

Student Sex/Gender Discrimination and Harassment

Issued date: May 18, 2021

Rescinds:

Issued:

Descriptor code: JCDAE

The District prohibits discrimination and harassment on the basis of sex or gender in all of its programs and activities by its employees, students or third parties.

***Note: Upon receipt of a complaint under this policy, the administrator shall consult with the Title IX coordinator for guidance. This policy does not apply to any conduct that rises to the level of sexual harassment, as determined by the Title IX coordinator, consistent with the 2020 Title IX regulations addressed in Board policies GAMBA and JCDAF.**

All students and employees must avoid any action or conduct which could be viewed as sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, including acts of sexual violence or conduct which create a hostile sexual environment. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a cell phone, computer, personal data assistant or other telecommunication device, and includes text messaging and social networking.

Definitions:

Sex/gender discrimination consists of unfair or different treatment of an individual or group of individuals based on sex or gender (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions).

Sexual harassment consists of unwelcome (as determined based on the age of the student) sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature under any of the following circumstances.

- Submission to such conduct is made either expressly or impliedly a condition of a student's participation in an educational program or activity.
- Submission to or rejection of such conduct by a student is used as the basis for any educational decisions affecting the student.
- Such conduct has the purpose or effect of unreasonably interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment.

Any student who believes he/she has been subjected to sex/gender discrimination or harassment is encouraged to file a complaint in accordance with administrative rule JCDAE-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly and confidentially. Students who file such a complaint will not be subject to retaliation or reprisal in any form.

All employees must avoid any action toward, or conduct with, a student which could be viewed as sexually inappropriate. Inappropriate conduct of a sexual nature will not be tolerated at any time. Inappropriate conduct of sexual nature with a student occurs when an employee does any of the following.

- makes a sexually suggestive advance toward a student
- makes a request for a sexual favor from a student
- engages in a relationship of a sexual nature with a student

Any student who believes an employee has directed inappropriate conduct of a sexual nature toward him/her is encouraged to file a complaint in accordance with administrative rule JCDAE-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly and confidentially. Students who file a complaint of inappropriate conduct of a sexual nature by an employee will not be subject to retaliation or reprisal in any form.

Any employee who is found to have engaged in sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, will be subject to disciplinary action, up to and including, a recommendation of termination. Any student who is found to have engaged in sex/gender discrimination or harassment, will be subject to disciplinary action, up to and including, a recommendation of expulsion. If a non-employee, including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative or a service vendor is determined to have engaged in sex/gender discrimination or harassment or engaged in inappropriate conduct of a sexual nature toward an employee or student, the District will take appropriate action against the individual, including severing the relationship with the individual or entity. The district will take all other appropriate steps to correct or rectify the situation.

Adopted May 19, 2021

Legal references:

A. Federal statutes:

1. Title VII of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
2. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq, - Prohibits discrimination on the basis of sex.