written conduct:** making derogatory comments, including epithets, slurs, jokes, etc.; sexual propositions; graphic commentary about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations; spreading sexual rumors.
 - b. **Visual conduct:** leering, making sexual gestures, displaying sexual suggestive objects, pictures, books, magazines, posters or cartoons.
 - c. **Physical conduct:** inappropriate or offensive touching or impeding one's movement; assault.

The Board of Education considers sexual harassment a major offense. Violation of this Policy will constitute just and reasonable cause for disciplinary action. Specific disciplinary action shall be related to the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions may include, but are not limited to, verbal warnings, suspension or expulsion from school, letters of reprimand, suspension with or without pay, and dismissal. In determining whether alleged conduct constitutes sexual harassment, the District will use the "reasonable victim" standard.

I have read this page. Print Student's Name: _____

5. **Title IX Coordinator:** For complaints involving sexual harassment the Title IX Coordinator is the Assistant Director, Child Welfare and Attendance, 9680 Citrus Avenue, Building #12, Fontana, CA 92335, telephone 357-5000, ext 7095.

6. **Complaint Procedure and Resolution Procedures:**

a. Step One, School Site Level:

All students who believe they have been the subject of sexual harassment are encouraged to inform the person engaging in such conduct that the conduct is offensive and must stop. If student is unwilling or unable under the circumstances to order the conduct stopped, the student is to proceed to Step Two.

b. Step Two, Inform An Appropriate Administrator, or Adult Staff Member:

As soon as possible or within six months of the alleged incident of sexual harassment, the student should:

1. Present his/her/their complaint to their school site principal. If the principal is the alleged harasser, then the student may present his or her complaint to the Assistant Director, Child Welfare and Attendance.
2. Upon receiving a sexual harassment complaint the appropriate administrator shall:
 - a. Counsel the alleged victim and outline the options available.
 - b. Obtain a factual written statement of the complaint.
 - c. Assist in follow-up investigation, interviewing the accused, witnesses, and supervisor, as appropriate, and recommending the disposition of the complaint.
 - d. Take all appropriate action to protect the student.
 - e. Instruct parties involved that the matter is confidential.
 - f. Advise the student of the right to file a formal complaint.
 - g. The parents or guardians of any complainant or alleged harasser shall be notified.
 - h. The immediate supervisor or other appropriate supervisor/administrator will review the factual information collected to determine whether the alleged conduct constitutes sexual harassment, giving consideration to the record as a whole and the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred, and will take and/or authorize appropriate action. This Policy does not preclude an employee accused of sexual harassment from invoking his or her right to representation by an appropriate bargaining unit representative.

c. Formal Resolution Process

1. If the informal process does not resolve the complaint to the satisfaction of the alleged victim, or the victim is unwilling or unable to initiate the informal process, the following formal procedures are available:
 - a. The complaint shall be reduced to writing and sent to the Superintendent or designee in a timely manner.
 - b. Within 60 days from receipt of the complaint, the Superintendent will complete or cause to be completed an investigation and prepare a written decision as set forth in Board Policy 1312.4.
 - c. Any and all rights which exist regarding confidentiality and/or privacy in these matters will be fully protect to the fullest extent allowed/required by law. Files that pertain to complaints shall be kept confidential and will not be made available except as allowed/required by law.
 - d. No retaliation of any kind will occur because a student or employee made or participated in the investigation of a sexual harassment complaint.

I have read the above policy on Sexual Harassment. I understand my rights and obligations as a student.

Date

Student's Name-Please Print

White copy retained at school site.

Student or Parent Signature

Canary copy for student.