Novato USD | BP 5145.71 Students

Sexual Orientation/Gender Identity Harassment

The Novato Unified School District 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, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression, including perceptions of a person's identity, appearance or behavior, is expressly prohibited.

The Board of Education considers harassment, discrimination, intimidation, or bullying based on sexual orientation, gender identity, and gender expression to be a major offense. The district shall investigate all complaints of 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 based on sexual orientation, 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 based on sexual orientation, gender identity, and gender expression. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation, 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 based on sexual orientation, 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
Prohibition of discrimination on the basis of sex

Grounds for suspension or expulsion

Additional grounds for suspension or expulsion; sexual harassment

Liability of parent/guardian for willful student misconduct

Notice at beginning of term

CIVIL CODE

Liability for sexual harassment; business, service and professional relationships

Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

Sexual harassment training

CODE OF REGULATIONS, TITLE 5

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

Title IX, discrimination

UNITED STATES CODE, TITLE 42

1983 Civil action for deprivation of rights

Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

Nondiscrimination on the basis of sex in education programs

COURT DECISIONS


Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130


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 NOVATO UNIFIED SCHOOL DISTRICT
adopted: April 23, 2013 Novato, California