

Sexual Harassment

The Board is committed to maintaining an educational environment that protects dignity, individual worth, promotes mutual respect for each individual, and is free from sexual harassment. Each District student, employee, or visitor has the right to work or participate in an atmosphere that promotes equal opportunities, free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive.

It shall be a violation of this policy for any District employee, student or visitor to sexually harass another individual, while on any school premises or at any school sponsored activity, regardless of location.

Reporting

It is everyone's responsibility to eliminate sexual harassment. Anyone who has been sexually harassed or believes another person has been sexually harassed should immediately report it to a District official.

District personnel receiving a report of a violation of this policy shall report the matter to the building principal, supervisor or designee immediately. If the complaint involves the principal, supervisor or designee, District personnel must immediately report the matter to the superintendent. If the complaint involves the superintendent, District personnel must immediately report the matter to the school Board president.

District personnel witnessing a violation of this policy shall take immediate action to stop the inappropriate behavior and report the matter to the building principal or other appropriate District personnel.

District personnel who fail to report or fail to take action to stop violations of this policy may face disciplinary action up to and including dismissal.

Investigation

When a District official receives a report of sexual harassment, or has reason to believe that sexual harassment is occurring, he/she shall take immediate steps to follow the process outlined in the Civil Rights Grievance Policy #3211.

Confidentiality

Because of the sensitive nature of the allegations of sexual harassment, any investigation shall be conducted, to the maximum extent possible, within legal constraints, to protect the privacy of the complainant, victim and the accused. In instances where the sexual harassment allegation involves suspected child abuse, the District official must report the case to the proper authorities as required by law.

Discipline for violations of this policy:

for an employee, may involve actions up to and including dismissal.

for a visitor, may involve actions up to and including future prohibition from entering any school premises or attending any school sponsored activity, regardless of location.

for a student, may involve actions up to and including suspension, and/or expulsion.

Discipline shall be appropriate to the offense, age, and status of the individual.

The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the charges warrant such action.

Insufficient Evidence

If there is insufficient evidence to support the allegations, no report of the allegation shall be placed in an accused or complaining employee's personnel record or in an accused or complaining student's permanent record.

False Accusation

If the investigation discloses that the complaining individual knowingly or in a malicious manner falsely accused another of sexual harassment, the complaining individual may be subject to disciplinary action as stated above.

Retaliation

District students, employees, or visitors shall not retaliate against an individual who in good faith reports, associates with the individual reporting, participates in the investigation, or investigates a report of sexual harassment. Any person who retaliates against another individual who investigates or in good faith reports an incident may be subject to disciplinary action as stated above.

Prevention

The Superintendent or designee shall develop procedures to:

- implement or review actions taken to prevent sexual harassment.
- follow up with victims of violations of this policy to ensure preventive actions were effective.

District Record

The Superintendent or designee will keep and maintain a written record, including, but not limited to, witness statements, investigative reports and correspondence, from the date any allegation of harassment is reported to District personnel. The information in the written record will also include the action taken by the District in response to each allegation. The confidential written record will be kept in the District's administrative offices and will be purged according to District record retention procedures.

DEFINITIONS

Sexual Harassment: a form of misconduct that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition to an individual's employment, education, or participation in school activities;
2. submission to or rejection of such conduct by an individual is used as a basis for personnel or academic decisions affecting the individuals; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment.

Student-to-student sexual harassment is defined by a hostile environment or any unwelcome sexual conduct that is sufficiently severe, persistent or pervasive, to potentially limit a student's ability to participate in or benefit from his or her education.

All sexual harassment of students by employees is "unwelcome" regardless of whether it is "consensual".

Examples of sexual harassment may include, but are not limited to:

1. unwanted sexual touching, verbal comments, gestures, and jokes;
2. students in a class which is predominantly of one sex subjecting a student of the opposite sex to sexual remarks, teasing, or being questioned about their ability to do the work;
3. touching oneself sexually or talking about one's sexual activity in front of others;
4. displaying, wearing or distributing sexually explicit or sexually suggestive drawings, pictures or written materials;
5. unwelcome solicitation or pressure for sexual favors;
6. unnecessary touching of an individual, e.g., patting, pinching, repeated brushing against another person's body;
7. requests for sexual favors accompanied by implied or overt threats concerning an individual's employment, education or business with the District; and
8. cornering or blocking of normal movements.

Examples of conduct which typically would **not** constitute sexual harassment:

1. a single instance of a kiss on the cheek of an elementary student by another elementary student;
2. hugging the winning athlete;
3. a teacher putting his/her arms around students during photographic session.

On District premises or at any District sponsored activity, regardless of location: shall include, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District related activity.

District Official: includes, but is not limited to, teacher, school counselor, school nurse, coach, activities director, principal, assistant principal, or District administrator.

Adopted: <u>7/12/99</u>	Reviewed: <u>7/14/03 -- 5/10/04</u>	Revised: <u>8/10/00</u>
	<u>5/8/06 -- 2/26/07</u>	<u>7/9/01 (3/12/01)</u>
	<u>3/10/08 -- 1/23/09</u>	<u>7/14/03</u>
		<u>7/01/04 (5/10/04)</u>

Cross Reference: Civil Rights Grievance #3211
Section 504 Hearing #3212
Student Conduct #3230
Bullying, Hazing and Harassment #3231
Assault and/or Battery #3237
Technology Use #3239
Major Disciplinary Violations #3272
Safe and Secure Learning/Work Environment #3310
Child Abuse #3330
Disruptive Employee or Public Conduct #5234

Legal Reference: Title IX of the Education Amendments of 1972
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 200e-2(a)
Franklin v. Gwinnett Co. Public Schools, 112 S. Ct. 1028 (1992)
IC 16-1619 Reporting of abuse, abandonment or neglect *Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998)
Mentor Savings Bank v. Winson, 477 U.S. 57 (1986)
Elison v. Brandy, 924 F.2d872 (9th Cir. 1991)
Hazing IC 18-917

Handbook Reference: Elementary Student Planner
Secondary Student Planner