

Policy 5145.7: Sexual Harassment Status: ADOPTED  
Original Adopted Date: 11/03/2010 | Last Revised Date: 11/04/2020 | Last Re-evaluated Date: 11/04/2020

West Contra Costa USD

BP 5145.7 Students

### Sexual Harassment-Based Harassment

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual and gender-based harassment of students by other students, employees, or other persons, while on school grounds, while going to or coming from school, while at school activities on or off school grounds, while on District transportation, or while otherwise in a District program or activity. The Board also prohibits retaliatory behavior or action against any persons who files a complaint, testifies, or otherwise participates in District complaint procedures.

#### Sexual Harassment Under District Policy

“Sexual harassment” under District policy means unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code, § 212.5; 5 CCR § 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any District program or activity.

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

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.3 – Nondiscrimination, Harassment, Intimidation & Bullying)  
(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Sexual harassment also includes nonconsensual touching and cyber sexual bullying, as defined and prohibited by the California Penal Code and Education Code.

“Nonconsensual touching,” as defined in Penal Code section 243.4, means touching another person’s intimate part against that person’s will. “Touch” means direct physical contact or contact through the clothing of

sexual in nature.





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## U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Q&A on Campus Sexual Misconduct, September 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

Dear Colleague Letter: Sexual Violence, April 4, 2011

Sexual Harassment: It's Not Academic, September 2008

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 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 WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

adopted: November 3, 2010 Richmond, California

revised: March 26, 2014

revised: November 4, 2020

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### P c Refe e ceD ca e :

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

S a e	De c
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	<u><a href="#">Liability of parent or guardian for act of willful misconduct by a minor</a></u>
Civ. Code 51.9	<u><a href="#">Liability for sexual harassment: business, service and professional relationships</a></u>
Ed. Code 200-262.4	<u><a href="#">Prohibition of discrimination</a></u>
Ed. Code 48900	<u><a href="#">Grounds for suspension or expulsion</a></u>
Ed. Code 48900.2	<u><a href="#">Additional grounds for suspension or expulsion: sexual harassment</a></u>
Ed. Code 48904	<u><a href="#">Liability of parent/guardian for willful student misconduct</a></u>
Ed. Code 48980	<u><a href="#">Parent/Guardian notifications</a></u>

Ed. Code 48985

Gov. Code 12950.1

Notices to parents in language other than English

Sexual harassment training

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U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>California Department of Education</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>U.S. Department of Education, Office for Civil Rights</u></a>

## **C      Reference**

<b>C de</b>	<b>De c</b>
0410	<a href="#"><u>Nondiscrimination In District Programs And Activities</u></a>
0450	<a href="#"><u>Comprehensive Safety Plan</u></a>
1312.1	<a href="#"><u>Complaints Concerning District Employees</u></a>
1312.1	<a href="#"><u>Complaints Concerning District Employees</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
3515.4	<a href="#"><u>Recovery For Property Loss Or Damage</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3530	<a href="#"><u>Risk Management/Insurance</u></a>
3580	<a href="#"><u>District Records</u></a>
3580	<a href="#"><u>District Records</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4118	<a href="#"><u>Dismissal/Suspension/Disciplinary Action</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4119.11	<a href="#"><u>Sexual Harassment</u></a>
4131	<a href="#"><u>Staff Development</u></a>
4219.11	<a href="#"><u>Sexual Harassment</u></a>
4219.11	<a href="#"><u>Sexual Harassment</u></a>
4219.21	<a href="#"><u>Professional Standards</u></a>
4231	<a href="#"><u>Staff Development</u></a>

4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.21	<u>Professional Standards</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
5131	<u>Conduct</u>
5131.2	<u>Bullying</u>
5131.2	<u>Bullying</u>
5132	<u>Dress And Grooming</u>
5137	<u>Positive School Climate</u>
5138	<u>Conflict Resolution/Peer Mediation</u>
5141.4	<u>Child Abuse Prevention And Reporting</u>
5141.52	<u>Suicide Prevention</u>
5141.52	<u>Suicide Prevention</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5145.2	<u>Freedom Of Speech/Expression</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.71	<u>Title IX Sexual Harassment Complaint Procedures</u>
5145.9	<u>Hate-Motivated Behavior</u>
6142.1	<u>Sexual Health And HIV/AIDS Prevention Instruction</u>
6142.8	<u>Comprehensive Health Education</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145.2	<u>Athletic Competition</u>
6145.2	<u>Athletic Competition</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E PDF(1)	<u>Student Use Of Technology</u>