

## **SEXUAL HARASSMENT**

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

### **District's commitment**

The district is committed to maintaining a learning and working environment that is free from sexual discrimination and harassment. It shall be a violation of policy for any member of the district staff to discriminate against another on the basis of sex or harass another staff member or student through conduct or communications of a sexual nature or to retaliate against anyone that reports sexual harassment or participates in a harassment investigation.

The district shall investigate all indications, informal reports and formal grievances of sexual harassment by students, staff or third-parties and appropriate corrective action shall be taken. Corrective action includes taking all reasonable steps to end the harassment, to make the harassed student whole by restoring lost educational opportunities, 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, even if the harasser and the individual being harassed are the same sex and whether or not the individual resists or submits to the harasser, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Any conduct of a sexual nature directed by a student toward a staff member or by a staff member 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.

Sexual harassment as defined above may include but is not limited to:

1. Sex-oriented verbal “kidding,” abuse or harassment.
2. Pressure for sexual activity.
3. Repeated remarks to a person with sexual implications.
4. Unwelcome touching, such as patting, pinching or constant brushing against another’s body.
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one’s grades, employment status or similar personal concerns.
6. Sexual violence

### **Reporting investigation and sanctions**

Students are encouraged to report all incidences of sexual harassment to a teacher, counselor or principal in their school building and file a complaint through the district’s complaint and compliance process (AC-R). All reports and indications from students, district employees and third-parties shall be forwarded to the compliance officer (AC-E-1).

If the individual alleged to have engaged in prohibited conduct is the person designated as the compliance officer, the complaint shall be made to the superintendent who shall designate an alternate compliance officer to investigate the matter.

*[NOTE: If the superintendent is the compliance officer, the Board must identify an alternate person to whom the report shall be made.]*

All matters involving sexual harassment reports shall remain confidential to the extent possible as long as doing so does not preclude the district from responding effectively to the harassment or preventing future harassment. Filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual’s status or affect grades.

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.

Any student found to have engaged in sexual harassment 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 policy JLF.

**Notice and training**

Notice of this policy shall be circulated to all district schools and departments and incorporated in all student handbooks.

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.

Adopted: February 20, 1991

Revised: March 14, 2001

Revised: May 21, 2003

Revised: June 15, 2005

Revised: November 14, 2007

Revised: June 20, 2012

LEGAL REFS.: U.S.C. §1681 *et seq.* (*Title IX of the Education Amendments of 1972*)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity