SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of students is a form of sex discrimination and is a violation of federal law in that it constitutes differential treatment on the basis of sex. The Board of Education is committed to the principle that all students are entitled to equal opportunity and equal treatment in the school setting. The Board is committed to providing all students with a learning environment free from all forms of sexual harassment including sexual violence. The Board reaffirms its commitment to enforce the requirements of the law with respect to sexual harassment.

The Board recognizes that sexual harassment is not only conduct which an individual intends to be hostile and/or offensive but may also include that conduct which the recipient perceives to be hostile and/or offensive. Sexual harassment consists of any verbal or physical conduct of a sexual nature imposed on the basis of sex by the offender. Moreover, the Board recognizes that sexual harassment may originate from a person of either sex and may be directed against persons of the same sex or the opposite sex and from peers as well as employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activites. When alleged sexual harassment occurs and the District knows about it, they shall take immediate and appropriate corrective action.

Since sexual violence is a form of sexual harassment, the term "sexual harassment" in this policy and its accompanying regulation will implicitly include sexual violence, even if not explicitly stated. Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

The Board, consistent with state and federal law, therefore, condemns all behavior of a sexual nature between students and staff, whether during or after school hours, which is designed to make submission to sexual conduct a condition for access to benefits of an educational program or which forms the basis of gender-based exclusion from participation in an education program of which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board recognizes that academic sexual harassment may take the form of conditioning a student's grade or academic progress upon submission to sexual activity. The Board acknowledges that such conduct is illegal, in that it violates the civil rights of students, and under certain circumstances may constitute criminal conduct or may be in violation of the laws against child abuse or maltreatment.

The Board recognizes that sexual harassment may take the form of physical contact or verbal abuse and may be psychological in nature. Sexual harassment may occur between adults and students or between students and student(s). The Board condemns behavior which may manifest itself in the creation of a hostile environment. This may include the telling of obscene or off-color stories or jokes, the use of offensive language of a sexual nature, the raising of topics of a sexual nature with students of one gender or the other or the discussion of sexual matters when not tied to the curriculum course content. The Board also

opposes and prohibits any retaliatory action against any one filing a complaint alleging sexual harassment, as well as against anyone who appears as a witness concerning such a complaint except for fraud. Confidentiality will be insured to the extent possible.

Reporting Procedures

Any student believing he or she has been subjected to unwanted sexual advances or any other form of sexual harassment should report the alleged misconduct immediately to the building designee so that an investigation can be commenced and appropriate corrective action may be taken at once. Moreover, when such allegations are received designated District personnel, under the direction of the Title IX Compliance Officer, will conduct an investigation into such allegations and will determine whether such conduct constitutes illegal behavior or child abuse. In the event that such allegations constitute illegal behavior or child abuse, it is the policy of the Board to notify such agencies or authorities as required by law.

The Board shall notify all students and employees of the name, office address and telephone number of the Title IX Compliance Officer.

The Superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment and to educate the staff regarding such procedures. Such procedures are to be consistent with any applicable provisions contained in the District's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventive measures to help reduce incidents of sexual harassment.

The content of this policy and the implementing regulations shall be made a part of the student handbook and will be distributed to all students and staff members on at least an annual basis.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681
34 CFR §§106.8; 106.9

Cross Ref: Policy 0115, Student Bullying Prevention and Intervention
Policy 5300, Code of conduct

Note: Policy added
February 8, 1995
Amended: June 20, 2012

SEXUAL HARASSMENT OF STUDENTS REGULATION

The following regulation will implement the Board of Education's policy concerning sexual harassment of students.

Sexual harassment may include:

1. unwanted sexual behavior, such as touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, teasing, pictures, leers, sexual advances, requests for sexual favors, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape, rape, sexual assault, sexual battery, and sexual coercion.

Reporting Procedures

Any student believing he or she has been subjected to unwanted sexual advances or any other form of sexual harassment should report the alleged misconduct immediately to the building designee so that an investigation can be commenced and appropriate corrective action may be taken at once. Moreover, when such allegations are received designated District personnel, under the direction of the Title IX Compliance Officer, will conduct an investigation into such allegations and will determine whether such conduct constitutes illegal behavior or child abuse. In the event that such allegations constitute illegal behavior or child abuse, it is the policy of the Board to notify such agencies or authorities as required by law.

