

4.3.5 -- STUDENT DISCIPLINE -- SEXUAL HARASSMENT - Act 1108 of 1997

Purpose

Sexual harassment is sex discrimination under Title IX. It is the policy of the Van Buren School District to maintain a learning and working environment that is free from sex discrimination including sexual harassment.

Authority

It shall be a violation of this policy for any member of the district staff to harass a student through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students or members of the district staff through conduct or communications of a sexual nature as defined below.

Definitions

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or when made by any student to another student constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
2. submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive academic environment.

Sexual harassment, as defined above, may include but is not limited to the following:

1. Verbal harassment or abuse
2. Pressure for sexual activity
3. Repeated remarks to a person with sexual or demeaning implications
4. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.
5. Inappropriate patting or pinching
6. Intentional brushing against a student's or an employee's body
7. Any sexual motivated unwelcome touching

Procedures

Any person who alleges sex discrimination or sexual harassment by any staff member or student may use the District's equity complaint procedure (detailed below) or may complain directly to the building principal, guidance counselor, or district administration. Filing of a complaint or otherwise reporting sexual harassment or sex discrimination will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments. Use of the provided reporting forms is optional.

Upon receipt of a report of sexual harassment, the building principal or guidance counselor or other staff member shall immediately notify the Equity Coordinator without screening or investigating the report. If the report is given verbally, the principal, counselor, or staff member will reduce it to a written form within 24 hours and forward it to the Equity Coordinator. Failure to report any sexual harassment report or complaint as provided will result in disciplinary action taken against that employee. If the complaint involves the building principal or counselor, the complaint may be filed directly with the Superintendent or Equity Coordinator. If the complaint involves the Equity Coordinator, the complaint may be filed with the Superintendent. If the complaint involves the Superintendent, the complaint may be filed with the Equity Coordinator.

The Equity Coordinator shall immediately authorize an investigation, which may be conducted by school officials. A written report on the investigation will be provided to the Equity Coordinator within 10 days of the complaint or report of sexual harassment. The investigation may consist of personal interviews with the person filing a complaint, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances surrounding the complaint. In addition, the District may take immediate steps, at its discretion, to protect the person filing the complaint, students and employees pending the completion of the investigation. The Equity Coordinator shall make a report to the Superintendent within two school days of the completion of the investigation.

School District Action

Upon receipt of a recommendation that the complaint is valid, the District will take such action as appropriate based on the results of the investigation. If the harasser is a student, disciplinary action may include suspension or expulsion. If the harasser is an employee, disciplinary action may include termination or non-renewal.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the person filing the complaint by the District. If the harasser is a student, the report will document the action taken as a result of the complaint to the extent permitted by FERPA. If the harasser is an employee of the District, the report will document the action taken as a result of the complaint to the extent permitted by law.

Reprisal

The District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation proceeding related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Approved by Board of Education 08/19/97
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Amended by Board of Education 08/09/16