

INFORMATION RELEASE 00-1

SEXUAL HARASSMENT

May 15, 2000

Sexual harassment complaints and litigation continue to increase and cause problems for public school districts throughout California.

Three bullets addressing different issues have been prepared and are enclosed with this cover memo. These bulletins deal with the issues of:

- Sexual orientation harassment
- Education Code sections relevant to sexual harassment and discrimination, including requirements for the district to combat discrimination and bias
- Complaint investigation and record keeping

Also enclosed is a sample sexual harassment board policy and procedure. This policy follows the CSBA model with minor modifications to specifically incorporate the issues of sexual orientation harassment and a time line for resolution of complaints. A timeline is important because the policy would not be acceptable to the Office of Civil Rights without one.

If you choose not to use the model policy and procedure, be certain that your district policy meets the minimum legal requirements.

The district policy should include:

- Statement that sexual harassment is against the law and will not be tolerated by the district
- Definition of sexual harassment. It is recommended that the definition in Education Code 212.5 be cited since it applies specifically to California public schools
- Examples of sexually harassing types of conduct
- Location(s) of where the policy is posted
- Procedure for filing a complaint
- A statement that there will be no retaliation for filing a complaint or assisting in the investigation of a complaint
- Procedure for complaint investigation and resolution
- Location of the nearest Department of Fair Employment and Housing and Commission offices for the employee policy. This is often accomplished by providing a brochure prepared by the Department of Fair Employment and Housing

Finally, the law requires that employees be provided a copy of the policy once each year and students are provided a copy of as a part of orientation. District procedures should be reviewed to be certain these legal requirements are being met.

Personnel

SEXUAL HARASSMENT

The _____ School District Governing Board prohibits sexual harassment in the working environment of district employees or applicants by any person in any form.

Employees who permit or engage in such harassment may be subject to disciplinary action up to and including dismissal.

Any employee or applicant for employment who feels that he/she or another individual in the district is being sexually harassed should immediately contact his/her supervisor, principal, other district administrator or the Superintendent or designee in order to obtain procedures for reporting a complaint. Complaints of harassment can be filed in accordance with AR _____ - Complaints Concerning Discrimination in Employment.

Any supervisor who receives a harassment complaint shall notify the Superintendent or designee, who shall ensure that the complaint is appropriately investigated.

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)

Legal Reference:

EDUCATION CODE

200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Definition; Sexual harassment

212.6 Policy; Sexual harassment

230 Particular practices prohibited

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

2000h-2 et seq. Title IX, 1972 Education Act Amendments

BOARD POLICY ADOPTED _____

Personnel

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature made by someone from or in the work or educational setting when:

1. Submission to the conduct is made either expressly or by implication in term or condition of any individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual.
3. The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or of creating an intimidating, hostile, or offensive working or educational environment or of adversely affecting the student or employee's performance, evaluation, advancement, assigned duties, or any other condition of education, employment or career development.
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, honors, programs or activities available at or through the educational institution.

Other examples of sexual harassment, whether committed by a supervisor or any other employee, are:

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, stories, drawings, pictures or gestures.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes in a sexual way.
7. Cornering or blocking of normal movements.
8. Displaying sexually suggestive objects in the educational or work environment.
9. Sexual comments, innuendos, or slurs, oral or in writing, regarding a person's sexual orientation;
10. Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Each principal and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are

not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

The district will make its best effort to investigate and resolve all complaints within five working days of receipt of the complaint.

