

1 **Board Policies**

Blair-Taylor School District

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4 **Series: 400**
5 **Section: 440**
6 **Policy #: 447.1**

STUDENTS
STUDENT RIGHTS AND RESPONSIBILITIES
HARASSMENT

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10 **I. Statement of Philosophy**

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12 The School District of Blair-Taylor is committed to creating and maintaining a learning environment where
13 all individuals are treated with respect and dignity.

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15 The Blair-Taylor Board of Education recognizes the need to create and maintain an atmosphere for
16 students, employees and others, which is free from unsolicited and unwelcome overtones. Accordingly, the
17 Board prohibits students, employees and those engaged in the operation of any and all district programs
18 and activities from engaging in any behavior which constitutes any form of harassment.

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20 In this district, harassment, whether verbal, physical or environmental, is unacceptable and will not be
21 tolerated. Harassment is unlawful and hurts all people. Each incident of harassment contributes to a
22 general atmosphere where members suffer the consequences and may feel that their safety is
23 compromised. Harassment has no legitimate educational purpose. Any employee or student, male or
24 female, who engages in such conduct shall be disciplined as provided by district policies, law and
25 applicable labor agreements.

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28 **II. Bullying, Sexual Harassment and Violence, Racial, and Religious Harassment Definitions**

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30 **A. Bullying Harassment** includes aggressive or hostile behavior that is intentional and involves
31 an imbalance of power between the bully and the bullied. It is typically repeated over time.
32 Bullying takes many forms, including, but not limited to, physical or verbal assaults, nonverbal or
33 emotional threats or intimidation, social exclusion and isolation, extortion, and the use of a
34 computer or telecommunications to send embarrassing, slanderous, threatening, or intimidating
35 messages. Bullying is a form of victimization and is not necessarily a result of or part of an
36 ongoing conflict. Bullying can also be characterized by teasing, put-downs, name-calling, cruel
37 rumors, false accusations, and hazing. **(See policy 447.2 Bullying)**

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39 **B. Sexual Harassment** is unwelcome behavior of a sexual nature by peers, teachers,
40 administrators or anyone you must interact with in order to pursue school activities. For the
41 purposes of this policy, sexual harassment is defined as unwelcome advances, requests for
42 special favors, and any other verbal, written, visual or physical conduct of a sexual nature when:

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44 1. Submission to or rejection of such conduct by an individual is used as a factor in
45 decisions affecting a student's ability to learn or participate in school activities, or in
46 hiring, evaluation, retention, promotion or any other aspect of employment; or
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48 2. Such conduct substantially interferes with an individual's ability to learn or work, or
49 creates an intimidating, hostile or offensive school or work environment.

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51 **C. Sexual Violence** is a physical act of aggression or force or the threat thereof which involves
52 the touching of another's intimate parts, or forcing a person to touch any person's intimate parts
53 such as the primary genital area, groin, inner thigh, buttocks or breast, as well as but is not
54 limited to, the following:

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56 1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or
57 attempts to commit these assaults; and intentional physical conduct that is sexual in
58 nature such as touching, pinching, patting, grabbing, poking, or brushing against
59 another employee's or student's body.

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2. Sexual advances, propositions, or other sexual comments, such as sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee, student or member of the public who has indicated in any way that such conduct is UNWELCOME.
 3. Display of sexually suggestive objects or pictures.
 4. Preferential treatment or promises of preferential treatment to any employee or student, for submitting to sexual conduct, including soliciting or attempting to solicit any employee or student to engage in sexual activity for compensation or reward; and subjecting or threatening to subject an employee or student to unwelcome sexual conduct or intentionally making performance of the employee's job or the student's assignment more difficult because of the employee's or student's sex.

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D. Racial Harassment consists of physical or verbal conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic learning environment.

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E. Religious Harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment.

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III. Retaliation

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Retaliation for any harassment complaints, such as disciplining, changing classrooms or work assignments, providing inaccurate working information to, or refusing to cooperate or discuss school or work-related matters with any student or employee because that student or employee has complained about or resisted harassment. Retaliation for any harassment complaints will be treated as a violation of this policy that is equally serious as the harassment itself.

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IV. Confidentiality

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Confidentiality will be maintained throughout the entire investigation process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. This means that the people charged with investigating the complaint will discuss the complaint or the underlying behavior only with persons involved in the case who have a need to know the information.

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V. Individuals Covered by the Policy

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All teachers, teaching assistants, coaches, secretaries, administrators, contract employees, guest speakers, volunteers, janitorial or cafeteria staff, other support staff, as well as current students are bound by this policy. This policy protects male and female students equally from harassment and it protects both from same-sex harassment as well.

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VI. Informal Complaint Procedures

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Depending on the circumstances and the severity of the behavior, a student who believes she or he is being harassed by a fellow student may elect to pursue an informal resolution to the matter. The District encourages individuals who believe they are being harassed to notify the student offender firmly and promptly that his or her behavior is unwelcome. In the case of employee-student harassment, however, power and status disparities between the alleged harasser and the target of harassment make such a confrontation unwise. All cases of employee-student harassment therefore should be resolved according to the formal complaint procedures described in Section VII.

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A. Limits on Informal Procedures

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1. Assaults. The informal procedures described herein or designed to supplement or provide an alternative to formal complaint procedures. Informal resolution is never appropriate in cases of assault. A student-victim of assault, including any kind of touching, should report the alleged incident immediately to a school official or teacher of the student's choosing. Students should not resort to self-help for protection from future assaults.
2. Limited Remedies. While dealing informally with a problem of harassment may resolve the matter more expeditiously and without as much publicity, a formal grievance procedure must be followed in order for a school to impose any kind of discipline on the offender.

