

**PHILOSOPHY**

It is the policy of St. Maries Joint School District No. 41 to maintain a learning environment that is free from sexual harassment. Each student/staff member/patron has the right to be in a school atmosphere that promotes equal opportunities and that is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive. This policy applies to all conduct on the District's premises and at school-sponsored events, conduct during transportation to and from school and school-sponsored events, and to conduct off the premises that has an effect upon the educational environment.

**DEFINITION**

Sexual harassment is a form of misconduct that undermines a person's relationships with others. No person, male or female, should be subject to unasked for and unwelcome sexual overtures or conduct, either verbal or physical.

A person 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. Examples of sexual harassment include, but are not limited to unwelcome:

1. Touching
2. Crude jokes, gestures or pictures
3. Verbal comments
4. Discussions of sexual experiences, sexual name calling, spreading sexual rumors
5. Pressure for sexual activity
6. Intimidation by words or actions
7. Insults or name calling
8. Teasing related to sexual characteristics
9. Leering
10. Overly personal conversations (including discussion of sexual activities, preferences, desires etc.)
11. Cornering or blocking someone's movements

12. Pulling at clothing

13. Attempted or actual rape/ sexual assault

The District recognizes that not every advance or every act of a sexual nature constitutes harassment. Sexual harassment does not refer to an isolated or occasional compliment(s) of a socially acceptable nature. It refers to conduct that is not welcome, that is personally offensive, that effects morale, that may create a hostile environment, and that, therefore, interferes with the person's ability to work, study or fully participate in school activities.

If the conduct is sufficiently severe or pervasive to alter the conditions of the individual's employment or educational opportunities, this may be considered to be an abusive working or learning environment. Such an abusive environment will not be tolerated by the District.

Sexual Harassment may include actions of students to students, male to female, female to male, male to male, female to female, students to adults, and adults to students.

### **REPORTING SEXUAL HARASSMENT**

Persons who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX Coordinator (Policy 305.01) or administrator who will assist them in the complaint process set forth in Policy 502.12.2.

If a Grievance is received at the building level, the building administrator will conduct a preliminary review of the allegations and will contact the Title IX Coordinator, forwarding a copy of the Grievance to the Title IX Coordinator. Such a referral must occur within twenty-four (24) hours of receipt of the Grievance.

### **INVESTIGATING SEXUAL HARASSMENT ALLEGATIONS**

All activities associated with the Grievance will thereafter be addressed by the Title IX Non-Discrimination Policy 502.12 and the Grievance Procedure established by the Board to address complaints/Grievances associated with Title IX and Sexual Harassment (Policy 502.12.2).

### **DISCIPLINARY ACTION**

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.

Supervisors or teachers who knowingly condone, or fail to report or assist a student, employee, or visitor to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

The District will make every effort to insure that employees or students and/or employees accused of sexual harassment or intimidation are given a fair and an appropriate opportunity to defend themselves against such accusations.

If there is insufficient evidence to support the allegations, no record of the incident will be kept in the file of the accused, or in the file of the accuser.

To the greatest extent possible, complaints will be treated in a confidential manner. Limited disclosure may be necessary in order to complete a thorough investigation.

Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

Any individual seeking further information should contact the Superintendent/Title IX Coordinator.

The Superintendent shall insure that the student and employee handbooks and the District's website shall identify the Title IX Coordinator including address, and telephone number of the individual for ease of contact.

An individual with a complaint alleging a violation of this policy shall file a report on the Title IX Grievance Reporting Form in Policy 502.12.2.

If the report of sexual harassment is substantiated and involves a victim who is a minor, or if the District prior to a formal investigation has reason to believe that a minor has been the victim of sexual abuse, the District shall notify the appropriate law enforcement personnel within twenty-four (24) hours of making such a determination.

**Policy Cross Reference:**

Board Policy 305.01	District Title IX Coordinator Civil Rights Grievance Coordinator
Board Policy 401.35	Staff Grievance Procedures
Board Policy 402.03	Certified Personnel Grievance Procedures
Board Policy 403.02	Support Personnel Grievance Procedures
Board Policy 500.02	Equal Education, Nondiscrimination and Sex Equity
Board Policy 502.12	Sexual Harassment of Students
Board Policy 502.12.2	Title IX Grievance Procedure Non-Discrimination Grievance Procedure
Board Policy 505.03	Student Grievance Procedures
Board Policy 1003.04	Patron Grievance Procedures

**Legal Reference:**

Idaho Code §67-5909	Acts Prohibited
20 U.S.C. §1681 et, seq.	Title IX of the Educational Amendments of 1972
34 CFR Part 106	
42 U.S.C. §2000(e) et seq	Title VI of the Civil Rights Act
29 C.F.R. §1604.11	

**Policy History:**

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