f) Sexual Harassment Policy (Board Policy 5166)

Complaint Procedure:
The sexual harassment complaint may be filed with the Principal or his/her designee or a teacher at the school site. If the individual feels uncomfortable, the complaint may be filed with the Title IX Coordinator. Each school site will have Harassment/Discrimination Complaint Forms available. However, the complaint may also be verbal. The Title IX Coordinator is located in the Office of Equity at 555 Franklin Street, Third Floor, San Francisco, CA 94102. The phone number is (415) 355-7334.

School staff or the Title IX Compliance Coordinator must complete his or her investigation within ten (10) working days of receipt of the complaint. The investigation and the final report are confidential.

Additional information can be found below.

I. Prohibited Sexual Harassment

1. Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when: (Education Code 212.5)
   a. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress.
   b. Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual.
   c. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment.
   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 school.

2. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:
   a. Unwelcome sexual flirtations or propositions
   b. Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
   c. Graphic verbal comments about an individual's body, or overly personal conversation
   d. Sexual jokes, notes, stories, drawings, pictures or gestures
   e. Spreading sexual rumors
   f. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
   g. Touching an individual's body or clothes in a sexual way
   h. Purposefully cornering or blocking normal movements
   i. Limiting a student's access to educational tools
   j. Displaying sexually suggestive objects

II. Notifications

A copy of the District's Sexual Harassment Policy shall:

1. Be sent to all schools through the WAD process with instructions that the Sexual Harassment Policy must be posted in the Main Offices, Teacher Offices, Parent and Counseling Centers;

2. The Sexual Harassment Policy will be distributed at the Principal Meetings (High School, Middle School, and Elementary School and the Child Development Centers) with instructions that it must be posted in the Main Offices, Teacher Offices, Parent and Counseling Centers.

3. Each year the Sexual Harassment Policy will be printed in the Handbook which is distributed to all parents.

4. The Sexual Harassment Policy will be posted on the SFUSD Website under the Office of Equity and Charter Schools.

5. The Sexual Harassment Policy shall be included in any other notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980)

6. The Sexual Harassment Policy shall be displayed in a prominent location near the school principal's office. (Education Code 212.6)

7. The Sexual Harassment Policy shall be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session. (Education Code 212.6)
8. The Sexual Harassment Policy shall appear in any school or district publication that sets forth the schools’ or District’s comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 212.6)

9. The Sexual Harassment Policy shall be provided to employees and employee organizations.

**III. Enforcement**  
The Superintendent or designee shall take appropriate actions to reinforce the District’s sexual harassment policy. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff in-service and student instruction or counseling
3. Notifying parents/guardians
4. Notifying Child Protective Services
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.

**IV. Sexual Harassment**  
The Governing Board is committed to maintaining an educational environment that is free from harassment. The Board prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against persons who complain, testify, assist or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

**V. Instruction/Information**  
The Superintendent or designee shall ensure that all district students receive age-appropriate instruction and information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same gender
2. A clear message that students do not have to endure sexual harassment from any individual
3. Encouragement to report observed instances of sexual harassment, even where the victim of the harassment has not complained
4. Information about the person(s) to whom a report of sexual harassment should be made

**VI. Complaint Process**  
1. All students shall be advised of the existence of Administrative Regulation 5166, Harassment/Discrimination Complaint Procedures. Students shall be provided by the Principal or Designee with a copy of the Administrative Regulation upon request.
2. Any student who feels that he or she has been the object of sexual harassment may verbally file a complaint with his/her principal, designee, teacher or the Title IX Compliance Coordinator in compliance with Administrative Regulation R5166.
3. Any school employee to whom a complaint is made shall, within 24 hours of receiving the complaint, report it to the student’s principal or designee. This report shall be made regardless of whether the victim files a complaint.
4. In any case of sexual harassment involving the principal or any other district employee to whom the complaint would ordinarily be made, the employee who receives the student’s report or who observes the incident shall report to the nondiscrimination coordinator or the Superintendent or designee. This report shall be made regardless of whether the victim files a complaint.
5. The principal or designee to whom a complaint of sexual harassment is reported shall immediately investigate the complaint in accordance with Administrative Regulation R5166. Where the principal or designee finds that sexual harassment occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim. The principal or designee shall also advise the victim of any other remedies that may be available. The principal or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement authorities, where required.

**VII. Disciplinary Measures**  
1. Any student who engages in sexual harassment of anyone at school or at a school-sponsored or school-related activity 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.

2. The District will also take any appropriate action against any employee who engages in sexual harassment/discrimination.

**VIII. Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment Complaints and allegations of sexual harassment will be kept confidential except when to enable the district to monitor, address and prevent repetitive harassing behavior in its schools except when disclosure is necessary to further the end of the investigation or other needed remedial action or ongoing monitoring.

On June 30 of each school year, a log of sexual harassment complaints shall be forwarded to the Superintendent.

**IX. Confidentiality**

All complaint allegations shall be kept confidential to the greatest extent possible under the law.

**X. Retaliation**

The San Francisco Board of Education 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, work assignment of the complainant or the grades of a student/complainant.