



## **Student Policy BP 25-19**

### **Board Policy: Sexual Harassment Affecting Students**

The Governing Board of Gateway Community Charters (“Board”) is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of students at on any area of the school campus, at school-sponsored or school-related activities and events, regardless of location, through school-owned technology, and through other electronic means. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complaint in alleging sexual harassment.

#### Prohibited Sexual Harassment

The term “sexual harassment” is intended to mean sexual harassment in the broadest meaning of that term in current popular culture as well as legal usage. Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's education, academic status, or progress; (b) submission to, or rejection of, the conduct by the individual is used as the basis of educational or academic decisions affecting the individual; (c) the conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment; and/or (d) 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.

Sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation or attempts to commit these assaults and
  - Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another’s body, or poking another’s body
  
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Sexually oriented gestures, notices, remarks, jokes, or comments about a person’s sexuality or sexual experience
  - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or

- attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
  - Subjecting or threats of subjecting a student to unwelcome sexual attention or conduct or intentionally making the student's academic performance more difficult because of the student's sex
- Sexual or discriminatory displays or publications anywhere in the educational environment, such as:
  - Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view in the educational environment
  - Reading publicly or otherwise publicizing in the educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
  - Displaying signs or other materials purporting to segregate an individual by sex in an area of the educational environment (other than restrooms or similar rooms)
- Sexual harassment also includes inappropriate fraternization with other students via electronic means including, but not limited to, internet chat rooms, blog sites, text messaging, and websites such as Facebook, Instagram, and any other social media.

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

### Complaint/Investigation Procedure

All staff at the Gateway Community Charters ("GCC" or "Charter School") are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

The GCC strongly encourages any student who feels that he/she is being or has been sexually harassed on any area of the school campus, at school-sponsored or school-related activities and events, regardless of location, through school-owned technology, or through other electronic means, or any student who has witnessed such prohibited misconduct, by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. The student may also file a complaint with the GCC Title IX Coordinator. Each GCC School site will have Discrimination/Harassment/Intimidation/Bullying Complaint Forms available. However, the complaint may also be verbal. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

The GCC Title IX Coordinator:  
Jason Sample  
Chief Communications and Strategy Officer  
Gateway Community Charters  
5112 Arnold Ave., Suite A.  
McClellan, CA. 95652  
(916) 286-5129.

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

GCC acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Coordinator or administrative designee on a case-by-case basis.

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of the GCC, the Title IX Compliance Coordinator or administrative designee will promptly initiate an investigation. The Title IX Compliance Coordinator or administrative designee will complete his or her investigation within thirty (30) school days of receipt of the complaint, unless circumstances reasonably require additional time. If the Coordinator, or administrative designee determines that an investigation requires more time, he or she will inform the complainant and any other relevant parties and provide an approximate date when the investigation will be complete. The investigation and the final report are confidential.

At the conclusion of the investigation, the Title IX Compliance Coordinator or administrative designee will notify the complainant of the outcome of the investigation. However, in no case may the Title IX Compliance Coordinator or administrative designee reveal confidential student information related to other students, including the type and extent of discipline issued against such students.

All records related to any investigation of sexual harassment will remain in a secure location in the Main Office of GCC.

Should the Complainant find the Title IX Compliance Coordinator or administrative designee's resolution unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Designated Appeals Committee. In such cases, at least three (3) certificated GCC employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final disposition.

For more information about the filing and investigation of student sexual harassment complaints, please see GCC BP 06-18(A) Non-Discrimination, Harassment, Intimidation, and Bullying for Students and Employees, which can be found on our website.

## Notifications

A copy of the GCC's Sexual Harassment Affecting Students Policy shall:

1. Be sent to all GCC Schools with instructions that the Policy must be posted in Main Offices, Teacher Offices, Parent and Counseling Centers;
2. The Policy will be distributed at the GCC Administrator Meetings with instructions that it must be posted in the Main Offices, Teacher Offices, Parent and Counseling Centers;
3. Each year, the Policy will be printed in the GCC School Student and Parent Handbooks;
4. The Policy will be posted on the GCC School's Website;
5. The Policy shall be included in any other GCC School notifications that are sent to parents/guardians at the beginning of each school year;
6. The Policy shall be displayed in a prominent location near the GCC School Principal's office;
7. The Policy shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session;
8. The Policy shall appear in any GCC School or GCC publication that sets forth the schools' or GCC's comprehensive rules, regulations, procedures, and standards of conduct;
9. The Policy shall be provided to all employees;
10. The Policy shall be posted in all student government meeting rooms.

## Enforcement

The GCC School Principal or designee shall take appropriate actions to reinforce the GCC's sexual harassment and related policies. As needed, these actions may include any of the following:

1. Removing vulgar or offensive graffiti;
2. Providing staff in-service and student instruction or counseling;
3. Notifying parents/guardians;
4. Notifying Child Protective Services and/or law enforcement;
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 that he/she knew was not true.

## Disciplinary Measures

GCC students who engage in sexual harassment of anyone on any area of the school campus, at school-sponsored or school-related activities and events, regardless of location, through school-owned technology, and through other electronic means is in violation of this Policy and shall be subject to disciplinary action. For students in grades 4 through 12, disciplinary action may include suspension and/or expulsion, provided that in imposing such discipline the entire circumstances of the incident(s) shall be taken into account. The GCC will also take any appropriate action against any employee who engages in sexual harassment/discrimination. For more information about employee sexual harassment complaints and discipline, see GCC Employee Policy 11-18

Policy Prohibiting Unlawful Harassment, Discrimination, and Retaliation, which is available upon request.

### Instruction/Information

The GCC Superintendent/CEO or designee shall ensure that all GCC students receive age-appropriate information on sexual harassment. Such instruction shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence;
2. A clear message that students do not have to endure sexual harassment under any circumstance;
3. Encouragement to report observed incidents of sexual harassment, even where the alleged victim of the harassment has not complained;
4. A clear message that student safety is the GCC's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the harassment complaint will be received, investigated, and resolved;
5. Information about the GCC School's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made;
6. Information regarding consequences for committing acts of sexual harassment; and
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable.

### Record-Keeping

The GCC School Principal and GCC Title IX Compliance Coordinator shall maintain a record of all reported cases of sexual harassment complaints. Allegations of sexual harassment will be kept confidential pursuant to the exception stated below. On June 30 of each school year, a log of sexual harassment complaints shall be forwarded to the GCC Superintendent/CEO or designee.

### Confidentiality

All complaint allegations shall be kept confidential to the greatest extent possible under the law, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Title IX Compliance Coordinator or administrative designee on a case-by-case basis.

### Retaliation

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 or the grades of a student/complainant.

**HARASSMENT, INTIMIDATION, DISCRIMINATION & BULLYING COMPLAINT FORM**

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against:

\_\_\_\_\_

List any witnesses that were present:

\_\_\_\_\_

Where did the incident(s) occur?

\_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I hereby authorize GCC to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.**

\_\_\_\_\_  
Signature of Complainant

Date: \_\_\_\_\_

\_\_\_\_\_  
Print Name

**To be completed by GCC:**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Follow up Meeting with Complainant held on: \_\_\_\_\_