

P1116 SEXUAL HARASSMENT OF STUDENTS

BOARD POLICY:

USD 259 will not tolerate sexual harassment of a student by another student, employee, or others. Violation of this policy shall result in disciplinary action against any student or employee involved, including possible expulsion of the student and termination of the employee. Others who violate this policy shall be reported to local law enforcement authorities for appropriate action and may be prohibited from being on school property and/or attending school activities. Administrators who fail to follow the policy or fail to investigate complaints shall also be disciplined. Harassment based on sex, gender identity, or sexual orientation will be considered sexual harassment for purposes of this policy.

Administrative Implemental Procedures:

1. The Board of Education adopts the following definition of sexual harassment for the purpose of this policy:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term of the student's academic opportunities, (2) submission to or rejection of such conduct by a student is used as a basis for academic decisions affecting such student, or (3) such conduct has the purpose or effect of unreasonably interfering with the student's school performance or it creates an intimidating, hostile or offensive educational environment.

Please note that conduct which has the effect of unreasonably interfering with a student's school performance or creates an intimidating, hostile or offensive educational environment may be "sexual harassment" whether or not the person engaging in the conduct intends to create that effect.

By way of example, but not as an exhaustive illustration, the following conduct by students, district employees or others can constitute sexual harassment: threatening or insinuating that a student's submission to or rejection of sexual advances will in any way influence any decision regarding that student's grades, class assignments, advancement or assigned duties; flirtation, joking, or teasing, advances, propositions; continual or repeated verbal abuse of a sexual nature; graphic words of a sexual nature used to describe an individual, lewd, risqué or obscene language; ribald or gender-targeted jokes or cartoons; the display on the school grounds of sexually suggestive objects or pictures; and, intentional, nonconsensual touching of a sexual nature.

2. Students who believe they have been subjected to sexual harassment should report the problem to their assigned classroom or homeroom teacher.
3. If a student's classroom teacher or homeroom teacher is the subject of the sexual harassment complaint or for some other reason the student is uncomfortable about discussing the problem with their classroom teacher or homeroom teacher, the student may bypass the classroom teacher or homeroom teacher and report directly to the building principal or assistant principal or the principal's designee. Complaints against the Superintendent shall be directed to the Board of Education President or another member of the Board. Board of Education members

receiving such complaints may determine to consult Board of Education Legal Counsel and/or report such complaints to appropriate law enforcement agencies.

4. All employees have a duty to report sexual harassment regardless of whether they are apprised of it by a student, a parent, another employee or are a witness.
5. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect the accused person's employment, compensation, or work assignment, except as reasonably necessary to prevent similar complaints, until an investigation has been conducted and a determination made that it is more probable than not that improper conduct occurred. The initiation of a complaint shall not adversely affect the status of a student complained against, except as reasonably necessary to prevent similar complaints, until an investigation has been conducted and a determination made that it is more probable than not that improper conduct occurred.
6. All complaints will be promptly and thoroughly investigated.
7. If a determination is made that the accused employee, student, or other person complained against acted improperly, appropriate action shall be taken which is reasonably calculated to end the harassment, up to and including termination of the offending employee or expulsion of the offending student.
8. Every reasonable effort will be made to keep the specifics of the complaint confidential consistent with a thorough investigation and appropriate remedial action.
9. False complaints will result in discipline, up to and including termination or expulsion, or other discipline of the person making the false accusation.
10. This policy shall apply to protect the student while the student is engaged in any school activity under the control or operation of USD 259.
11. This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.

Administrative Responsibility: Human Resources

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