

SEXUAL HARASSMENT

The Board of Education recognizes that sexual harassment of students and staff is illegal and will not be tolerated in any form (e.g. staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, or by a third party (school visitor, vendor, etc.)).

The Board further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, on school buses, and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Sexual Harassment Defined

Sexual harassment is generally defined and is defined for purposes of this policy as any unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

The conduct need not be in a form that is explicit in its intent, i.e., it does not have to be a stated quid pro quo. Conduct that is in a form other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors, may be considered sexual harassment where the unacceptable behavior is sufficiently severe, pervasive and objectively offensive.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, 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.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

This policy will be reviewed periodically for its effectiveness and compliance with federal and state law.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
Davis v. Monroe County Board of Education, ___ U.S. __; 119 S.Ct.1661 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncala v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwent County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

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