

P 9-23. Sexual Harassment and Discrimination

Sexual harassment/discrimination committed by or against one or more students by either students or School Division staff of the opposite or same sex constitutes inappropriate behavior and is prohibited. Such misconduct may be unlawful and if determined after investigation to have occurred will result in disciplinary action up to and including expulsion of students and/or discharge of employees.

Legal Reference:

Civil Rights Act of 1964 as amended, Title VI, Title VII.

42 U.S.C. Secs. 2000e-z, 29 C.F.R. 1604.11 (1987).

Executive Order 11246, 1965, as amended by E.O. 11375.

Adopted August 1995
Revised March 29, 2010

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Definition of Sexual Harassment:

Sexual harassment refers to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical in nature. Sexual harassment is a form of sexual discrimination and is prohibited according to Title VII of the Civil Rights Act of 1964.

No student, male or female, shall be permitted to harass another student by:

1. making unwelcome and disrespectful sexual advances or requests for sexual favors, or
2. engaging in offensive verbal or physical conduct of a sexual nature, or
3. creating an intimidating, hostile, or threatening environment by such conduct.

Unwanted sexual behaviors that could constitute sexual harassment may include, but are not limited to the following:

touching private areas
making sexually suggestive comments
calling sexual names
spreading sexual rumors
telling sexually suggestive jokes/sharing cartoons/pictures
leering
conversing in a sexually offensive manner
cornering/blocking movements
pulling at clothes
rape, or attempting rape

Definition of Sexual Discrimination:

Sexual discrimination is any action that violates federal, state, or local laws prohibiting discrimination on the basis of sex. In the educational environment, it is the differential treatment or exclusion of a student on the basis of sex in educational programs and activities.

Actions that could constitute sexual discrimination in the treatment of students may include, but are not limited to the following:

- student denied equitable admission in a course or program on the basis of sex
- student denied equitable treatment in terms of course requirements and methods of meeting those requirements
- student disciplined on the basis of sex rather than the nature of the offense
- student denied the right to pursue studies free of sexual harassment from students or faculty
- student denied the right of consideration for access to programs and facilities on the basis of sex

Procedure for Seeking Resolution of Grievance Resulting from Alleged Discrimination on the Basis of Sex

Application

Students enrolled in the school division may seek resolution of complaints resulting from alleged discrimination on the basis of sex or sexual harassment in accordance with these procedures. Inquiries regarding the resolution of student and/or parent complaints concerning sex discrimination or sexual harassment should first be made to the principal. If further action is necessary, or if the principal is directly involved in the subject of the complaint, contact should be made with the Director of Student Services at 547-0585. The Director of Student Services is designated the Title IX Coordinator for the implementation of these procedures.

Procedures

1. A complainant may file a written complaint, including any supporting documentation, with the Director of Student Services, or designee, who serves as the Title IX Coordinator not later than 30 days from the date of the alleged discrimination or harassment. If the complainant desires a meeting with the Coordinator, the complainant must make this request in the written complaint. The Coordinator will then meet with the complainant within 10 days of filing the complaint. At this meeting the complainant shall be permitted to present information, including documents and/or witnesses, relevant to the complaint. Thereafter, the Coordinator will notify the complainant of the determination regarding the complaint. If the complainant does not request a meeting, the Coordinator, or his/her representative, will investigate the complaint and within 10 days of filing the written complaint determine whether the complaint has merit or not.
2. If the Title IX Coordinator or designee does not resolve the complaint to the complainant's satisfaction within the specified time period, the complainant may file a written appeal with the Superintendent within 5 days of receipt of the Coordinator's decision (or the due date thereof). If the complainant requests a

- meeting with the Superintendent, the Superintendent or his/her representative will meet with the complainant. The Superintendent shall, thereafter, notify the complainant in writing of his/her decision within 10 days of the date the complainant filed the appeal with the Superintendent.
3. If the Superintendent does not resolve the complaint to the complainant's satisfaction within 10 days of receipt of the complaint, the complainant may file a written appeal within 5 days of receipt of the Superintendent's decision with the School Board by using the School Division's "Procedure for Action on Appeals."
 4. Copies of the Procedure for Action on Appeals are available from the Title IX Coordinator or the Clerk of the School Board.

Miscellaneous

1. A document required to be filed under this regulation shall be deemed filed, and any notice required to be given under this regulation shall be deemed given, when personally delivered to the appropriate person or entity, or when sent by certified mail, return receipt requested and received. If the complainant does not comply with the required deadlines, and in the absence of good cause, the Coordinator shall conclude the matter and consider the complaint resolved. If the School Division does not comply with the required deadlines, the complainant must notify the Coordinator who shall immediately order compliance with the provisions of this procedure. Disputes regarding the compliance with required deadlines shall be resolved by the Coordinator, and the required timelines may be extended by the Coordinator for extenuating circumstances.
2. In the event that it is not feasible for the School Division to meet its obligation with respect to the timing elements of the complaint procedure due to the unavailability of the complainant, Coordinator, Superintendent, or other good cause, the School Division shall have a reasonable extension to such time period. Examples of periods of unavailability may include, but are not limited to, summer breaks, holiday breaks or other periods of time in which the schools are not open. Likewise, when the complainant is not reasonably able to meet the deadlines outlined in this procedure, the complainant shall comply as close to practical with the required deadline. Disputes regarding the compliance with required deadlines shall be resolved by the Coordinator.
3. The complaint and all actions taken there under shall be kept confidential by those acting on behalf of the School Division.

4. If any person with whom the complainant is required to file a complaint is the complainant or the source of the complaint, or if there is a conflict of interest, the complainant is not required to file the complaint with that person but may proceed to the next step in the procedure.
5. The complainant's representative may take any action on the behalf of complainant.
6. Under no circumstances shall school personnel retaliate in any way against the complainant, school personnel or students who have provided information as a witness to an incident of harassment or discrimination on the basis of sex. Any act of retaliation shall be considered an offense for which a complainant may submit a separate written complaint. A claim of retaliation may be founded, even if the underlying complaint is not.

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