

STUDENTS

3290

Sexual Harassment/Intimidation of Students

The Board of Trustees believes that students and employees of the district have the right to work and learn in a safe and positive atmosphere. The district is proud of its tradition of maintaining an educational environment in which all individuals are treated with respect and dignity. Sexual harassment is a form of sex discrimination and is prohibited in the District. An employee, District agent, or student engages in sexual harassment whenever he/she makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

- I. denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
- II. has the purpose or effect of:
 1. substantially interfering with the student's educational environment;
 2. creating an intimidating, hostile, or offensive educational environment;
 3. depriving a student of educational aid, benefits, services, opportunities or treatment; or
 4. making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms "intimidating", "hostile" and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching, crude jokes, graffiti, pictures or cartoons, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults or name calling, teasing related to sexual characteristics, spreading rumors related to a person's alleged sexual activities, demanding sexual favors in exchange for favorable grades, assignments, other education benefits related to extracurricular activities, or promises of the same, verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexual prowess or sexual deficiencies, leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts, or suggestive, insulting or obscene comments or gestures. The display of sexually suggestive graffiti, and retaliation against employees or students for complaining about such behaviors.

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator or administrator who will assist them in the complaint process, per Policy 3085 and Procedure 3085P. Supervisors or teachers who knowingly condone, or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including, but not limited to, suspension and expulsion consistent with the discipline policy. Any person knowingly making a false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge with regard to employees, or suspension and expulsion with regard to students.

Any individual seeking further information should contact the Superintendent for the name of the current Title IX Coordinator for the District. The Superintendent shall insure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

The district will not in any way retaliate against any student who makes a report of sexual harassment nor, to the extent possible, will it permit any employee to do so. Retaliation will be considered a violation of this policy and should be reported immediately. Any person found to have retaliated against a student for reporting an incident of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

An individual with a complaint alleging a violation of this policy which does not fall within the scope of allegations addressed by Procedure 3085P shall follow the Uniform Grievance Procedure.

Cross-Reference:	4120	Uniform Grievance Procedure
	3085	Sexual Harassment, Discrimination and Retaliation Policy
	3085P	Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions

Legal References:	20 U.S.C. § 1681, et seq.	Title IX of the Educational Amendments of 1972
	34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX)
	I.C. § 67-5909	Commission on Human Rights - Acts Prohibited
	I.D.A.P.A. 08.02.03.160	Safe Environment and Discipline

Sexual harassment is a form of sex discrimination and is prohibited in the District. An employee, District agent, or student engages in sexual harassment whenever he or she makes unwelcome advances; requests sexual favors; or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - A. Substantially interfering with the student's educational environment;
 - B. Creating an intimidating, hostile, or offensive educational environment;
 - C. Depriving a student of educational aid, benefits, services, opportunities or treatment; or
 - D. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

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Legal References	Descriptions
20 USC §§ 1681 - 1682	Title IX of the Education Amendments of 1972
34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
IC § 67-5909	Commission on Human Rights - Acts Prohibited
IDAPA 08.02.03.160	Safe Environment and Discipline

Cross References	Description
3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Title IX Sexual Harassment Grievance Procedure, Requirements, and Definitions
3085-F(1)	Sexual Harassment, Discrimination, and Retaliation Policy - Notice of Investigation & Allegation Template
3281	Gender Identity and Sexual Orientation
4120	Uniform Grievance Procedure
4120-F(1)	Uniform Grievance Procedure
5275	Adult Sexual Misconduct

Policy History:

Adopted on: 04/25/2009

Revised on: 11/26/2019

Revised on: 12/15/2020