B. Suggested Informal Procedures

1. Make it clear to the harasser that you don't want him or her to do those things. If you don't want to confront the person, write a letter.
2. Tell someone you trust, like a parent, teacher, or counselor, about the harassment.
3. Keep any notes or pictures the harasser sends you. Keep a record of when and where each incident occurs. This information will be useful if you report the harassment to a school administrator, or if you decide to take legal action.
4. If the harassment continues, notify a principal or administrator.

VII. Description of the Formal Complaint Procedures

A. Written or Oral. Complaints of harassment will be accepted in writing or orally. Anonymous complaints will NOT be accepted. Complaint forms are available in the district main office, principal's or the school counselor's office. A complaint should if possible be made on an official form in order for the school to accept it.

B. Reporting the complaint. A student who believes she or he has been harassed or is being harassed may report the alleged harassing behavior to any teacher or administrator. Such a complainant is obligated to report the incident in writing to the principal (if the principal is the harasser, give report to district superintendent) within twenty-four (24) hours.

C. Content of complaint. Any individual who believes she or he is being harassed or has been harassed in violation of this policy should file a complaint report including the following information, if known to the complainant: the name of the complainant, a brief description of the offending behavior, including times, places, and the name of or identifying information about the alleged perpetrator, and the names or description of any witnesses to the harassment. (Report Forms are available in the district, principal, or counselor offices)

D. Processing of complaints. The principal is responsible for overseeing the processing of harassment complaints. Specifically, the principal shall schedule and complete a discussion of the allegations with the complainant within five (5) school days after receiving the complaint or third-party report of alleged harassment. The principal shall conduct an investigation of the charges and attempt to resolve the matter in a timely fashion.

1. Investigator. After receiving a completed sexual harassment complaint form, the principal shall conduct, or appoint someone to conduct, an investigation of the complaint.

2. Timing. Within 30 days of receiving the complaint, the principal shall make a finding of whether harassment occurred. If the complaint cannot be resolved within that time, the principal must notify the superintendent, who shall take over the investigation.

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3. Objectivity. The complainant is entitled to an investigation. Thus, if the persons charged with overseeing or investigating harassment complaints are implicated in the complaint, or have any personal or professional stake in the process that would cause a conflict of interest, the superintendent shall conduct the investigation and make findings or shall designate someone impartial to do so.

4. Hearing procedures. The following procedures may be followed at hearings about harassment complaints: (1) the victim and defendant are both entitled to be present at the hearing, and to bring a representative, who might be a lawyer, parent, teacher, or friend; (2) the victim and defendant both will be expected to speak on their own behalf; and (3) the victim and defendant are both entitled to testify or present other evidence relevant to the allegations.

5. Standard of proof. In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. Allegations of harassment will be evaluated using a preponderance of the evidence standard-that is, before imposing any sanctions the principal or his designee must conclude that it is more likely than not that the harassment occurred.

6. Notice of outcome. Within five (5) days of reaching a decision, the principal or his or her designee shall notify the parents of any students involved, the parties to the proceeding, and, in the case of teacher-student harassment, the employee-defendant, of his or her findings about whether or not harassment occurred.

7. Appeals. A student or defendant who is dissatisfied with the investigation or resolution of an allegation of harassment may appeal in writing to the principal within ten (10) days of receiving written notice of the outcome of the investigation.

VIII. Third-party reporting

Any employee who receives any information from any source concerning employee-student harassment is required to report such information immediately to the principal or designated investigator.

IX. Sanctions

Individuals found to have engaged in harassment shall be disciplined appropriately, which may include employee discharge or student suspension/expulsion. Appropriate sanctions will be determined by the Blair-Taylor Board of Education in accordance with the provisions of applicable statutes, collective bargaining agreements, employment contracts, district policies and student discipline codes.

X. Non-Exclusivity

The internal procedures and remedies outlined in this policy are not the only options available to a complainant. Participation in the school's procedure is not a prerequisite to pursuing other legal or governmental remedies. In other words, a complainant may use the school's grievance procedure and then, whether she or he obtains a satisfactory finding or not, may file a suit in court under any applicable federal, state, or local law. She or he also may forego the internal procedure and directly pursue legal or administrative remedies, or may pursue both internal and external remedies simultaneously.

XI. Intent

The fact that someone did not intend to harass an individual is generally not considered a defense to a complaint of harassment. In most cases, the effects and characteristics of the behavior determine if that behavior constitutes harassment.

XII. Retaliation

Retaliatory or intimidating conduct against any individual who has made a harassment complaint or who has testified or assisted in any manner in an investigation are specifically prohibited and shall provide

239 grounds for a separate harassment complaint. The initiation of a complaint of harassment will not reflect
240 negatively on the student who initiates the complaint nor will it affect the student's academic standing,
241 rights, or privileges.
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243 **XIII. Dissemination of Policy**

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245 This policy will be available to employees, students, administrators, independent contractors, volunteers,
246 parents, and anyone else connected with the School District of Blair-Taylor upon request from any
247 administrative office in the district.
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249 Cross Reference: 112 Non-discrimination
250 441 Student and Employee Handbooks
251 523 Staff Complaints and Grievances
252 527 Harassment - Personnel