

BOARD POLICY

Harassment on the Basis of an Individual's Sex – Students

The Garden Grove Unified School District is committed to maintaining an educational environment free from discrimination, harassment, intimidation, and bullying on the basis of an individual's sex or gender identity. The term "sex" includes a person's gender, gender identity, and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not associated with the person's assigned sex at birth. The district prohibits sexual harassment of any student by any employee, student, or other person at school or at any school-related activity. (Ref: BP 5141)

Sexual harassment, as defined and otherwise prohibited by state and federal statutes, constitutes an unlawful form of sex discrimination.

Students shall be informed that they should immediately report any incidents to either the principal or the designee if they feel they are being harassed or subject to bullying based on sex. Any student or parent on behalf of the student may request Early Resolution of alleged act of sexual harassment; or a student or parent on behalf of the student may request a Formal Investigation. Procedures for Early Resolution and Formal Investigation are set forth in Administrative Regulation 5161.1.

Staff shall report complaints of sexual harassment to the principal or designee. Formal complaints shall also be reported to the assistant superintendent of personnel services, the district's Title IX/sexual harassment officer, who will immediately log the complaint. Staff shall similarly report any such incidents they may observe even if the harassed student has not complained to the principal or designee.

A complaint should be made to:

Assistant Superintendent/Office of Personnel
Atten: Title IX/Sexual Harassment Officer
(714) 663-6464
Garden Grove Unified School District
10331 Stanford Avenue, Garden Grove, CA 92840

Any student who engages in the sexual harassment or bullying based on sex of anyone at school or a school-related activity shall be subject to disciplinary action.

Upon verifying that sexual harassment or bullying based on sex occurred, the principal or designee 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 harassment, including referring the matter to law enforcement, when required. The alleged harasser may also be subject to civil liability.

The Title IX/sexual harassment officer shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in the schools.

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 kept confidential to the extent possible within legal constraints, and individuals involved in the investigation of such a complaint shall not discuss related information outside the investigation process.

Appeal to California State Department of Education

Any complainant(s) may appeal a district decision to the California State Department of Education by filing a written appeal within 15 calendar days of receiving the district decision. When appealing the decision, the complainant must specify the basis for the appeal and whether the facts are incorrect and/or the law has been misapplied. (5 CCR 4632)

The appeal shall include the following:

1. A copy of the complaint.
2. A copy of the district decision.

Upon notification by the California State Department of Education that the district decision has been appealed, the Compliance Officer shall forward the following to the California State Department of Education:

1. A copy of the original complaint.
2. A copy of the district decision.
3. A summary of the nature and extent of the investigation conducted by the district, if not covered in the decision.
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the complaint procedures.
7. Such other relevant information as the department may require.

Ref: EC Sections 200-231.5, 48900.2
 Government Code Sections 12900-12940, et seq.
 Title VII (Civil Rights Act of 1964 as amended, 42 USC §2000(d) (e), et. seq.)
 Title IX (Educational Amendments Act of 1972, 42 USC §1681, et seq.)

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