

## SEXUAL HARASSMENT OF STUDENTS

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment. Conduct is deemed to be sexual harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intention to sexually harass the person. The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. When an alleged sexual harassment occurs and the district knows about it, they shall take immediate and appropriate corrective action.

The Board, consistent with State and Federal law, therefore condemns all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advance, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately, pursuant to 5020.1-R, so that appropriate corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged sexual harassment. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other Federal and State laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681  
*Franklin v. Gwinnett County Public Schools*, 112 S. Ct. 1028 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
34 CFR §§106.8; 106.9

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## SEXUAL HARASSMENT OF STUDENTS REGULATION

In addition to any relevant procedures contained in policy 5311.3, Student Complaints and Grievances, the following regulation will implement the Board of Education's policy concerning sexual harassment of students.

A student can be subject to sexual harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by students is not always easily recognized. The following are examples of sexual harassment one should be aware of when dealing with a complaint of alleged sexual harassment:

1. unwanted sexual behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, concerning or blocking student's movement, pulling at clothes, attempted rape and rape;
2. a female student in a predominantly male class subjected to sexual remarks by students or teachers who regard the comments as joking and part of the usual classroom environment;
3. impeding a girl's progress in classes, such as industrial arts, by hiding her tools, questioning her ability to handle the work or suggesting she is somehow "abnormal" for enrolling in such a class;
4. purposefully limiting or denying female students access to educational tools, such as computers; and
5. teasing a male student about his enrollment in a home economics class.

### *Procedures*

The Board shall designate a Compliance Officer to carry out the district's responsibilities associated with compliance with Title IX pursuant to policy 5311.3, Student Complaints and Grievances. In addition, the Board will designate a second individual for ensuring compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Board shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student sexual harassment complaints.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment.

Students who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

#### *Investigation of a Complaint*

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same sex. Complainants are to be notified of the outcome of the investigation.

#### *Informal Complaints*

In addition to notification to the Compliance Officer or the Board's designee as described above, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Building Principal or Superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent is to file report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

### *Formal Complaints*

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of sexual harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

### *Remedial Action*

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreement. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

*Post Remedial Action*

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate Building Principal or Superintendent to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

*Complaint Records*

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Superintendent concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

*Investigation in the Absence of a Complaint*

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

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**SEXUAL HARASSMENT FORMAL COMPLAINT FORM**

Name and position of complainant \_\_\_\_\_

\_\_\_\_\_

Date of complaint \_\_\_\_\_

Name of alleged sexual harasser \_\_\_\_\_

Date and place of incident \_\_\_\_\_

\_\_\_\_\_

Description of misconduct \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any) \_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? to whom? \_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction \_\_\_\_\_

\_\_\_\_\_

**SEXUAL HARASSMENT COMPLAINT APPEAL FORM**

Name and position of complainant \_\_\_\_\_

\_\_\_\_\_

Date of appeal \_\_\_\_\_

Date of original complaint \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when? to whom? \_\_\_\_\_

\_\_\_\_\_

Description of decision being appealed \_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

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