Notifications

A copy of the district's policy on harassment in employment shall:

1. Be displayed in a prominent location near each school principal's office.
2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired.
3. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures and standards of conduct. (Education Code 212.6)

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing or a copy of district information sheets that contain, at a minimum, components on:

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The district's complaint process available to the employee.
5. The legal remedies and complaint process available through the Fair Employment and Housing Department and Commission.
6. Directions on how to contact the Fair Employment and Housing Department and Commission. (Government Code 12950)

ADMINISTRATIVE REGULATION APPROVED_____

DEPARTMENTS OF FAIR EMPLOYMENT AND HOUSING

Santa Ana DFEH

28 Civic Center Plaza, Suite 538
Santa Ana, CA 92701-4010
(714) 558-4159

Sacramento DFEH

2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
(510) 286-4095

Fresno DFEH

1900 Mariposa Mall, Suite 130
Fresno, CA 93721-2504
(209) 455-5373

San Bernardino DFEH

1845 S. Business Center Drive, #127
San Bernardino, CA 92408-3426
(909) 383-4711

Oakland DFEH

1330 Broadway, Suite 1326
Oakland, CA 94612-2512
(510) 286-4095

Ventura DFEH

5720 Ralston Street, Suite 302
Ventura, CA 93003-6081
(805) 654-4513

San Jose DFEH

111 N. Market Street, Suite 810
San Jose, CA 95113-1102

San Diego DFEH

110W. "C" Street, Suite 1702
San Diego, CA 92010-3901
(619) 237-7405

Los Angeles DFEH

322 W. First Street, Suite 2126
Los Angeles, CA 90012-3112
(213) 897-1997

Students

SEXUAL HARASSMENT

The _____ School District Governing Board is committed to maintaining a learning environment that is free of harassment. The Board prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school-related activity.

The Superintendent or designee shall ensure that students receive age-appropriate information related to sexual harassment. Students shall be assured that they need not endure any form of sexual behavior or communication, including harassment because of sexual orientation. They shall further be assured that they need not endure, for any reason, any harassment which impairs the educational environment or a student's emotional well-being at school.

- (cf. 5131.5 - Vandalism, Theft and Graffiti)
- (cf. 5137 - Positive School Climate)
- (cf. 5141.41 - Child Abuse Prevention)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 6142.1 - Family Life/Sex Education)

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades K-3, this disciplinary action shall depend on the maturity of the students and the circumstances involved. For students in grades 4 through 12, the disciplinary action may include suspension and/or expulsion.

- (cf. 5144.1 - Suspension and Expulsion/Due Process)

Any employee who engages in, permits or fails to report sexual harassment shall be subject to disciplinary action up to and including dismissal. In addition, criminal or civil charges may be brought against the alleged harasser; sexual harassment also may be considered a violation of laws relating to child abuse.

- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5141.4 - Child Abuse Reporting Procedures)

Students shall be informed that they should immediately contact a staff member if they feel they are being harassed. Within 24 hours, staff shall report complaints of sexual harassment to the principal or designee or to another district administrator. Staff shall similarly report any such incidents they may observe, even if the harassed student has not complained.

The principal or designee shall immediately investigate any report of the sexual harassment of a

student. Upon verifying that sexual harassment occurred, he/she shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the person subjected to the harassment, and prevent any further instances of the harassment. In addition, the student may file a formal complaint with the Superintendent or designee in accordance with the district's uniform complaint procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The district prohibits retaliatory behavior against any complainant or any participant in the complaint process. Information related to a complaint of sexual harassment shall be confidential to the extent possible, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference:

CIVIL CODE

51.9 Liability for sexual harassment; business, service and professional relationships

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

200-240 Prohibition of discrimination on the basis of sex, especially:

212.5 Sexual harassment

212.6 Sexual harassment policy

230 Particular practices prohibited

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

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, 1972 Education Act Amendments

UNITED STATES CODE, TITLE 42

2000d & 2000e et seq. Title VI & Title VII, Civil Rights Act of 1964 as amended

BOARD POLICY ADOPTED _____

Students

SEXUAL HARASSMENT

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
2. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive 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, honors, programs, or activities available at or through the school.

(Education Code 48900.2) See AR 5144.1 - Suspension and Expulsion/Due Process

Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations or propositions
2. Sexual slurs, leering, 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, notes, stories, drawings, pictures or gestures
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Touching an individual's body or clothes in a sexual way
8. Purposefully cornering or blocking normal movements
9. Limiting a student's access to educational tools
10. Displaying sexually suggestive objects
11. Sexual comments, innuendos, or slurs, oral or in writing, regarding a person's sexual orientation.

