

## SEXUAL HARASSMENT

### Sexual Harassment Prohibited

In accordance with Title IX and its regulations (34 CFR Part 106), the Board does not discriminate on the basis of sex or gender in the education programs and activities that it operates, and it strictly prohibits such discrimination on the basis of sex or gender in its education programs or activities, including sexual harassment, as defined by law and Board policy. Inquiries regarding the application of Title IX regulations may be referred to the Board's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. Sexual harassment complaints will be filed and reviewed under this policy. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures.

Sexual harassment in any form that is directed toward students and/or employees is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

### Title IX Coordinator

The Superintendent is authorized and directed to designate a Title IX Coordinator to oversee implementation and enforcement of this policy, as well as compliance with applicable procedures, rules and regulations. The Title IX Coordinator shall receive complaints of prohibited conduct, coordinate investigations, and ensure adequate training. Contact information for the Title IX Coordinator can be found on the district webpage and in the student handbook.

### Sexual Harassment Defined

Title IX regulations define sexual harassment to include one or more of the following:

An employee conditioning the provision of an aid, benefit, or service of the school/school system on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);

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 school/school system's education program or activity; or

Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

### Examples of Sexual Harassment

The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:

Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;

Repeated unwelcomed sexual advances, solicitations of sexual activity, or sexual contact;

Unwelcomed, inappropriate sexual touching;

Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

Employees and students should note that misconduct falling outside this policy may nonetheless violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

#### Sexual Harassment Complaint Procedures Authorized

The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX that are designed to provide students and employees who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of the complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all student/employee population groups and ages.

#### Initial Confrontation of Accused Harasser Not Required

A student or employee who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution.

#### Reporting

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, by electronic mail, to the Title IX Coordinator.

Students will also be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Title IX Coordinator or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures Authorized" above.

In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision-making responsibility in connection with the processing of the complaint.

#### Notice of Policy to be Promulgated

The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and

professional organizations, and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

#### Confidentiality

To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

#### Retaliation Prohibited

No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. Complaints alleging such retaliation may be made in the same manner as a complaint for sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

#### Penalties for Failing to Cooperate with Investigation

All employees must cooperate with any investigation regarding allegations of sexual harassment under this policy. Any employee who impedes or unreasonably refuses to cooperate with an investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

SOURCE: Athens City Board of Education, Athens, AL

Adopted: June 8, 2023

LEGAL REF: Title IX of the Education Amendments Act of 1972: 34 CFR Part 106