

BERKELEY UNIFIED SCHOOL DISTRICT

District Civil Rights & Compliance Office

Sexual Harassment Prevention Policy

The District is committed to providing a working and learning environment free from sexual harassment. The District prohibits sexual harassment of or by employees, students, or persons doing business with or for the District based on actual or perceived sex, sexual orientation, gender, gender identity, gender expression, pregnancy, childbirth, breastfeeding/lactating status, and any related medical conditions. Failure to follow this policy is a violation of state and federal law.

Under California law, sexual harassment is any unwelcome conduct based on sex, including sexual advances, requests for sexual favors, and any other verbal, visual, or physical conduct of a sexual nature or based on sex made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is directly or indirectly made as a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions, or for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or of creating an intimidating, hostile, or offensive work or educational environment.

Under regulations for Title IX of the Education Amendments of 1972, conduct on the basis of sex that satisfies one or more of the following may constitute sexual harassment:

- An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- Sexual assault, dating violence, domestic violence, or stalking.

Upon witnessing discrimination, harassment, intimidation, abusive conduct, or bullying based on the above, personnel are required to take immediate steps to intervene when safe to do so. Reporting the conduct to an administrator or Title IX Coordinator can be an appropriate intervention. Once a school/office has been notified of the conduct and a complaint has been filed, whether carried out by employees, students, or third parties, it should take immediate and appropriate steps to investigate, support the investigation, determine what occurred, take prompt and effective reasonable steps to end the conduct, eliminate a hostile environment if one has been created, and prevent it from reoccurring. Supportive measures will be provided regardless of whether an individual makes a complaint or asks the school/office to take action. This policy applies to all acts related to school activity or school attendance under the Berkeley Unified School District's jurisdiction. District students or employees who believe they have been a victim of sexual harassment or who have witnessed such an act should report it to an administrator or Title IX Coordinator so appropriate action may be taken to resolve it. The District prohibits retaliation against anyone who files a sexual harassment complaint or participates in the investigation process. Complaints must be promptly and fairly investigated in a way that fully respects the privacy of the parties to the fullest extent. For more information, or to file a complaint please contact:

Stephen Jimenez-Robb

District Title IX Coordinator/Compliance Officer

Berkeley Unified School District

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