

# Sexual Harassment Process

## A. INTRODUCTION

The School Board has established Policy No. 248, committing the Marple Newtown School District to maintaining a positive and productive environment, free from discrimination, including sexual harassment and sexual violence, for adults and students.

This procedure addresses the requirements of prohibiting discrimination on the basis of sex and incorporates the requirements of Title IX of the Educational Amendments of 1972 to the Civil Rights Act of 1964. This procedure applies to all school district students, employees, volunteers, parents/guardians, and third parties involved in school activities.

This procedure specifically applies, but is not limited, to allegations by or on behalf of students or employees that have been sexually harassed or sexually assaulted in or related to the school environment, whether by other adults or students. This procedure does not apply to complaints alleging violations of Title IX for equal access to athletic opportunities, nor other forms of sex discrimination, such as different treatment based on sex. Such complaints are covered under the district's nondiscrimination policies and procedures.

## B. DEFINITIONS OF SEXUAL HARASSMENT

There are three forms of sexual harassment: quid pro quo and hostile environment.

1. "Quid Pro Quo" Sexual Harassment Quid pro quo harassment occurs when a school employee, such as a teacher, causes a student to believe that he or she must submit to sexual conduct, sexual advances, or grant sexual favors or that accepting or rejecting of such conduct or communications will be used as a factor in decisions affecting the student's education. For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is quid pro quo harassment. Similarly, quid pro quo harassment can occur when an employee's supervisor makes unwelcome sexual advances or requests sexual favors and the employee reasonably believes that submitting to that conduct or communication is a condition of obtaining employment or that accepting or rejecting that conduct or communication will be used as a factor in employment decisions.

2. "Hostile Environment" Sexual Harassment Hostile environment sexual harassment is conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a person the ability to participate in or benefit from a program, education, or environment. For students, hostile environment sexual harassment means unwelcome conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a student the opportunity to participate in or benefit from an education program or activity. For employees, a hostile work environment is created when unwelcome conduct of a sexual nature is sufficiently serious that it interferes with, denies, or limits the employee's work performance or work environment.

(a) The term "conduct" includes, but is not limited to:

- verbal comments, including unwelcome sexual advances, requests for sexual favors, and derogatory remarks;

- nonverbal conduct, such as graffiti, text messages, or notes; and/or
- physical conduct such as sexual touching, fondling, sexual assault, rape, and other forms of sexual violence.

(b) The term “of a sexual nature” is a broad term that includes conduct or comments about sex (the physical act), based on sex (persons being male or female), or based on sex or gender-based stereotyping.

(c) In determining whether conduct is “sufficiently serious” as to interfere with, deny, or limit education or employment so as to rise to the level of sexual harassment, the district will examine all the circumstances, including: the type of harassment (e.g., whether it was verbal or physical); the frequency and severity of the conduct; the age, sex and relationship of the parties; the setting and context in which the harassment occurred; whether other incidents have occurred at the school; and other relevant factors. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. For instance, a single instance of rape is sufficiently severe to create a hostile environment.

3. Other conduct defined by federal law:

- A. Sexual assault
- B. Dating violence
- C. Domestic violence
- D. Stalking

## **C. RESPONSIBILITIES**

### 1. Title IX Coordinator

The Title IX Coordinator is the person designated by the Superintendent to coordinate compliance with Title IX. The Title IX Coordinator’s core responsibilities under this procedure include tracking the District’s response to formal complaints of sexual harassment, determining the appropriate response and remedial actions, and identifying and addressing any patterns or systemic problems revealed by such complaints. Accordingly, the Title IX Coordinator shall have knowledge of all Title IX requirements, of the District’s own policies and procedures on sex discrimination, and of all formal complaints throughout the District that raise Title IX issues. The Title IX Coordinator shall monitor and coordinate the District’s compliance with the requirements of Title IX. The name and contact information for the district and school-based Title IX Coordinators shall be available on the District’s webpage and shall be posted in other locations as described in this procedure.