The Assistant Superintendent for Curriculum and Instruction will serve as the Title IX Compliance Office for students. The Title IX Compliance Officer will monitor compliance with the Board's policy on sexual harassment. In the elementary school, the building principals will receive reports of sexual harassment. In the secondary schools, principals will designate two members of the administrative unit, one male and one female, to receive reports of sexual harassment. The names of these individuals must be published annually in the student handbooks.

Additionally, the Board shall notify all students and employees of the name, office address and telephone number of the Title IX Compliance Officer.

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. If requested, the victim shall speak with an individual of the same sex. The complainant and the allege harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

When alleged incidents of sexual harassment occur, the procedure is as follows:

1. The building designees will immediately notify the Title IX Compliance Officer, the building principal, and the parents of the complainant.
2. An investigation of the complaint will be commenced within a reasonable time period following receipt of the initial complaint and will proceed as follows. The building designee will:
   a. review the complaint and obtain a written statement
   b. conduct detailed interview of complainant
   c. request prompt submission of physical evidence, where appropriate
   d. interview witnesses and obtain written statements assuring confidentiality to the extent possible
   e. interview alleged harasser, obtain written statement and notify parents of alleged harasser where necessary.
   f. interview additional witnesses
   g. promptly prepare and submit a written report to the Title IX Compliance Officer and the building principal.
3. The Compliance Officer will keep a written record of the complaint and the results of the investigation. An investigation may continue even if a student refuses to file a formal complaint.
4. Anonymous complaints will not be investigated.
5. Complainants and alleged harassers of sexual harassment are to be notified of the outcome of the investigation, in writing, within 10 working days following the completion of the investigation.
6. The complainant or alleged harasser or the parent or guardian of the complainant or the alleged harasser may file an appeal to the Superintendent of Schools within 10 days from receipt of the outcome of the investigation.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the School District does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX.

The Board will, in the absence of a victim's complaint, ensure that a prompt investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of sexual harassment and ensure that appropriate steps are taken to resolve the situation.

Confidentiality

It is District Policy to respect the privacy of all parties and witnesses to sexual harassment. To the extent possible, the District will not release details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. If complainant requests confidentiality or asks that the complaint not be pursued, the staff member responsible for investigating complaints should take all reasonable steps to investigate and respond to the

complaint consistent with the request for confidentiality or request not to pursue an investigation. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the sexual harassment and does not interfere with its responsibility to provide a safe and nondiscriminatory environment for all students.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the District's policy manual and collective bargaining agreements.

DISCIPLINARY ACTION

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, District policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

The Title IX Compliance Officer will be responsible for seeing that any disciplinary action for students shall be in accordance with Education Law § 3214 and Board Policy.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's policy manual or collective bargaining agreements.

APPEAL

If a complainant or parent or guardian of a complainant or alleged harasser is dissatisfied with the disposition, he/she may appeal to the Superintendent of Schools within five (5) business days. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the action is

being appealed. The Superintendent of Schools will render a decision within ten (10) business days.

If a complainant or the parent or guardian of a complainant or alleged harasser is dissatisfied with the disposition of the Superintendent of Schools, he/she may file an appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the Superintendent's decision.

Regulation Adopted: February 8, 1995
Amended: June 20, 2012

5020.1-E.1

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant _____

_____

Name and Telephone Number of Parent/Guardian_____

_____

Date(s) of complaint _____

Name(s) of individuals against whom complaint is being made _____

_____

Date(s) and place(s) of incident(s) _____

_____

Description of misconduct: incident(s), behavior(s), statement(s), etc._____

_____

_____

Name(s) of witnesses (if any) _____

_____

Has the incident been reported before?_____

If yes, when? to whom? _____

What was the resolution? _____

_____

Reason(s) for dissatisfaction _____

_____

Reported by:

Name (print) _____

Signature_____Date_____

Below dotted line for school use only:

Disposition_____

Signature of Title IX Coordinator_____Date_____

Copies: 1. Complainant
2. Title IX Coordinator
3. Superintendent of Schools
4. Building Principal

Regulation Adopted: 2/8/95
Amended: June 20, 2012

5020.1-E.2

SEXUAL HARASSMENT COMPLAINT APPEAL FORM

Name and position of complainant _____

_____

Date of appeal _____

Date of original complaint _____

Have there been any prior appeals? _____

If yes, when? to whom? _____

_____

Description of decision being appealed _____

_____

Why is the decision being appealed? _____

_____

_____

_____

_____

_____

Reported by:

Name (print) _____

Signature_____Date_____

Regulation Adopted: 2/8/95