

**SEXUAL HARASSMENT OF STUDENTS**

The policy of this school district forbids discrimination against, or harassment of any student on the basis of sex. The Perry Board of Education will not tolerate sexual harassment by any of its employees or students. This policy applies to all students and employees including non-employee volunteers whose work is subject to the control of school personnel. Policy DA applies to sexual harassment of employees.

**1. Sexual Harassment**

For the purpose of this policy, sexual harassment includes:

- A. Verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
- B. Demeaning comments about a girl's ability to excel in a class historically considered a "boy's" subject, privately talking to a student about sexual matters, hugging or touching a student inappropriately may constitute sexual harassment.
- C. Writing graffiti that names a student or otherwise identifies a student is potentially slanderous and constitutes sexual harassment. Graffiti of any kind will not be tolerated on school property. The superintendent is directed to cause any graffiti or unauthorized writings to be removed immediately.
- D. Any of the aforementioned conduct that effectively deprives a student of access to educational opportunities or benefits provided by the school.

**2. Specific Prohibitions****A. Administrators and Supervisors**

- 1. It is sexual harassment for an administrator, supervisor, support employee, or teacher to use his or her authority to solicit sexual favors or attention from students.
- 2. Administrators, supervisors, support personnel, or teachers who either engage in sexual harassment of students or tolerate such conduct by other employees shall be subject to sanctions, as described below.
- 3. The school district is not concerned with the "off-duty" conduct of school personnel unless the conduct has or will have a negative impact on the educational process of the school. Any romantic or sexual affiliation between school personnel and students, including students who have reached the age of majority (18), during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination for the employee. Any sexual affiliation between teachers and students under the age of 18 may constitute a crime under state or federal law.

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

## 3. Report, Investigation, and Sanctions

- A. It is the express policy of the board of education to encourage student victims of sexual harassment to come forward with such claims. This may be done through the Sexual Discrimination Grievance policy. The Office of Civil Rights relies on school administrators' judgment and common sense in meeting the requirements of the federal law.
1. Students who feel that administrators, supervisors, support personnel, teachers, or other students are subjecting them to sexual harassment are encouraged to report these conditions, or have their parents report these conditions, to the appropriate administrator or teacher. If the student's immediate administrator or teacher is the alleged offending person, the report will be made to the next higher level of administration or supervision or to any responsible adult person.
  2. Every attempt will be made to maintain confidentiality; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- B. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
- C. Any employee found to have engaged in sexual harassment of students shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.
- D. Any student found to have engaged in sexual harassment of other students shall be subject to sanctions, including, but not limited to warning, suspension or other appropriate punishment subject to applicable procedural and due process requirements.
- E. A copy of this Sexual Harassment policy will be provided to students and parents each year.
- F. Special effort will be made to apprise district administrators, teachers, and counselors of their obligation to receive student complaints of sexual harassment, document such complaints, and forward them to the grievance committee.

**REFERENCE: Title VII of the Civil Rights Act of 1964  
42 U.S.C. §2000e-2  
29 C.F.R. §1604.1, et seq.**

**SEXUAL HARASSMENT OF STUDENTS (Cont.)**

**CROSS-REFERENCE:** Policy DA, Sexual Harassment (employees)  
Policy DAAB, Grievance Procedures, Sex Discrimination (employees)  
Policy DAAB-R, Grievance Procedures, Sex Discrimination, Regulation (employees)  
Policy DO, Termination, Certified Teachers  
Policy DO-R, Teacher Termination Procedures  
Policy FBA, Grievance Procedures, Sex Discrimination/Harassment (students)  
Policy FBA-R, Grievance Procedures, Sex Discrimination/Harassment, Regulations  
(students)  
Policy FO, Student Discipline  
Policy FO-R1, Control and Discipline Policy