

Williamsburg Community
School District

Policy Guide

SECTION: **PUPILS**

TITLE: **Unlawful Harassment**

ADOPTED: 12/13/88

REVISED: 4/16/02, 9/20/16

CLASSIFICATION: **Highest**

	<p style="text-align: center;"><u>248. Unlawful Harassment</u></p> <p>The Board strives to provide a safe, positive working climate for its students. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.</p> <p>The Board prohibits all forms of unlawful harassment of students by all district students and staff members, contracted individuals and vendors and volunteers in the schools. This policy is public document and will be made available by printed and electronic means to students, parents and employees of the Williamsburg Community School District. This policy applies to students, employees and third parties.</p> <p>The Board encourages students who have been harassed to report promptly such incidents to the designated administrators.</p> <p>The Board directs that complaints of harassment shall be investigated promptly and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigated obligations. No reprisals nor retaliation shall occur as a result of good faith charges of harassment. The complainant will be given the opportunity to provide witnesses and other evidence.</p> <p>The district shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of students will not be tolerated, by means of written policy.</p> <p>The district shall provide periodic training for students and staff concerning all aspects of unlawful harassment.</p> <p>Operative Definitions</p> <p>Harassment means verbal or physical conduct relating to an individual's race, color, natural origin, sex, handicap/disability or religion, which actually and substantially interferes with a student's educational performance or rights to education.</p>
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Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature when:

1. Acceptance of unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature is a term or condition of an individual's continued enrollment.
2. Submission to or rejection of such conduct is the basis for disciplinary decisions affecting the individual.
3. Such conduct has the effect of actually and substantially interfering with a student's educational performance or right to education.

Examples of sexual harassment include, but are not limited to sexual flirtations, advances, touching or propositions, verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct or any conduct that has the effect of actually and substantially interfering with a student's educational performance or right to education.

Each student shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of district staff and to ensure an atmosphere free from all forms of unlawful harassment.

The Elementary Principal shall be designated to receive harassment complaints. If the Elementary Principal is the subject of the complaint, the complainant shall report the complaint directly to the Superintendent.

Complaint Procedure:

1. A student shall report a complaint of harassment in writing to the Elementary Principal within 30 days of the incident, who shall inform the student of his/her rights and of the complaint process. (See forms – Harassment Complaint, Accused Response and Witness Disclosure).
2. The Elementary Principal immediately shall notify the Superintendent and shall conduct an impartial, thorough and confidential investigation of the alleged harassment within ten (10) days of receiving the complaint.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct and context in which the alleged conduct occurred shall be investigated.

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3. The Elementary Principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint within ten (10) days of concluding the investigation. Copies of the report shall be provided to the complainant, the accused and others directly involved, as appropriate.

4. If the investigation results in a substantiated charge of harassment, the district shall take prompt corrective action to ensure the harassment ceases and will not recur.

Discipline:

A substantiated charge against a District staff member shall subject such staff member to disciplinary action, including discharge.

A substantiated charge against a district student shall subject such student to disciplinary action, consistent with the student discipline code and may include educational activities and/or counseling services related to unlawful harassment.

If it is concluded that a student has made false accusations, such student shall be subject to disciplinary action, including expulsion. Steps will be taken to prevent future violations of this policy by the guilty party and to correct any discriminatory effects on the grievant and others, if applicable.

Appeal Procedure:

1. If the complainant or accused is not satisfied with the Elementary Principal's decision, s/he may file a written appeal to the Superintendent.

2. The Superintendent shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal within ten (10) days of the letter of appeal. Copies of the response shall be provided to the complainant, the accused, building principal and others directly involved, as appropriate.