

**SEXUAL OFFENSES:** Note: Consider age and developmentally appropriate behavior before using this category

<b>Infraction</b>	<b>Sexual Offenses - Harassment, Sexual*</b>			
<b>Definition</b>	<p>U.S. Department of Education, Office of Civil Rights, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, January 2001:</p> <p>Sexual harassment is unwelcome conduct of a sexual nature that denies or limits a student's ability to participate in or to receive benefits, services, or opportunities in the school's program. It can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Because sexual harassment of students is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972, it is governed by this statute and corresponding guidance. Title IX applies to any public or private school receiving federal funding.</p> <p>Does not include legitimate nonsexual touching or other nonsexual conduct, for example, a high school athletic coach hugging a student who made a goal or a kindergarten teacher's consoling hug for a child with a skinned knee. Relevant factors in determining whether behavior rises to the level of sexual harassment include:</p> <ul style="list-style-type: none"> <li>• The degree to which the conduct affected one or more students' education</li> <li>• The type, frequency and duration of the conduct</li> <li>• The identity of and relationship between the alleged harasser and the subject or subjects of the harassment</li> <li>• The number of individuals involved</li> <li>• The age and sex of the alleged harasser and the subject or subjects of the harassment</li> <li>• The size of the school, location of the incidents, and the context in which they occurred</li> <li>• Other incident at the school</li> </ul>			
<b>Board Policy</b>	5-306			
<b>Grade Level</b>	<b>K-2</b>	<b>3-5</b>	<b>6-8</b>	<b>9-12</b>
Minimum Consequence	Conference, restorative practices, loss of privilege	1-3 days ISS or OSS + MPD Referral	5-10 days ISS or OSS, Cease and Desist Order, long-term suspension + MPD Referral	Cease and Desist Order, 5-10 days OSS, long-term suspension + MPD Referral
Maximum Consequence	Conference, Detention, behavior contract, suspension	3-5 days ISS or OSS + MPD Referral	10 days OSS + expulsion + MPD Referral	10 days OSS + expulsion + MPD Referral
<b>Infraction</b>	<b>Sexual Offenses - Harassment, Sexual with Contact*</b>			
<b>Definition</b>	Sexual harassment that includes unwanted physical contact of non-sexual body parts (Includes areas not covered in A.R.S.)			
<b>Board Policy</b>	5-306			
<b>Grade Level</b>	<b>K-2</b>	<b>3-5</b>	<b>6-8</b>	<b>9-12</b>
Minimum Consequence	Conference, restorative practices, loss of privilege	1-3 days ISS or OSS + MPD Referral	Cease and Desist Order, 10 days OSS + long-term suspension + MPD Referral	Cease and Desist Order, 10 days OSS + long-term suspension + MPD Referral
Maximum Consequence	Conference, Detention, behavior contract, suspension	3-5 days ISS or OSS + MPD Referral	10 days OSS + expulsion + MPD Referral	10 days OSS + expulsion + MPD Referral