

Overview of Sexual Harassment

Sexual harassment is against the law in all schools in California (Education Codes 200, 212.6, 48900.2) and in the United States (Title IX). Sexual harassment is also in violation of Berkeley Unified School District Board policy. All forms of sexual harassment, whether student to student, staff to student, or student to staff, are unlawful at BUSD schools. (Note: Education Code 48900.2 does not apply to children in grades K – 3.)

Definition of Sexual Harassment

Sexual harassment includes verbal, visual or physical conduct of a sexual nature which may have a negative impact upon the victim's academic or work performance or creates an intimidating, hostile, or offensive educational/work environment.

Specific Examples of Sexual Harassment

Sexual harassment may include, but is not limited to:

1. Unwelcome written, verbal, physical, and/or visual contact with sexual overtones such as slurs, jokes, touching, blocking movement, sexual cartoons or drawings, and obscene language.
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Sexting (sending sexually explicit photos or text), or electronic postings with sexual overtones on Instagram, FaceBook, Twitter, YouTube, or other media.

Sexual Harassment by a Student: Action Steps for Victims and Witnesses

If a student or staff member is sexually harassed by a student, the victim may tell the student who has engaged in sexual harassment to stop, if the victim feels comfortable doing so. In addition, any student or school staff member who has been sexually harassed by a student and any student or staff member who has witnessed a student engaging in sexual harassment must report the incident immediately to any school staff member. All sexual harassment reports shall immediately be referred to a school administrator.

Consequences for Students Who Engage in Sexual Harassment

Consequences for a student who has engaged in sexual harassment can include any of the following actions depending upon the severity of the harassment and whether or not the student has previously engaged in serious misbehavior:

Counseling, conferencing with the student and parent/guardian, a written apology, a referral to student court, restorative justice (Note: does not include mediation, meetings, or other contact with the victim) detention or in-school suspension, suspension, expulsion, and a police report.

Sexual Harassment by a Staff Member or Other Adult: Action Steps for Victims and Witnesses

Any student or school staff member who has been sexually harassed by a school staff member or any adult at school and any student or staff member who has witnessed an adult engaging in sexual harassment must report the incident immediately to a responsible adult (vice principal or principal).

Consequences for Adults Who Engage in Sexual Harassment

Consequences for a staff member who has engaged in sexual harassment can include personnel action including a verbal and written reprimand, a referral to counseling, reassignment, termination of employment, or other disciplinary action, a suspension or revocation of professional credentials, and a police report. In addition, an adult who engages in sexual harassment can face civil and criminal consequences.

Support for Victims of Sexual Harassment

Retaliation towards a student or staff member who reports that they have been sexually harassed is illegal. Reasonable efforts will be made to maintain the confidentiality of anyone who reports sexual harassment. Students who have been sexually harassed can get support from the school counselor and/or a school mental health provider. Staff members who have been sexually harassed can get support through BUSD's Employee Assistance Program. Individuals who have been sexually harassed have a right to file a formal complaint with BUSD. Complaints can be filed with the school Principal or with the District's Interim Title IX Coordinator in BUSD Student Services (883.5224).

Resources

Equal Rights Advocates: www.equalrights.org

Feminist Majority Foundation: www.feminist.org

How to talk to your children about healthy and safe relationships:

<http://startstrong.futureswithoutviolence.org/learn-more/case-studies/austin/build-trust-with-parents/>

http://startstrong.futureswithoutviolence.org/wp-content/uploads/SStrong_Card_SpeaksAdult2.pdf

National Women's Law Center: www.nwlc.org

Office for Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/sexharassresources.html>

Sexual Harassment and Violence Support and Education: survivorsupport.berkeley.edu

Title IX: www.titleIX.info

Cyber-safety: onguardonline.gov