

SAN DIEGO UNIFIED SCHOOL DISTRICT
Student Nondiscrimination and Sexual Harassment Policy

NOTICE OF STUDENT NONDISCRIMINATION

San Diego Unified School District is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination, harassment, intimidation, and bullying by reason of the following actual or perceived characteristics: age, ancestry, color, mental or physical disability, ethnicity, ethnic group identification, gender, gender expression, gender identity, genetic information, immigration status, marital or parental status, nationality, national origin, actual or perceived sex, sexual orientation, race, religion, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.

Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedure and state law.

Employees who violate this policy shall be subject to discipline up to and including dismissal. Any disciplinary action shall be in accordance with applicable federal, state and/or collective bargaining agreements.

Reference Board Policy (BP) 5145.3 and Administrative Regulation (AR) 5145.3 for full policies.

STUDENT SEXUAL HARASSMENT POLICY

San Diego Unified School District is committed to making the schools free from sexual harassment and discrimination, harassment, intimidation, and bullying. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of the Civil Rights Act of 1972 and is prohibited by both federal and state laws. The district prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. Sexual harassment is defined in Education Code to mean unwelcome sexual advances; requests for sexual favors; or verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting. The superintendent or his/her designee shall ensure that district students receive age-appropriate instruction about their rights to be free from sexual harassment, the district procedure for reporting and investigating complaints of sexual harassment including with whom a complaint should be filed.

The district prohibits conduct that has the purpose or effect of having a negative impact on the individual's work or academic performance, or that is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, or offensive educational environment.

The district further prohibits sexual harassment that conditions a student's status, progress, benefits, services, honors, program or activities based on submission to such conduct.

Any student who feels that he/she is being, or has been, sexually harassed by a school employee, another student, or a non-school employee at school or at a school-related event, shall immediately contact his/her teacher or any other district employee. An employee who receives such a complaint shall report it in accordance with administrative procedures/regulations.

Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedure and state law.

Employees who violate this policy shall be subject to discipline up to and including dismissal. Any disciplinary action shall be in accordance with applicable federal and state laws and/or collective bargaining agreements.

The district believes that it can resolve issues of discrimination, harassment, intimidation, and bullying at the school site.

Reference BP and AR 5145.7 and BP and AR 0410 for full policies.

TO FILE A FORMAL COMPLAINT FOR DISCRIMINATION, HARASSMENT, INTIMIDATION, AND BULLYING OR SEXUAL HARASSMENT

1. **Filing a complaint:** A complaint may be filed by a student or parent/guardian by obtaining a copy of the Uniform Complaint Form (BP and AR 1312.3) from the school or the district's Uniform Complaint Compliance Office or district website. Remedies available outside of the district are listed in this procedure.
2. **Investigation:** San Diego Unified School District will immediately undertake an effective, thorough, and objective investigation of the harassment and/or discrimination, harassment, intimidation, and bullying allegations and provide a written report within sixty (60) days from the date the complaint is filed. The Superintendent or his/her designee shall ensure that any complaint received is investigated in accordance with district administrative procedures and that school personnel take immediate steps to intervene, when safe to do so, when they witness any act of harassment.
3. **Action:** When an allegation of sexual harassment is validated by the investigation and disciplinary action is necessary, the superintendent will determine the appropriate course of action, to prevent reoccurrence and follow up with the harassed student, depending upon whether the harasser is a student, staff member or agent of the district. If the complaint of sexual harassment is validated the superintendent and/or designee shall take prompt, appropriate action to end the harassment and to address the effects on the victim.

Complaints will be kept confidential to the extent possible. The person filing the complaint may also pursue action in civil court.

The district prohibits retaliation against any person who complains, testifies, assists or participates in district complaint procedures.

Reference BP and AR 1312.3 for full policies.

A student who has a report or complaint of sexual harassment or of discrimination, harassment, intimidation, and bullying based on sex shall immediately contact his/her teacher or any other district employee. For questions or additional information or if a complaint cannot be resolved at the site level, or at any time the student may contact:

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