



## **Board Policy: Student Sexual Harassment Policy and Procedures**

Wonderful College Prep Academy (“WCPA”) is committed to making its schools free from sexual harassment and discrimination. 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. WCPA prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities.

Prohibited sexual harassment under the Education Code includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916).

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student’s academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student’s academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any WCPA program or activity.

Prohibited sexual harassment under federal law is defined to include:

1. an employee conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
2. 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 education program or activity; or
3. sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 and 34 USC 12291.

Examples of types of conduct which are prohibited by WCPA and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations, or propositions
2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
3. Graphic verbal comments about an individual's body or overly personal conversation
4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking, or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery, or sexual coercion
12. Electronic communications containing comments, words, or images described above

Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sexual harassment in violation of WCPA's policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

WCPA's Board of Directors ("Board") is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits, at school or school-sponsored or school-related activities, sexual harassment targeted at any student by anyone. The Board also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment.

WCPA strongly encourages 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, to immediately contact their teacher, the principal, or

any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal, if at a school, or manager, if in a non-school setting; who shall notify the Title IX Coordinator.

Once notified, the Title IX Coordinator or designee shall ensure the complaint is addressed through Title IX complaint procedures or uniform complaint procedures, as applicable, and shall offer supportive measures to the complainant.

### **Instruction/Information**

The Superintendent or designee shall ensure that all WCPA students receive age-appropriate 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 sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even where the alleged victim of the harassment has not complained
4. A clear message that student safety is WCPA's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved
5. Information about WCPA's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made
6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

### **Notifications**

A copy of WCPA's sexual harassment policy shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of WCPA rules, regulations, procedures, and standards of conduct are posted. (Education Code 231.5)

3. Be summarized on a poster which shall be prominently and conspicuously displayed in each bathroom and locker room at each school. The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)
4. Be posted in a prominent location on WCPA's website in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee designated as WCPA's Title IX Coordinator. (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session. (Education Code 231.5)

## **Reporting Complaints**

A student or parent/guardian who believes that the student has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment is strongly encouraged to report the incident to a teacher, the principal, the Title IX Coordinator, or any other available school employee. Within one school day of receiving such a report, the principal or other school employee shall forward the report to the Title IX Coordinator. Any school employee who observes an incident of sexual harassment involving a student shall, within one school day, report the observation to the principal or Title IX Coordinator, regardless of whether the alleged victim files a formal complaint.

When a report or complaint of sexual harassment involves off-campus conduct, the Title IX Coordinator shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If the Title IX Coordinator determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible under the law. WCPA must keep confidential the identity of any individual who has made a report or complaint, respondent, and witness, except as may be permitted by the Family Education Rights and Privacy Act, required by applicable law, or to carry out the purposes of the Title IX regulations.

## **Disciplinary Actions**

Any student who engages in sexual harassment or sexual violence 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 4-12, 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.

Any staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies and laws.

## **Record-Keeping**

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable WCPA to monitor, address, and prevent repetitive harassing behavior at WCPA.

## **Title IX Coordinator/Uniform Complaint Compliance Officer**

WCPA designates the following individuals as the responsible employees to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code Section 234.1, as well as to investigate and resolve sexual harassment complaints under WCPA's uniform complaint procedures. WCPA's Title IX Coordinator and Uniform Complaint Compliance Officer may be contacted at:

### **WCPA's Title IX Coordinator:**

Bill Toomey, Chief Business Officer  
Wonderful College Prep Academy, Main Office  
2070 Veneto Street, Delano, CA 93215  
[\(661\) 721-2887](tel:6617212887)  
[Bill.Toomey@wonderfulcollegeprep.org](mailto:Bill.Toomey@wonderfulcollegeprep.org)

### **WCPA's Uniform Complaint Compliance Officer:**

Ana Martinez, Interim Superintendent  
Wonderful College Prep Academy, Main Office  
2070 Veneto Street, Delano, CA 93215  
[\(661\) 721-2887](tel:6617212887)  
[Ana.Martinez@wonderfulcollegeprep.org](mailto:Ana.Martinez@wonderfulcollegeprep.org)