



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy:

#5145.7

Section: 5000

Students

Page 1 of 6

SEXUAL HARASSMENT

The district does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The Board of Education is committed to maintaining a safe school environment that is free from discrimination and harassment. The Board prohibits, at district or at district-sponsored or district-related activities, sexual harassment, as defined in the accompanying administrative regulation, targeted at any student.

Additionally, the Board prohibits retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complainant in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 221.8; 34 CFR 106.71)

The district strongly encourages students who feel that they are being or have experienced sexual harassment on district grounds or at a district-sponsored or district-related activity, or off-campus when the conduct has a continuing effect on campus, to immediately contact their teacher, the principal, the district's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment by or against a student in a district education program or activity shall report the incident to the Title IX Coordinator promptly.

Once notified, the Title IX Coordinator shall ensure the complaint alleging sexual harassment is addressed through Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures or Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of Board Policy/Administrative Regulation 1312.3 - Uniform Complaint Procedures.

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

The Superintendent or designee shall inform students and parents/guardians of this policy in the manner specified in the accompanying administrative regulation.

The Superintendent or designee shall ensure that all district staff are trained regarding this policy, and that all employees required to receive training related to their duties under Title IX receive training as specified in Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

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

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 sexual harassment under any circumstance.
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained.

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Board Policy:

#5145.7

Section: 5000

Students

Page 2 of 6

4. A clear message that student safety is the district'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 harassment, shall be investigated and action shall be taken to respond to the harassment, prevent recurrence, and address any continuing effect on students.
6. Information about the district'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 district investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the district will implement supportive 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, 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, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Upon completion of an investigation of sexual harassment, any employee found to have engaged in sexual harassment or sexual violence toward any student shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Record-Keeping

The Superintendent or designee shall maintain records in accordance with law, including in accordance with Administrative Regulation 5145.71 - Sexual Harassment Complaint Procedures, and district policies and regulations, of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or

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Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy:

#5145.7

Section: 5000

Students

Page 3 of 6

State	Description
	<i>federal financial assistance</i>
Civ. Code 1714.1	<u>Liability of parent or guardian for act of willful misconduct by a minor</u>
Civ. Code 51.9	<u>Liability for sexual harassment; business, service and professional relationships</u>
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 220.1	<i>Prohibition of retaliation related to educational equity</i>
Ed. Code 220.3	<i>Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression</i>
Ed. Code 220.5	<i>Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression</i>
Ed. Code 35292.5	<i>School restrooms; all-gender restrooms</i>
Ed. Code 48900	<u>Grounds for suspension or expulsion</u>
Ed. Code 48900.2	<u>Additional grounds for suspension or expulsion; sexual harassment</u>
Ed. Code 48904	<u>Liability of parent/guardian for willful student misconduct</u>
Ed. Code 48980	<u>Parent/Guardian notifications</u>
Ed. Code 48985	<u>Notices to parents in language other than English</u>
Ed. Code 49060-49079	<u>Student records</u>
Gov. Code 12950.1	<u>Sexual harassment training</u>
Federal	Description
20 USC 1092	<i>Definition of sexual assault</i>
20 USC 1221	<i>Application of laws</i>
20 USC 1232g	<i>Family Educational Rights and Privacy Act (FERPA) of 1974</i>
20 USC 1681-1688	<i>Title IX of the Education Amendments of 1972; discrimination based on sex</i>
34 CFR 106.1-106.82	<i>Nondiscrimination on the basis of sex in education programs</i>
34 CFR 99.1-99.67	<i>Family Educational Rights and Privacy</i>
34 USC 12291	<i>Definition of dating violence, domestic violence, and stalking</i>
42 USC 1983	<i>Civil action for deprivation of rights</i>
42 USC 2000d-2000d-7	<i>Title VI, Civil Rights Act of 1964</i>
42 USC 2000e-2000e-17	<i>Title VII, Civil Rights Act of 1964, as amended</i>
Management Resources	Description
California Department of Education Publication	California Longitudinal Pupil Achievement Data System (CALPADS) Update FLASH #158: Guidance for Changing a Student's Gender in CALPADS, July 2019
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (2000, 9th Cir.) 208 F.3d 736
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Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy:

