

San Rafael City Schools

Board Policy

Sexual Orientation/Gender Identity Harassment

BP 5145.71

Students

The San Rafael City Schools is committed to maintaining a safe and supportive school environment in which all members of the school community are treated with dignity and respect. It is the policy of this district that harassment, ~~and~~ discrimination, intimidation or bullying based on sexual orientation, ~~and~~ gender identity, and gender expression, including perceptions of a person's identity, appearance or behavior, is expressly prohibited.

The Board of Education considers harassment, ~~and~~ discrimination, intimidation or bullying based on sexual orientation, ~~and~~ gender identity, and gender expression to be a major offense. The district shall investigate all complaints of ~~discrimination and~~ harassment, discrimination, intimidation or bullying and take appropriate action against any student or employee who is found to have violated this policy.

Harassment, discrimination, intimidation or bullying of a student by another student in violation of this policy constitutes cause for disciplinary action. Students shall be advised that harassment, discrimination, intimidation or bullying ~~and discrimination~~ based on sexual orientation, ~~and~~ gender identity, and gender expression, are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment, discrimination, intimidation or bullying.

Harassment, discrimination, intimidation or bullying by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment, discrimination, intimidation or bullying ~~or discrimination~~ based on sexual orientation, ~~and~~ gender identity, and gender expression. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation, ~~and~~ gender identity, and gender expression. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment, discrimination, intimidation or bullying ~~and discrimination~~ based on sexual orientation, ~~and~~ gender identity, and gender expression.

This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

(cf. 4121 Sexual Harassment)
(cf. 4123 Complaint Procedure)
(cf. 5130 Pupil Discipline: Suspension and Expulsion)
(cf. 5750 Sexual Harassment)

Legal Reference:

EDUCATION CODE

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

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

106.1-106.71 Nondiscrimination on the basis of sex in education programs

COURT DECISIONS

Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011
Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Sexual Violence, April 4, 2011
Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance, January 2001

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy SAN RAFAEL CITY SCHOOL DISTRICT

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