Notifications

A copy of the district'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 (Education Code 48980)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location near each school principal's office (Education Code 212.6)
3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester or summer session (Education Code 212.6)
4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct (Education Code 212.6)

The district will make its best effort to investigate and resolve all complaints within five working days of receipt of the complaint.

Investigation of Complaints at School (Site-Level Grievance Procedure)

1. The principal or designee shall promptly investigate all complaints of sexual harassment. In so doing, he/she shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of harassment
 - c. Anyone who saw the harassment take place
 - d. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. The parent/guardian of the person accused of harassing someone
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the district

(cf. 5141.41 - Child Abuse Prevention)

4. When the student who complained and the person accused of harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.
5. The principal or designee shall tell the student who complained that he/she has the right

to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.

(cf. 1312.3 - Uniform Complaint Procedures)

6. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of harassment by the accused person
 - e. Evidence of past harassment complaints that were found to be untrue

7. To judge the severity of the harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of harassment that were not related to sex

8. The principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
9. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If he/she verifies that sexual harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the harassment on the person harassed, and prevent retaliation or further harassment.
10. Within two weeks after receiving the complaint, the principal or designee shall determine whether or not the student who complained has been further harassed. The principal or designee shall keep a record of this information and shall continue this follow-up at his/her discretion.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff in service and student instruction or counseling
3. Notifying parents/guardians

4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of sexual harassment which he/she knew was not true.

ADMINISTRATIVE REGULATION APPROVED _____

CALANYWHERE SCHOOL DISTRICT

BP 1312.3

Community Relations

UNIFORM COMPLAINT PROCEDURES

The _____ School District Governing Board recognizes that the district is responsible for ensuring that it complies with state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on ethnic group identification, religion, age, gender, color, or physical or mental disability in any program or activity that receives or benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with state or federal law in adult basic education, consolidated categorical aid programs, migrant education, vocational education, child care and development programs, child nutrition programs and special education programs.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0420.1 - School-Based Coordinated Programs)

(cf. 0420.2 - School Improvement Program)

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 3553 - Free and Reduced Lunch Program)

(cf. 6171 - Title I Programs)

(cf. 6174 - Education for English Language Learners)

(cf. 6175 - Migrant Education Program)

(cf. 6178 - Vocational Education)

(cf. 6179 - Child Care and Development Programs)

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

Upon receipt of a written complaint from an individual, public agency or organization, uniform complaint procedures shall be initiated. The Superintendent or designee shall distribute full information about these procedures.

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving their problem through mediation, the Superintendent or designee shall initiate a mediation process before beginning a formal compliance investigation. The Superintendent or designee shall ensure that mediation results are consistent with state and federal laws and regulations.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent

necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 5141.4 - Child Abuse Reporting Procedures)

Legal Reference:

EDUCATION CODE

200-262.3 Prohibition of discrimination

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18179 School libraries

35146 Closed sessions

35160 Authority of governing boards

44670.1-44671.5 School personnel staff development and resource centers

48985 Notices in language other than English

49060-49079 Student records

49490-49560 Child nutrition programs

51513 Personal beliefs

52000-52049.1 School improvement programs

52160-52178 Bilingual education programs

52300-52483 Vocational education

52500-52616.24 Adult schools

52800-52863 School-based coordinated programs

54000-54041 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56885 Special education programs

59000-59300 Special schools and centers

64000 Consolidated application process

GOVERNMENT CODE

54957-54957.8 Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section 4600-4671

4600-4671 Uniform Complaint Procedures

UNITED STATES CODE, TITLE 20

1221 et seq. General Education Provisions Act, especially:

1221, 1232g Family Educational and Privacy Rights Act of 1974

1231g, 1681 et seq. Title IX, Education Amendments of 1972

3801 et seq. Education Consolidation and Improvement Act of 1981

UNITED STATES CODE, TITLE 29

721, 761 Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000c et seq. Civil Rights Act of 1964

