

**STUDENT SEXUAL HARASSMENT**

- A. Sexual Harassment Prohibited - Sexual Harassment in any form that is directed toward students is prohibited. Persons who violate this Board 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.
- B. Definition - For purposes of this policy, sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
1. 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. §12991(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30);
  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 Board's education program or activity;
  3. An employee of the Board conditioning the provision of an aid, benefit or service of the recipient on an individual's participation in unwelcome sexual conduct (otherwise known as "quid pro quo").

34 C.F.R. §106

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

1. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status;
  2. Unwelcome, inappropriate sexual touchings;
  3. Repeated unwelcome solicitations of sexual activity or sexual contact;
  4. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of a sexually suggestive object(s) or pictures, and sexual propositions.
- C. Sexual Harassment Complaint Procedures - In accordance with Title IX of the Education Amendments of 1972, the Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are

designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving verbal or written reports of sexual harassment and formal complaints. These procedures have been drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, to provide supportive measures to the complainant and/or respondent, establish a grievance process for formal complaints of sexual harassment, address confidentiality requirements, and prevent any retaliation based upon the filing of the complaint. The procedures comply with Title IX and its implementing regulations and reflect due regard for the legal rights and interests of all persons involved in the complaint, and have been drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages. Procedures include proper recordkeeping and retention requirements in accordance with Title IX's implementing regulations.

- D. Initial Confrontation of Accused Harasser Not Required - A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will 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 Superintendent or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures" (see C 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.
- E. Notice of Policy to be Promulgated - The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools 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 the student who believe that they have been subjected to sexual harassment. The complaint procedures will also be published in the Board's Student Code of Conduct. The Superintendent will undertake to provide training of Title IX coordinators, investigators, decision-makers, and all employees regarding the above sexual harassment policies and procedures.

Legal Reference: 34 C.F.R. Part 106

Reference-Procedures: Student Sexual Harassment Complaints

Adopted: \_\_\_\_\_