

## Harassment of Students Policy

Sexual and other discriminatory forms of harassment (e.g., racial harassment, religious harassment, etc.) constitute a violation of law and stand in direct opposition to District policy. The Board prohibits all forms of discriminatory harassment of students by anyone in the “School Community.” The “School Community” includes but is not limited to all students, school employees, contractors, unpaid volunteers and other visitors. The Superintendent will establish regulations, consistent with state and federal law, designed to:

- Define harassment;
- Prevent harassment of students;
- Provide students/parents with easy-to-follow complaint procedures for reporting harassing conduct;
- Provide for immediate and thorough investigations of all complaints;
- Provide means for stopping harassing conduct;
- Take immediate corrective action if harassing conduct takes place; and
- Prevent retaliation against those who report harassing conduct or assist in an investigation or proceeding concerning harassing conduct.

### **DEFINITIONS**

**Unlawful Harassment** generally means verbal or physical conduct based on a student’s actual or perceived race, religion, creed, color, national origin, marital status, gender, gender orientation, disability or any other legally protected status and which has the purpose or effect of substantially interfering with a student’s access to educational programs, educational performance or creating an intimidating, hostile or offensive environment.

Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, etc.

**Sexual Harassment** specifically means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- (A) Submission to that conduct is made either explicitly or implicitly a term or condition of a student’s education.
- (B) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.
- (C) The conduct has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive educational environment.

This applies whether the harassment is between people of the same or different gender. Sexual harassment can include, but is not limited to, unwelcome verbal, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive, touching, pinching, grabbing, kissing or hugging or restraining someone's movement in a sexual way.

**Retaliation** is a separate and distinct violation of this policy for any member of the school community to retaliate against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment. In addition, a person who knowingly makes a false report may be subject to the same action that the School District may take against any other individual who violates this policy. The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful harassment.

## **PROCEDURES**

### **Reporting**

1. Any student who believes that he/she has been the victim of unlawful harassment, sexual harassment or retaliation by any other person, should report the incident to his/her teacher, building principal or guidance counselor. The report should be in writing and give as many identifying details as possible (e.g., time, place, witnesses, surrounding circumstances). Where the report is verbal, the teacher, principal, or the guidance counselor, as applicable, will immediately reduce it to writing.
2. Any parent who believes that his or her child has been the victim of unlawful harassment, sexual harassment or retaliation should report the alleged harassment as set forth above.
3. Any District employee who is aware of the unlawful harassment of - or retaliation against any student must report it to the student's building principal.
4. Any guidance counselor or teacher who receives such a report, will refer it to the building principal. However, if the building principal is alleged to be the harasser, the report will be referred by the guidance counselor or teacher directly to the District's Title IX Compliance Officer.
5. Any third person with knowledge or belief of conduct which may constitute unlawful harassment, sexual harassment or retaliation may report the conduct to the appropriate building principal or the District's Title IX Compliance Officer.

**Investigation Procedures**

1. All unlawful harassment, sexual harassment or retaliation complaints will be referred to the Title IX Compliance Officer. The Title IX Compliance Officer in consultation with the school attorney, will determine whether to refer the complaint to legal authorities. Under certain circumstances, sexual harassment may also constitute a violation of criminal law, such as rape or sexual abuse statutes. In such cases the District will immediately inform the appropriate law enforcement authorities.
2. The first task of the Title IX Compliance Officer is to see to it that all appropriate parties have been informed of the allegation. This might include: parents, legal authorities, and others as the Title IX Compliance Officer, in consultation with the school attorney, so decides. Generally speaking, this will not include the alleged perpetrator. Some preliminary investigation should be performed prior to notifying the alleged perpetrator to avoid the possibility of evidence or witness tampering.
3. The Title IX Compliance Officer, in consultation with the school attorney, will interview the alleged victim and the alleged perpetrator separately and determine whether a detailed fact-finding investigation is necessary. For example, if the alleged perpetrator does not deny the accusation, there generally would be no need to interview witnesses, and the District could immediately determine appropriate corrective action. If a fact-finding investigation is necessary, it will be launched immediately. It may be necessary to undertake intermediate measures before completing the investigation so that further harassment does not occur. Some examples of such measures are making scheduling changes so as to avoid contact between the parties; transferring the alleged harasser; or placing the alleged harasser on suspension pending the conclusion of the investigation. All such actions must be consistent with all applicable laws and/or collective bargaining agreements.
4. Except in a situation where it is not possible because of age or other limitations, a written and signed account of the alleged incident(s) should be obtained by the Title IX Compliance Officer from the alleged victim, the alleged perpetrator, and relevant witnesses.
5. The amount of time that it will take to complete the investigation will depend on the particular circumstances. If, for example, multiple individuals were allegedly harassed, then it will take longer to interview the parties and witnesses.
6. Within two (2) working days of completing the investigation, the Title IX Compliance Officer, in consultation with the school attorney, will render its finding in writing to the superintendent of schools, the alleged perpetrator, and the alleged victim. The findings should inform the superintendent as to what, if any, further actions may be required.

**Consequences**

Any school employee or student that is found to have violated this policy may be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge, consistent with all applicable laws and/or collective bargaining agreements. Non-employees found to have violated this policy may be subject to action including, but not limited to, contacting local law enforcement, banning from the district premises, district events, etc.

**Training/Education**

All students will receive age-appropriate education in sexual harassment and these reporting procedures.

**Confidentiality**

The School District recognizes that both the complaining student and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

**Notice and Publication**

All students shall be informed annually of the District's policy and complaint procedures regarding harassment.

1. Included in student/parent handbook

Approved: Board of Education

Date: June 14, 1988

Revised: September 6, 1994

January 18, 2005