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Sexual Harassment P 7-40.1**A. Definition**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and inappropriate verbal, written, or physical conduct of a sexual nature that takes place under circumstances including, but not limited to, the following:

1. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities.
2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making academic decisions affecting the individual subjected to sexual advances.
3. When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive learning environment.

B. Procedures for Filing a Complaint of Sexual Harassment

1. Any student who believes he or she has been subjected to sexual harassment should immediately report the complaint to the building principal. If the complaint involves the building principal, the complaint should be filed with the superintendent.
2. The complaint may be made verbally or in writing.

C. Procedures in Response to a Complaint of Sexual Harassment

1. When a complaint is made, an investigation will be initiated within a reasonable response time. A reasonable response time will depend upon the circumstances but generally will begin within two school days after receiving the complaint.
2. If the complaint involves a staff member, the building principal or superintendent will notify the director for personnel services who will conduct an investigation of the complaint. (Reference School Board Policy 5-36.5)
3. If the complaint concerns another student or third party not associated with the school, the building principal will conduct the investigation.
4. Upon completion of the investigation, a determination will be made, if possible, regarding whether or not the sexual harassment occurred. The complainant will be notified of the results of the investigation, as permitted by law. If the

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sexual harassment is found to have occurred, appropriate disciplinary action will be taken against any student found to be in violation of the sexual harassment policy. Such other actions will be taken, as appropriate, to end the harassment, correct the results of the harassment, and prevent future harassment.

D. False Accusation and/or Retaliation

1. The making of a false accusation of sexual harassment is prohibited. A false accusation of sexual harassment is defined as an accusation of sexual harassment made by a student who knows the accusation is false. Any student who intentionally makes a false accusation of sexual harassment will be subject to appropriate disciplinary action, up to and including expulsion from school.
2. Retaliation will not be tolerated and may result in disciplinary action up to and including expulsion from school.

Legal Reference:

Title IX of the Education Amendment of 1972, 20 U.S.C. §§ 1681-88; 34 Code of Federal Regulations Part 106.

Franklin v. Gwinnett County Public Schools, 503 U. S. 60, 75 (1992).

Department of Education, Office of Civil Rights; Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, (March 16, 1997).

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