CODE OF FEDERAL REGULATIONS, TITLE 34

100.7(e) Intimidation and retaliation prohibited

BOARD POLICY ADOPTED _____

_____ SCHOOL DISTRICT

AR 1312.3

Community Relations

UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The _____ School District Governing Board designates the following compliance officers to receive and investigate complaints and ensure district compliance with law:

(title or position)

(address)

(telephone number)

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

(cf. 9124 - Attorney)

Notifications

The Superintendent or designee shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent or designee shall ensure that complainants understand that they may pursue other remedies, including actions before civil courts or other public agencies. Remedies may include court orders, preliminary injunctions and/or restraining orders.

(cf. 5145.6 - Parental Notifications)

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies or local mediation centers, or from private attorneys.

Procedures

The following procedures shall be used to address all complaints which allege that the district has violated federal or state laws or regulations governing educational programs. Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with the Code of Regulations, Title 5, Section 4632.

The district shall use its uniform complaint procedures when addressing all complaints regarding gender equity.

Investigations of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and the facts. (Title 5, Section 4630)

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged noncompliance.

Complaints alleging unlawful discrimination may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

The complaint shall be presented to the Superintendent or designee, who shall then give it to the appropriate compliance officer. The Superintendent or designee shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, district staff shall help him/her to file the complaint. (Title 5, Section 4600)

Step 2: Mediation

Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation. If the complainant agrees to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a discrimination complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the district's time lines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (Title 5, Section 4631)

Step 3: Investigation of Complaint

The compliance officer shall hold an investigative meeting within five days of receiving the complaint or an unsuccessful attempt to mediate the complaint. This meeting shall provide an opportunity for the complainant and/or his/her representative to repeat the complaint orally. The complainant and/or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complaint. Parties to the dispute may discuss the complaint and question each other or each other's witnesses. (Title 5, Section 4631)

Step 4: Response

Within 30 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision, as described in Step #5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five days, file his/her complaint in writing with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 days of the district's initially receiving the complaint or within the time period that has been specified in a written agreement with the complainant. (Title 5, Section 4631)

Step 5: Final Written Decision

The report of the district's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the district shall arrange a meeting at which a community member will interpret it for the complainant.

(cf. 5145.6 - Parental Notifications)

This report shall include:

1. The findings and disposition of the complaint, including corrective actions, if any (Title 5, Section 4631)

2. The rationale for the above disposition (Title 5, Section 4631)
3. Notice of the complainant's right to appeal the decision to the California Department of Education, and procedures to be followed for initiating such an appeal (Title 5, Section 4631)
4. A detailed statement of all specific issues that were brought up during the investigation and the extent to which these issues were resolved

If an employee is disciplined as a result of the complaint, this report shall simply state that effective action was taken and that the employee was informed of district expectations. The report shall not give any further information as to the nature of the disciplinary action.

Appeals to the California Department of Education:

If dissatisfied with the district's decision, the complainant may appeal in writing to the California Department of Education within 15 days of receiving the district's decision. For good cause, the Superintendent of Public Instruction may grant an extension for filing appeals. (Title 5, Section 4652)

When appealing to the California Department of Education, the complainant must specify the reason(s) for appealing the district's decision and must include a copy of the locally filed complaint and the district's decision. (Title 5, Section 4652)

ADMINISTRATIVE REGULATION APPROVED _____

_____ SCHOOL DISTRICT
SEXUAL HARASSMENT/DISCRIMINATION COMPLAINT FORM

1. Name _____
 (Last) (First) (Middle)
Home Address _____
 (Street) (City) (Zip)
Home Phone _____ School _____

2. Present the facts of the alleged violation. Give the names of all persons involved, the date and time of the incident, and any other information that might be helpful to the complaint investigator. Please attach additional sheet(s) to continue description of your allegation(s).

