

## STUDENTS

### A. Generally

Sexual harassment is unwanted and unwelcome behavior of a sexual nature which interferes with a student's right to learn, study, work, achieve, or participate in school activities in a comfortable and supportive atmosphere. Conduct that violates the policy of the Lynchburg City School Board on sexual harassment, whether committed by staff or students against students of the opposite or same sex is inappropriate behavior and covered under this regulation.

1. Examples of unacceptable and inappropriate verbal behavior which may qualify as sexual harassment include, but are not limited to:
  - a. Negative or off-hand comments of any kind about another person's sex;
  - b. Sexually suggestive, obscene, or lewd comments or invitations;
  - c. Slang, local expressions, names or labels that another person finds offensive such as "honey," "fox," "hunk," or "stud";
  - d. Asking for sexual favors;
  - e. Laughing at, ignoring, gossiping about an individual's concerns about inappropriate sexual behavior.
2. Examples of unacceptable and inappropriate non-verbal behavior which may qualify as sexual harassment include, but are not limited to:
  - a. Touching, brushing against, pinching, or grabbing any part of any person's body in a playful way;
  - b. Leering, ogling, or otherwise drawing attention to specific parts of another person's body;
  - c. "Courting" gestures such as kissing the air, longing looks, heavy sighs, winking, eye rolling, or other similar hand or body gestures;
  - d. Displaying sexual pictures or drawings on school property or at school activities or putting them on walls, bulletin boards, or in rest rooms.

The Lynchburg City Schools will not tolerate any form of sexual harassment of students. Allegations of harassment will be thoroughly investigated, and disciplinary and corrective action will be taken as warranted.

### B. Student Support

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Sexual Harassment (continued)

Students may seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. The director for personnel services will serve as the grievance officer to hear formal complaints of sexual harassment involving staff against students. The building principal will serve as the grievance officer to hear formal complaints of sexual harassment by students against other students or by third parties not associated with the school.

C. Procedures for Filing a Complaint

1. Any student who believes he or she has been subjected to sexual harassment should immediately report the incident to the building principal. If the complaint involves the building principal, the complaint should be filed with the superintendent.
2. The report may be made verbally or in writing.
3. All complaints will be taken seriously and impartially investigated.
4. If the complaint involves a staff member, the building principal or superintendent will notify the director for personnel who will conduct an investigation to address the concerns of the complaint.
5. If the complaint concerns another student or third party not associated with the school, the building principal will conduct the investigation.

D. Procedures in Response to a Complaint

1. When a formal complaint is filed, an investigation will be initiated within a reasonable response time. The response time will be different depending on the circumstances but generally will begin within two school days after receiving the complaint.
2. If the formal complaint concerns a staff member, an investigation will be conducted by the director for personnel
3. If the formal complaint concerns another student or third party not associated with the school, an investigation will be conducted by the building principal.

E. Procedures for Investigation

1. The complainant will be interviewed.

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2. The alleged harasser will be interviewed.
3. Witnesses will be interviewed as deemed appropriate.
4. Evidence uncovered in the investigation will remain confidential as allowed by law.
5. Retaliation against individuals involved in the investigation is prohibited.

F. Procedures for the Resolution of Complaint

1. Based on the investigation, a decision will be made regarding whether the alleged harassment took place.
2. If sexual harassment occurred, action will be taken as appropriate to end the harassment, correct the results of the harassment, and prevent future harassment.
3. Disciplinary action will conform to school board policy.
4. The results of the investigation and whether or not disciplinary action was taken will be reported to the complainant; however, neither the specific disciplinary action nor any documents will be shared (federal law, FERPA, prohibits the disclosure of disciplinary information).
5. If the results of the investigation are inconclusive regarding whether or not the alleged harassment occurred, the complainant will be notified that no decision was possible. In such case, the administrator will discuss the sexual harassment policy with the accused and let him or her know that retaliation will not be tolerated and that any violation of the sexual harassment policy can result in disciplinary action.

G. Procedures for Appeal

1. If the complainant is not satisfied with the decision of the director for personnel or building principal, he or she may submit a written appeal to the superintendent or his designee.
2. The superintendent or his designee will meet with all parties involved to discuss the complaint within a reasonable response time, normally within five school days.
3. Based on the investigation by the superintendent, a decision regarding the status of the appeal will be communicated in writing to both parties.

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4. If the complainant is not satisfied with the decision of the superintendent, he or she may submit a written appeal to the school board. This appeal must be filed within five (5) school days of receipt of the superintendent's decision. The school board shall consider the appeal at its next regularly scheduled board meeting. The school board will reply to the complainant in writing within ten (10) school days following the regularly scheduled meeting.

H. Sexual Discrimination

Students who feel that they have been sexually discriminated against should follow the grievance and appeal procedures outlined in School Board Policy and Regulation 7-6 related to sexual discrimination.

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 13, 1997).

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232

Approved by School Board: November 11, 1997