### 2. Title IX School-Based Coordinator

The Principal of each school shall be the Title IX Coordinator for that school, unless the Principal delegates those responsibilities in writing to a named staff member. The Title IX Coordinator shall be notified of any such delegation, and the delegation shall not be effective unless and until it has been acknowledged by the District Title IX Coordinator. School Title IX Coordinators shall be responsible for posting required notices at schools, accepting informal reports and formal complaints, conducting appropriate informal investigations, converting informal reports into formal complaints when appropriate,

reporting formal complaints to the District Title IX Coordinator, and implementing any school-based safety plans and remedies.

### 3. Staff

District staff members are responsible for reporting all alleged, reported, or observed instances of sexual harassment to either a Title IX School-Based Coordinator or the District Title IX Coordinator. The internal reporting responsibilities contained in this procedure do not relieve District staff members of their mandatory legal obligations to report immediately suspected child abuse or neglect to Child Protective Services or local law enforcement. All bus drivers, campus security personnel, principals, office personnel, staff, and teachers are responsible for reporting any instances of sexual harassment that they personally witness or that are reported to them by any person, including students. District employees who provide or support the provision of confidential counseling, advocacy, health, mental health, or sexual-assault related services to students are not, in all circumstances, required to report instances of sexual harassment that they learn about in the course of their duties providing such services. However, if they have a mandatory duty to report suspected child abuse or neglect, they are not relieved of that responsibility by this paragraph.

## D. COMPLAINT PROCEDURES

All allegations, reports, and complaints of sexual harassment shall be addressed in accordance with district policies and procedures which are applicable to discrimination complaints generally.

## E. REMEDIES

The Title IX District Coordinator and applicable Title IX School-Based Coordinator shall take steps to protect the complainant from sexual harassment, retaliation, and ensure his or her safety as necessary during school- or employment-related activities, including taking interim steps before the final outcome of an investigation. Depending on the circumstances, this may include facilitating separation of the complainant and the subject of the complaint or allowing students to change academic situations as appropriate. If it is determined that sexual harassment occurred, the District shall also take action to eliminate the conduct, prevent recurrence, and address the effects. Nothing within this procedure prohibits or restricts a complainant or the district from reporting a crime to local law enforcement.

## F. REPRISAL, RETALIATION, AND FALSE ACCUSATIONS

No one's status with the District shall be adversely affected because of his or her use of this procedure. It is unlawful for any District student or employee to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with his or her right to file a report or complaint. It is also unlawful for any District student or employee to harass, demote, discipline, or otherwise retaliate against anyone because they filed a report or complaint or because they participated in an investigation. The District shall take reasonable steps to protect complainants and witnesses against interference or retaliation by students, employees, or others. No one shall

knowingly or with reckless disregard for the truth make false accusations of sexual harassment. However, withdrawal of or failure to prove a claim of sexual harassment is not equivalent to a false allegation. Appropriate discipline or other sanctions may be imposed on individuals who knowingly or with reckless disregard for the truth make false accusations of sexual harassment.

#### G. DISSEMINATION

Reference to the District's sexual harassment policy and procedures shall be included in any District or school publication specific to students, parents/guardians, staff members, volunteers, or applicants for employment, like a Student Handbook or a Staff Handbook, that sets forth the rules, regulations, procedures, and standards of conduct for the school or the District.

At least once each year, the District shall publish notice in a manner that is reasonably calculated to inform all students, parents/guardians, and employees about the name, office address, and telephone number of the Title IX Coordinator and about the District's sexual harassment complaint procedures.

On the District's website, the District shall post a copy of Policy No. 248 and related policies. Copies of these documents can be printed and obtained at any school or at the District office upon request.

#### H. EDUCATION AND PREVENTION

As a proactive measure to prevent sexual harassment and violence, the Title IX Coordinator shall develop and implement preventive education programs aimed at encouraging students and employees to report incidents of sexual harassment to the appropriate school and law enforcement authorities. The Title IX Coordinator shall ensure that students and employees are provided with age-appropriate information, including curriculum, on the recognition of, response to, and prevention of sexual harassment and on their rights and responsibilities under this and other District policies and rules. This information shall be provided at student and staff orientation sessions and may be provided on other appropriate occasions. The Title IX Coordinators and other staff involved in the investigation of and response to allegations of sexual harassment shall be provided with detailed information regarding recommended practices for investigating and responding to instances of sexual harassment.