

SEXUAL HARASSMENT OF STUDENTS REGULATION

In addition to any relevant procedures contained in policy 5311.3, Student Complaints and Grievances, the following regulation will implement the Board of Education's policy concerning sexual harassment of students.

A student can be subject to sexual harassment by a student, employee, board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by students is not always easily recognized. The following are examples of sexual harassment one should be aware of when dealing with a complaint of alleged sexual harassment:

1. unwanted sexual behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape and rape;
2. a female student in a predominantly male class subjected to sexual remarks by students or teachers who regard the comments as joking and part of the usual classroom environment;
3. impeding a girl's progress in classes, such as industrial arts, by hiding her tools, questioning her ability to handle the work or suggesting she is somehow "abnormal" for enrolling in such a class;
4. purposefully limiting or denying female students access to educational tools, such as computers; and
5. teasing a male student about his enrollment in a home economics class.

Procedures

The Board of Education shall annually appoint a Compliance Officer to carry out the district's responsibilities associated with compliance with Title IX pursuant to policy 5311.3, Student Complaints and Grievances. In addition, the Board will designate a second individual for ensuring compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Board shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student sexual harassment complaints.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

Students who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer or the second designee as described above. The Compliance Officer or designee shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same sex. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer or the Board's designee as described above, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student normally shall be offered the opportunity to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Superintendent will then promptly discuss the complaint with the alleged harasser.* Should the alleged harasser deny the allegations, the Building Principal or Superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the

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complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

*[A civil service employee covered by section 75 of the Civil Service Law, who at the time of questioning appears to be a potential subject of disciplinary action, is entitled to union representation during questioning, and shall be notified in advance, in writing, of such right.]

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Building Principal or Superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent originally consulted.

The formal written complaint will consist of an appropriate form and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual harassment, names of any witnesses, and any previous action taken to resolve the matter.

The Building Principal or Superintendent will promptly notify the alleged harasser of the formal complaint and give the alleged harasser an opportunity to admit, deny, or explain the allegations.* The Building Principal or Superintendent shall include the alleged harasser's response in the written record of the investigation.

Upon completion of the investigation, the Superintendent or Board shall promptly determine whether or not sexual harassment has occurred and issue written findings. The Superintendent or the Board shall take immediate, appropriate and corrective action upon the determination of sexual harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

*[A civil service employee covered by section 75 of the Civil Service Law, who at the time of questioning appears to be a potential subject of disciplinary action, is entitled to union representation during questioning, and shall be notified in advance, in writing, of such right.]

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant's appealing.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate Building Principal or Superintendent to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Superintendent concerning his/her complaint. Upon substantiation, copies should be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.

Note: Regulation added