

## **BOARD POLICY**

Placentia-Yorba Linda Unified School District

### Students

5145.7 – BP

### **SEX DISCRIMINATION AND SEX-BASED HARASSMENT**

The governing board of the Placentia-Yorba Linda Unified School reaffirms its commitment to the safety and well-being of all its students and, therefore, prohibits unlawful discrimination and harassment of or by any student by anyone in or from the district. The Board prohibits at school-sponsored or school-related activities, sex discrimination and sex-based harassment, targeted at any student, based on the student's race, color, ancestry, nationality, national origin, ethnic group identification, ethnicity, age, religion, marital, family, parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity or expression, genetic information, or immigration status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Moreover, it is the intent of the board to ensure that all students be aware that they need not endure any form of sex discrimination, including sex-based harassment. As such, this policy shall be posted, distributed to students and employees, and included in the annual notice to parents/guardians.

Any student who engages in sex discrimination and sex-based harassment of anyone in or from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in sex discrimination and sex-based harassment of students may be subject to disciplinary action up to and including dismissal.

The district strongly encourages any student who feels that he/she is being or has experienced sex discrimination, including sex-based harassment, by another student or an adult on school grounds or at a school-sponsored or school-related activity off-campus to immediately contact his/her teacher, the principal, or any other available school employee. In addition, any student who feels that he/she has experienced sex discrimination, including sex-based harassment off-campus and is concerned about or reports an impact on campus or school-related activity, even if the off-campus misconduct did not occur in the context of a school related activity, should immediately report the incident to any available school employee so the district can determine whether there is a hostile environment at school or in an off-campus school program or activity. Any employee who receives a report or observes an incident of sex discrimination, including sex-based harassment, shall notify the principal or a district compliance officer. Once notified, the principal or compliance officer shall take steps to investigate and address the allegation, as specified in the accompanying administrative regulation.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sex discrimination, including sex-based harassment shall be promptly investigated, even if the complainant requests that nothing be done or is anonymous. All information regarding the complaint shall remain confidential to the extent permitted by law.

### **Instruction/Information**

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

1. What acts and behavior constitute sex discrimination and sex-based harassment, including the fact that sex discrimination and sex-based harassment could occur between people of the same sex and could involve violence
2. A clear message that students do not have to endure sex discrimination or sex-based harassment

under any circumstance

3. Encouragement to report observed incidents of sex discrimination and sex-based harassment even where the alleged victim of the discrimination or harassment has not complained
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 sex discrimination or sex-based harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing or reporting requirements under the law, every sex discrimination or and sex-based allegation that involves a student, whether as the complainant, respondent, or victim of the discrimination or harassment, shall be investigated and prompt action shall be taken to stop any current harassment, prevent recurrence, and address any continuing effects on students
6. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sex discrimination and/or sex-based 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 sex discrimination or sex-based harassment complaint continues
8. A clear message that, when needed, the district 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 and that, to the extent possible, when such interim measures are taken, they shall not disadvantage the complainant or victim of the alleged harassment

### **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.

### **Disciplinary Actions**

Any student who, upon completion of an investigation, is found to have engaged in sex discrimination and/or sex-based harassment or sexual violence 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.

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

### **Record Keeping**

The Superintendent or designee shall maintain records in accordance with law and district policies and regulations of all reported cases of sex-based harassment to enable the district to monitor, address, and prevent repetitive sex-based harassment in district schools.

Legal Reference:

<u>Education Code</u>	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
<u>Civil Code</u>	51.9	Liability for sexual harassment; business, service and professional relationships
	1714.1	Liability of parents/guardians for willful misconduct of minor
<u>Government Code</u>	12950.1	Sexual harassment training
<u>Code of Regulations, Title 5</u>	4600-4687	Uniform complaint procedures
	4900-4965	Nondiscrimination in elementary and secondary education programs
<u>United States Code, Title 20</u>	1221	Application of Laws
	1232g	Family Educational Rights and Privacy Act
	1681-1688	Title IX, discrimination
<u>United States Code, Title 42</u>	1983	Civil action for deprivation of rights
	2000d-2000d-7	Title VI, Civil Rights Act of 1964
<u>Code of Federal Regulations, Title 34</u>	99.1 – 99.67	Family Educational Rights and Privacy
	106.1-106.71	Nondiscrimination on the basis of sex in education programs
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