

SEXUAL HARASSMENT

A learning and working environment that is free from sexual harassment will be maintained in the Lidgerwood Public School District. It will be a violation of policy for any member of the district staff to harass another staff member or student, or for students to harass employees or other students, through conduct or communication of a sexual nature as defined by this policy, whether *quid pro quo* or as creation of a hostile environment. Further, this District will not tolerate the harassment of any staff member or student by any third party. This prohibition shall be in effect in any building belonging to or used by the Lidgerwood Public School District or on the grounds of any such building or on any property or in any vehicle belonging to or used by the Lidgerwood Public School District or at any school-related activity.

Any person who believes he or she has been the victim of sexual harassment on school district property or at any school-related activity, or any third person with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to any teacher, counselor, or administrator, or directly to the board president. The person receiving the complaint shall refer it to the District Title IX Coordinator for investigation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status or affect future employment, work assignments, or grades.

Administrators and supervisors will make it clear to their staff and students that sexual harassment is prohibited by board policy and is grounds for disciplinary action. Administrators will use staff meetings and inservice sessions and student assemblies to inform employees and students of their rights and remedies under the law.

A substantiated charge against a school district staff member will subject such member to disciplinary action, which may include discharge.

A substantiated charge against a student in the school district will subject that student to disciplinary action, which may include suspension or expulsion, consistent with student disciplinary policies.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct or communication of a sexual nature when (1) submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education, advancement or grade, (2) submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting

such individual's employment or education, or (3) such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or education environment.

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

1. Sexual or "dirty" jokes.
2. Sexual advances.
3. Pressure for sexual favors.
4. Unwelcome touching, such as patting, pinching, or constant brushing against another's body.
5. Displaying or distributing of sexually explicit drawings, pictures, and written materials.
6. Graffiti of a sexual nature.
7. Sexual gestures.
8. Touching oneself sexually or talking about one's sexual activity in front of others.
9. Spreading rumors about or rating other students as to sexual activity or performance.
10. Remarks as to a person's sexual orientation.

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 harassment and to take disciplinary action when this conduct has occurred.

Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge for employees or suspension and expulsion for students.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

Legal Ref: 1964 Civil Rights Act, Title VII

Descriptor Code: AACA
DABAA
FBBC

1972 Educational Amendments, Title IX
45 CFR Part 86 Regulations