

TULARE COUNTY OFFICE OF EDUCATION

Board Policy

Students
BP 5145.7
Sexual Harassment

Sexual Harassment

The Tulare County Office of Education (TCOE) is committed to maintaining a safe school environment that is free from harassment and discrimination. Sexual harassment targeted at any student in a TCOE educational program, school or school-sponsored or school-related activity is prohibited. Retaliatory behavior or action against any person who reports, files a complaint, or testifies about sexual harassment or who otherwise supports a complainant in alleging sexual harassment is also prohibited.

Students who feel that they are being or have been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult, or who have experienced off-campus sexual harassment that has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, TCOE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment shall notify the Title IX Coordinator so that steps may be taken to investigate and address the allegation in accordance with law and related TCOE regulations.

Once notified of a complaint or allegation of sexual harassment, the Title IX Coordinator shall ensure that it is addressed through TCOE's Title IX complaint procedures or uniform complaint procedures (UCP), as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the Title IX Coordinator shall ensure that any implementation of the Title IX procedure concurrently meets the requirements of UCP.

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon completion of an investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Legal Reference:

EDUCATION CODE

200-262.4 – Prohibition of discrimination

1040 – Duties and responsibilities; county boards of education

1042 – County boards; authority
35160 – Authority of county boards
35160.1 – Authority of county boards; legislative intent
48900 – Grounds for suspension or expulsion
48900.2 – Additional grounds for suspension or expulsion; sexual harassment
48904 – Liability of parent/guardian for willful student misconduct
48915 – Grounds for expulsion
48980 – Parental notifications
48985 – Notices to parents in language other than English

CIVIL CODE

51.9 – Liability for sexual harassment; business, service and professional relationships
1714.1 – Liability of parents/guardians for willful misconduct of minor

GOVERNMENT CODE

12950.1 – Sexual harassment training

CODE OF REGULATIONS, TITLE 5

4600-4670 – Uniform complaint procedures
4900-4965 – Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1092 – Definition of sexual harassment
1221 – Application of laws
1232g – Family Educational Rights and Privacy Act
1681-1688 – Discrimination based on sex or blindness, Title IX

UNIFIED STATES CODE, TITLE 34

12291 – Definition of dating violence, domestic violence, and stalking

UNITED STATES CODE, TITLE 42

1983 – Civil action for deprivation of rights
2000d-2000d-7 – Title VI, Civil Rights Act of 1964
2000e-2000e-17 – Title VII, Civil Rights Act of 1964 as amended

CODE OF FEDERAL REGULATIONS, TITLE 34

99.1-99.67 – Family Educational Rights and Privacy
106.1-106.82 – Nondiscrimination on the basis of sex in education programs

Policy adopted: 9/15/93

Tulare County Board of Education
Visalia, California

Revised: 1/11/06, 7/8/15, 5/14/25