#5145.7

Section: 5000

Students

Page 4 of 6

Management Resources	Description
Court Decision	<i>Davis v. Monroe County Board of Education</i> (1999) 526 U.S. 629
Court Decision	<i>Doe v. Petaluma City School District</i> (1995, 9th Cir.) 54 F.3d 1447
Court Decision	<i>Donovan v. Poway Unified School District</i> (2008) 167 Cal.App.4th 567
Court Decision	<i>Flores v. Morgan Hill Unified School District</i> (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	<u><i>Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011</i></u>
CSBA Publication	<u><i>Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014</i></u>
CSBA Publication	<u><i>Legal Guidance on Rights of Transgender and Gender Nonconforming Students in Schools, October 2022</i></u>
Federal Register	<u><i>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896</i></u>
U.S. DOE, Office for Civil Rights Publication	<u><i>Sexual Harassment: It's Not Academic, September 2008</i></u>
U.S. DOE, Office for Civil Rights Publication	<u><i>Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001</i></u>
U.S. DOE, Office for Civil Rights Publication	<u><i>Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016</i></u>
Website	<u><i>CSBA District and County Office of Education Legal Services</i></u>
Website	<u><i>California Department of Education</i></u>
Website	<u><i>CSBA</i></u>
Website	<u><i>U.S. Department of Education, Office for Civil Rights</i></u>
Cross References	
Code	Description
0410	<i>Nondiscrimination In District Programs And Activities</i>
0450	<i>Comprehensive Safety Plan</i>
1114	<i>District-Sponsored Social Media</i>
1312.1	<i>Complaints Concerning District Employees</i>
1312.3	<i>Uniform Complaint Procedures</i>
1313	<i>Civility</i>
3515.4	<i>Recovery For Property Loss Or Damage</i>
3530	<i>Risk Management/Insurance</i>
3580	<i>District Records</i>
4117.7	<i>Employment Status Reports</i>
4118	<i>Dismissal/Suspension/Disciplinary Action</i>
4119.11	<i>Sex Discrimination and Sex-Based Harassment</i>

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Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

Board Policy:

#5145.7

Section: 5000

Students

Page 5 of 6

Code	Description
4119.12	<i>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</i>
4131	<i>Staff Development</i>
4218	<i>Dismissal/Suspension/Disciplinary Action</i>
4219.11	<i>Sex Discrimination and Sex-Based Harassment</i>
4219.12	<i>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</i>
4219.21	<i>Professional Standards</i>
4231	<i>Staff Development</i>
4317.7	<i>Employment Status Reports</i>
4319.11	<i>Sex Discrimination and Sex-Based Harassment</i>
4319.12	<i>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</i>
4319.21	<i>Professional Standards</i>
5125	<i>Student Records</i>
5131	<i>Conduct</i>
5131.2	<i>Bullying</i>
5131.5	<i>Vandalism And Graffiti</i>
5132	<i>Dress And Grooming</i>
5137	<i>Positive School Climate</i>
5138	<i>Conflict Resolution/Peer Mediation</i>
5141.4	<i>Child Abuse Prevention And Reporting</i>
5141.52	<i>Suicide Prevention</i>
5144	<i>Discipline</i>
5144.1	<i>Suspension And Expulsion/Due Process</i>
5144.2	<i>Suspension And Expulsion/Due Process (Students With Disabilities)</i>
5145.2	<i>Freedom Of Speech/Expression</i>
5145.3	<i>Nondiscrimination/Harassment</i>
5145.6	<i>Parent/Guardian Notifications</i>
5145.71	<i>Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</i>
5145.9	<i>Hate-Motivated Behavior</i>
5146	<i>Married/Pregnant/Parenting Students</i>
6142.1	<i>Sexual Health And HIV/AIDS Prevention Instruction</i>
6142.8	<i>Comprehensive Health Education</i>
6145	<i>Extracurricular And Cocurricular Activities</i>



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(530) 891-3000

Board Policy:

#5145.7

Section: 5000

Students

Page 6 of 6

Code	Description
6145.2	<i>Athletic Competition</i>
6163.4	<i>Student Use Of Technology</i>