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SEXUAL HARASSMENT OF STUDENTS

The school board is committed to maintaining a learning environment that is free from all forms of sexual harassment. Sexual harassment in an educational environment is illegal. Therefore, the Baldwin Board of Education condemns all sexual harassment and further forbids all students and staff from engaging in such activity. The board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as district employees or visitors. The board also strongly opposes any retaliatory behavior against complainants or any witnesses.

The Equal Employment Opportunity Commission's (EEOC) definition of sexual harassment will be applied to the educational environment as follows:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to sexually harassing behavior is made either explicitly or implicitly a term or condition of a student's right to a fair and equal educational opportunity or extra-curricular activity;
2. submission to or rejection of such conduct by a student is used as the basis for educational decisions affecting such student; or
3. such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an extracurricular activity, or creating an intimidating, hostile, or offensive learning environment.

Sexual harassment consists of unwelcome conduct of a sexual nature. Sexual harassment is not dependent upon the alleged harasser's intention. It is irrelevant that the alleged harasser had no intent to harass the person sexually. Sexual harassment may take different forms. The most obvious form is the demand for sexual favors. Other forms of harassment include:

- **verbal** - lewd or sexually suggestive comments, jokes of a sexual nature, sexual propositions or threats

- **non-verbal** - displaying pornographic photographs or other objects, obscene gestures

- **physical** - unwanted physical contact such as touching, pinching, assaulting
Students who believe that they have been subjected to sexual harassment should report the alleged misconduct immediately to the building principal or appropriate school employee or the district's designated compliance officer so that an investigation can begin promptly. In the event that the compliance officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority. To the extent possible all such reports shall be held in confidence. In the absence of a victim's complaint, the board, upon learning of or having a reasonable basis to suspect the occurrence of sexual harassment shall cause an investigation to be commenced promptly by appropriate individuals.

Based upon the results of the district's investigation, immediate corrective action shall be taken. Should the offending individual be a school employee, appropriate disciplinary measures shall be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures shall be applied, up to and including suspension/expulsion.

The superintendent of schools shall oversee the implementation of procedures for reporting, investigating, and remediying allegations of sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment, to implement preventative measures to help reduce incidents of sexual harassment, and to explain the administrative procedures.

A copy of this policy and its accompanying procedures shall be provided to staff, reviewed with students annually, and available to all employees, students and visitors.

Approved
Board of Education
May 10, 1995
January 11, 2006
SEXUAL HARASSMENT OF STUDENTS

The following administrative procedures are intended to implement the Board of Education's policy against sexual harassment of students.

The board recognizes that sexual harassment can originate from a student, employee, board member, or any individual who foreseeably may come in contact with a student on school grounds or at school-sponsored activities.

PROCEDURES

The Board of Education shall designate a compliance officer to carry out the district's responsibilities pursuant to the Board of Education's policy on sexual harassment of students.

The superintendent of schools shall notify all employees, students, and their parents/guardians of the name, office address, and telephone number of the district's compliance officer. In addition, the board, through these procedures, has established a grievance process that provides for prompt investigation and equitable resolution of student sexual harassment complaints.

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 utilized in handling any report, investigation, remedial action, or sanction concerning allegations of sexual harassment.

Students who believe they have been subjected to sexual harassment are to report the incident to the building principal, or an appropriate school employee such as dean, teacher, guidance counselor, nurse, social worker, or other responsible adult. The building principal or other appropriate school employee shall notify the compliance officer and superintendent of all complaints. Should the building principal be the alleged harasser, the report shall be made to the next level in the complaint procedure. The student can pursue the complaint informally or file a formal complaint. A formal complaint is defined as one that is filed with the district compliance officer.

All reports of sexual harassment shall be held in confidence, subject to all applicable laws and any relevant provisions found in the district's Board of Education policy manual and collective bargaining agreements, provided they do not interfere with the district's ability to investigate the complaint or take corrective action.
INVESTIGATION OF A COMPLAINT

Upon receipt of a complaint, parents and guardians shall be notified and a prompt, thorough, diligent and impartial investigation of the allegations shall follow. Appropriate witnesses shall be interviewed. The School District official receiving the complaint or otherwise designated by the Superintendent shall make a good faith effort to resolve the matter to the satisfaction of the parties and the District, provided that such resolution eliminates any improper conduct or practice disclosed during the investigation. The complainant and/or the parent or guardian are to be informed of the outcome of the investigation except as provided by law.

COMPLAINTS

Students who believe they have been subjected to sexual harassment may request that an informal meeting be held with the building principal. The purpose of such a meeting is to discuss the allegations and remedial steps available. Should the building principal be the accused harasser, the complainant shall bypass the principal and request a meeting with the compliance officer. Parents or guardians of the student complainant shall be notified in the event that a complaint is received.

If the accused harasser is a student, his/her parents shall be notified in the event that a complaint is received. The building principal will then discuss the complaint with the accused harasser as soon as practical consistent with his/her investigation.

Accused harassers who are employees of the district shall be informed of their right to have union representation at this meeting with the principal if applicable under state law or contract provisions.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the school district's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

The building principal is to urge the complainant to report any recurrence of the harassment or any retaliatory action that might occur. If a recurrence of sexual harassment is reported, the complaint may be reopened for investigation.

The building principal is to promptly complete and file a Sexual Harassment Formal Complaint Form with the assistant superintendent and the superintendent of schools. The report is to indicate the nature of the complaint, a description of what occurred when the building principal informed the alleged harasser of the allegations, the alleged harasser's response to the allegations, the results of the investigation, and the recommendation of the principal. Depending on the severity of the misconduct, further remedial and disciplinary action may be taken.
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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 originally consulted. The building principal will complete the Sexual Harassment Formal Complaint form and forward it to the assistant superintendent and the superintendent of schools.

The formal written complaint will consist of a form supported by any relevant information and reports. The form shall solicit the specifics of the complaint; e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent of Schools or the board shall promptly take appropriate corrective action upon a determination of sexual harassment. The complainant shall be notified of any findings and action taken except as provided by law.

REMEDIAL/DISCIPLINARY ACTION

If the investigation reveals that sexual harassment has occurred, appropriate remedial action and sanctions will be imposed in a manner consistent with applicable laws, district policies and procedures. Should the offending individual be a school employee, appropriate remedial action, sanctions, and disciplinary measures may be applied ranging from a warning up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, ranging from a warning up to and including suspension.

The remedial actions and sanctions noted above are not all inclusive.

POST REMEDIAL ACTION

Following a finding of sexual harassment, the victim will be interviewed by the appropriate building principal or his/her designee to ensure that the harassment has not resumed, and that no retaliatory action has occurred. At the discretion of the district, follow-up interviews may continue over a period of time. A report will be made by the principal of the victim's response.

FALSE ACCUSATIONS

Persons making false accusations of sexual harassment may be subject to disciplinary action in the manner prescribed by law, and consistent with any applicable provisions in the district's policy book or collective bargaining agreements.
Sexual Harassment of Students

Given the nature of this type of discrimination and the serious ramifications that may result from a complaint, the district recognizes that false accusations of sexual harassment can have serious effects on innocent people. Students making false accusations of sexual harassment may be subject to disciplinary action.

INVESTIGATION IN THE ABSENCE OF A COMPLAINT

The board shall, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate school officials, upon learning of, or having reason to suspect, the occurrence of sexual harassment.

May 10, 1995
Revised July 5, 2001
January 11, 2006