3. Provide copies of any written documents which you feel may be relevant to your complaint.

I have attached supporting documents: Yes _____ No _____

If yes, describe the attachments:

4. Have you discussed your complaint with any district personnel? Yes _____ No _____
If yes, to whom have you spoken?

Name(s) _____ Date _____

Describe the outcome of the discussion: _____

I certify that the foregoing is true and correct:

Signature _____ Date _____

For office use only: Date Received _____ By Whom _____

_____ **SCHOOL DISTRICT**
Educational Equity Compliance

COMPLAINT & INVESTIGATION RECORD

The _____ School District maintains policies that prohibit sexual harassment and discrimination. This form is to be used to keep a record of any alleged incident and subsequent investigation where there is reason to believe those policies have been violated.

Person harassed/discriminated against _____ Grade _____

School _____

Person(s) and age(s) of those who allegedly violated the policy _____

Witnesses _____

Date of Incident _____ Time _____ Place _____

Description of incident _____

Person receiving complaint report _____

Title _____ Date report received _____

Person responsible for addressing/investigating complaint _____

Title _____ Date report received _____

Use this complaint record to co-ordinate investigation and set dates to ensure investigation and follow-up has been completed in regard to the complaint. **RETAIN THIS COMPLAINT RECORD IN A SEPARATE FILE AND SEND A COPY OF BOTH SIDES OF THE COMPLETED COMPLAINT RECORD TO _____**

COMPLAINT RECORD: SEXUAL HARASSMENT/DISCRIMINATION
Complaint resolution guide

I. RECORD OF STEPS IN INVESTIGATING COMPLAINT:

- a. Interview alleged subject/victim Date(s) _____
- b. Interview alleged perpetrator(s) Date(s) _____
- c. Interview witnesses (if any) Date(s) _____
- d. Consult with supervisor, other district offices, or other sources:
 - Name _____ Date(s) _____
 - Name _____ Date(s) _____

II. FINDINGS/DETERMINATION:

- Findings indicate sexual harassment/discrimination occurred. Corrective actions needed.
- Findings indicate inappropriate behavior that did not rise to the level of sexual harassment/discrimination occurred. Corrective actions needed.
- There are no findings of sexual harassment or inappropriate behavior. No corrective action needed.

III. ACTIONS TAKEN:

Alleged Perpetrator:	Date	Victim	Date
<input type="checkbox"/> No action taken	_____	<input type="checkbox"/> No action taken	_____
<input type="checkbox"/> Provide copy/explain district policy/procedures	_____	<input type="checkbox"/> Provide copy/explain district policy/procedures	_____
<input type="checkbox"/> Disciplinary conference	_____	<input type="checkbox"/> Administrative conference	_____
<input type="checkbox"/> Referral for counseling	_____	<input type="checkbox"/> School counseling	_____
<input type="checkbox"/> Class/schedule change	_____	<input type="checkbox"/> Outside counseling referral	_____
<input type="checkbox"/> Suspension	_____	<input type="checkbox"/> Parent/guardian notified	_____
<input type="checkbox"/> Expulsion	_____	<input type="checkbox"/> Phone <input type="checkbox"/> Letter	_____
<input type="checkbox"/> Parent/guardian notified	_____		
<input type="checkbox"/> Phone <input type="checkbox"/> Letter	_____		
<input type="checkbox"/> Alternative school placement	_____		

Describe any other actions taken or further remedial action to be undertaken to prevent recurrence of the incident _____

IV. COMPLAINT RESOLUTION: DISCUSS FINDINGS & REMEDIES WITH:

- a. Subject/victim of sexual harassment/discrimination Date _____
- b. Parent/guardian Date _____
- c. Perpetrator(s) Date _____
- d. Parent/guardian Date _____

V. MONITORING/FOLLOW-UP:

Follow-up with the person who was the subject/victim of the sexual harassment/discrimination.

Has unwanted behavior stopped? Yes _____ No _____ Date _____

Further action needed? Yes _____ No _____

If yes, describe _____

Investigator _____ Date _____