

Sexual Orientation/Gender Identity Harassment:

The Morgan Hill Unified School District is committed to maintaining a safe and supportive school environment in which all members of the school community are treated with dignity and respect. It is the policy of this District that harassment and discrimination based on sexual orientation and gender identity, including perceptions of a person's identity, appearance or behavior, is expressly prohibited.

The Board considers harassment and discrimination based on sexual orientation and gender identity to be a major offense. The District shall investigate all complaints of discrimination and harassment, and take appropriate action against any student or employee who is found to have violated this policy.

Harassment of a student by another student in violation of this policy constitutes cause for disciplinary action. Students shall be advised that harassment and discrimination based on sexual orientation and gender identity are unacceptable conduct and will not be tolerated. Students shall be informed that they should contact the school principal or designee if they experience such harassment or discrimination.

Harassment by an employee in violation of this policy constitutes cause for disciplinary action, up to and including dismissal.

The Superintendent shall adopt, and may periodically revise, administrative regulations necessary to implement and enforce this policy. The regulations shall provide an adequate description of this policy to parents, students and employees, provide appropriate complaint and resolution procedures, and establish due process for persons accused of harassment or discrimination based on sexual orientation and gender identity. The Superintendent shall ensure that students receive age-appropriate information and education related to sexual orientation and gender identity. In addition, the Superintendent shall designate qualified individuals to provide appropriate training and educational programs on the issue of harassment and discrimination based on sexual orientation and gender identity.

This policy is intended to supplement, and not replace, state and federal laws prohibiting sexual harassment. Complaints under those laws shall be processed through the procedures established by appropriate state and/or federal agencies.

Cross References:

BP/AR 4121 PERSONNEL: Sexual Harassment

BP/AR 4123 PERSONNEL: Complaint Procedure

BP 5130 STUDENTS BP 5130: Pupil Discipline: Suspension and Expulsion

BP/AR 5750 STUDENTS: Sexual Harassment

Legal References:

EDUCATION CODE

200 State policy; purpose

212.6 Educational institutions; written policy on sexual harassment

48900.2 Sexual Harassment as ground for suspension or expulsion

48980 Article 6. California School Information Services

California Constitution, Article 1, § 28 (c)
California Fair Employment and Housing Act
California Labor Code Sections 1101 & 1102
Title VII of the Civil Rights Act of 1964 and 1991
Title IX of the Education Amendments of 1972

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