

## **SEXUAL HARASSMENT**

The Board of Education recognizes that sexual harassment can interfere with a student's academic performance and their emotional and physical well-being. Preventing and remedying sexual harassment in schools is essential to insure a nondiscriminatory, safe environment in which students can learn. In addition, sexual harassment is recognized as a form of sex discrimination and thus a violation of the laws that prohibit sex discrimination, as addressed in Board policy AC and AC-R-2.

### **District's Commitment**

The district is committed to maintaining a learning environment that is free from sexual harassment. It shall be a violation of policy for any employee or third party to harass students or for students to harass other students through conduct or communications of a sexual nature. It is also a violation of this policy for a student, employee, or third party to retaliate against anyone who reports sexual harassment or participates in a harassment investigation.

The district shall investigate all reports and formal complaints of sexual harassment brought by students, employees or third parties, and appropriate prompt and equitable corrective action shall be taken. Corrective action includes taking all reasonable steps necessary to end the harassment, to remedy the effects on the victim, to prevent harassment from recurring, and to prevent retaliation against anyone who reports sexual harassment or participates in a harassment investigation.

### **Sexual Harassment Prohibited**

Unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature may constitute sexual harassment, regardless of whether the harasser and the student being harassed are of the same or opposite sex and regardless of whether the student resists or submits to the harasser.

### **Sexual Harassment Defined**

Pursuant to Title IX of the Educational Amendments of 1972, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. *An employee of the district conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;*
2. *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 recipient's education program or activity; or*
3. *"Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).*

Pursuant to state law, "harassment" means creating a hostile environment based on an individual's sex.

Any conduct of a sexual nature directed by a student toward an employee or by an employee to a student is presumed to be unwelcome and shall constitute sexual harassment.

Acts of verbal or physical aggression, intimidation or hostility based on sex, but not involving conduct of a sexual nature, may also constitute sexual harassment.

**Reporting, Investigation, and Sanctions**

Students are encouraged to report all incidents of sexual harassment to a teacher, counselor or principal in their school building and to file a complaint, through the district's complaint and compliance process (see Regulation AC-R-2 and Exhibit AC-E-2). All reports and written complaints of sexual harassment from students, district employees and third parties, shall be forwarded to the district's Title IX compliance officer for investigation.

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so is in accordance with applicable law and policy and does not preclude the district from responding effectively to the harassment or from preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or affect their grades.

Upon receiving a complaint of sexual harassment, the Title IX compliance officer shall investigate and respond to the matter in accordance with Board regulation AC-R-2. While the investigation is underway, the Title IX compliance officer shall take any supportive measures necessary to ensure the safety of, and to avoid retaliation against, the alleged target(s), any witnesses, and any reporting individuals.

Where appropriate, the matter may be referred to law enforcement. If the matter is referred to law enforcement, the district may be asked to suspend its investigation pending the outcome of the criminal investigation and/or prosecution of the matter. If so, the district will implement appropriate supportive steps to ensure the safety of, and to avoid retaliation against, the alleged target(s), any witnesses, and any reporting individuals while criminal proceedings are underway. Once law enforcement authorities are finished with the matter, the district will ensure that it completes its investigation and, if applicable, takes any additional action necessary to remedy the matter.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred shall be investigated. Throughout the investigation, the Title IX compliance officer shall maintain contact with the alleged target of harassment.

Any employee whose conduct is considered to be in violation of this policy shall face disciplinary action, which may include termination of employment. Any student found to have engaged in sexual harassment in violation of this policy shall be subject to discipline, including, but not limited to, being placed under a remedial discipline plan, suspension or expulsion, subject to applicable procedural requirements and in accordance with applicable law. Conduct of a sexual nature directed toward students shall, in appropriate circumstances, be reported as child abuse for investigation by appropriate authorities in conformity with Board policy JLF.

**Notice and Training**

To reduce unlawful discrimination and harassment and ensure a respectful school environment, the administration is responsible for providing notice of this policy and complaint procedures to all district schools and departments. The policy and complaint procedures must be referenced in student and employee handbooks and otherwise be made available to all students, staff, and members of the public through electronic or hard-copy distribution.

All students and district employees shall receive periodic training related to recognizing and preventing sexual harassment. District employees shall receive additional periodic training related to handling reports of sexual harassment. Training materials are available to the public on the district's website.

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Legal ref.: 20 U.S.C. §1681 et seq. (Title IX of the Education Amendments of 1972)  
Cross ref.: AC, Nondiscrimination/Equal Opportunity