

Policy 6.10: Student Sexual Harassment

Status: ADOPTED

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6.10.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the 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.

6.10.2 Definition – Title IX regulations define sexual harassment to include one or more of the following:

- a. An employee conditioning the provision of an aid, benefit, or service of the school/school district on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- b. 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 school/ school district's education program or activity; or
- c. Sexual assault, dating violence, domestic violence, or stalking, as each of those terms is defined by federal statutes enumerated in the Title IX regulations, 34 C.F.R. § 106.30(a).

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

- a. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome sexual advances, solicitations of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touching;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

6.10.3 Sexual Harassment Complaint Procedures Authorized – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX 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 sexual harassment complaints. The process and procedures will be drafted so as to provide supportive measures, 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, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all student population groups and ages.

6.10.4 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 Title IX Coordinator or to take such action as may be required by the procedures established under "Sexual Harassment Complaint Procedures Authorized" 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.

6.10.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and professional organizations, 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 students who believe that they have been subjected to sexual harassment.
