



**POLICY 248 -- UNLAWFUL HARASSMENT**

**1. Purpose**

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the district to maintain an educational environment in which harassment in any form is not tolerated.

**2. Authority**

The Board prohibits all forms of unlawful harassment of students by all district students and staff members, contracted individuals and vendors, and volunteers in the schools.

The Board encourages students who have been harassed to promptly report such incidents to the designated employees.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action shall be taken when allegations are verified. Confidentiality of all parties shall be maintained, consistent with the district's legal and investigative obligations. No reprisals nor retaliation shall occur as a result of good-faith charges of harassment.

**3. Definitions**

The term **harassment** includes, but is not limited to, repeated, unwelcome and offensive slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, religion, ancestry, sex, national origin, age, or handicap/disability which create an intimidating, hostile or offensive educational environment.

**Ethnic harassment** includes the repeated, unwelcome, and offensive use of any derogatory word, phrase, or action characterizing a given racial or ethnic group that creates an intimidating, hostile, or offensive educational environment.

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

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status
2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual
3. Such conduct deprives a student of educational aid, benefits, services, or treatment
4. Such conduct has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile, or offensive education environment.

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Examples of sexual harassment include, but are not limited to, sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes, pin-ups, calendars, objects, graffiti, vulgar statements, abusive language, innuendoes, references to sexual activities, overt sexual conduct, or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or which creates an intimidating, hostile, or offensive learning or working environment.

The district shall annually inform students, staff, parents, independent contractors and volunteers that unlawful harassment of students will not be tolerated.

### **4. Delegation of Responsibility**

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and to ensure an atmosphere free from all forms of unlawful harassment.

Students shall be informed that they may choose to report harassment complaints to building principals, teachers, counselors, nurses, or administrators.

All employees who receive harassment complaints from a student shall report such to the building principal.

If the building principal is the subject to a complaint, the student shall report the complaint directly to the Superintendent or designated administrator.

### **5. Guidelines**

When a student believes that s/he is being harassed, the student should immediately inform the harasser that his/her behavior is unwelcome, offensive, or inappropriate. If the unwelcome, offensive, or inappropriate behavior continues, the student shall follow the established complaint procedure.

#### **Complaint Procedure**

1. A student shall report a complaint of harassment orally or in writing to the building principal or a designated employee who shall inform the student of his/her rights and of the complaint process.
2. The building principal immediately shall notify the Superintendent or other designated administrator and shall conduct an impartial, thorough, and confidential investigation of the alleged harassment.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated.

3. The building principal shall prepare a written report summarizing the investigation and recommending disposition of the complaint. Copies of the report shall be provided to the complainant, the accused, the Superintendent, and others directly involved, as appropriate.

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4. If the investigation results in a substantiated charge of harassment, the district shall take prompt corrective action to ensure the harassment ceases and will not recur.

### **Discipline**

A substantiated charge against a district staff member shall subject such staff member to disciplinary action including discharge.

A substantiated charge against a district student shall subject such student to disciplinary action consistent with the student discipline code and may include educational activities and/or counseling services related to unlawful harassment.

If it is concluded that a student has made false accusation, such student shall be subject to disciplinary action consistent with the student discipline code.

### **Appeal Procedure**

1. If the complainant or accused is not satisfied with the principal's decision, s/he may file a written appeal to the Superintendent.
2. The Superintendent shall review the initial investigation and report and may also conduct a reasonable investigation. S/He shall prepare a written response to the appeal. Copies of the response shall be provided to the complainant, the accused, building principal, and others directly involved, as appropriate.