

## Sexual Harassment Policy - Students and Employees

### Purpose

It is the policy of the Bruneau-Grand View Joint School District No. 365 to maintain a learning environment, which is free from sexual harassment. Each student has the right to learn in an atmosphere that promotes equal opportunities free from disruption and conduct of a sexual nature that can be considered harassing, coercive or disruptive.

### Authority

It shall be a violation of this policy for any employee of the district to harass a student or another employee through conduct or communication of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students through conduct or communication of a sexual nature.

### Definition of Sexual Harassment

Sexual harassment is a form of misconduct that undermines a student's relationship with educators and with other students. No student/employee, male or female, should be subject to unsolicited and/or unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to sexual overtures of conduct that are unwelcome, that are personally offensive, that affect moral, and that, therefore, interfere with a student's/employee's ability to participate in school activities.

Sexual harassment may include, but is not limited to:

- Sexual jokes, posters, calendars or graffiti, etc.
- Verbal harassment or abuse or repeated remarks of a sexual nature.
- Inappropriate touching.
- Pressure for sexual activity.

### Reporting Procedures

Students/employees who believe they are being harassed should report the situation to any of the following persons immediately:

- A guidance counselor.
- A teacher.
- The principal.
- The superintendent.

Any employee receiving a report of harassment from a student shall report the matter to the superintendent immediately. In the event the complaint involves the superintendent, the matter shall be reported to the chairman of the board of trustees.

Any student who becomes aware that a fellow student is being subjected to sexual harassment should report the incident to a counselor, a teacher, building principal, or the superintendent of schools.

Employees who believe they are being subjected to sexual harassment are encouraged to file complaints through the district's grievance procedure.

#### Investigation

When a report of sexual harassment is made to the principal or to the superintendent, the principal or superintendent shall take immediate steps to:

- Obtain a statement from the complainant regarding the allegations. •
- Obtain a statement from the accused.
- Obtain statements from witnesses, if any.
- Prepare a report detailing the investigation.

The principal or superintendent may appoint an investigator to conduct the investigation or the principal/superintendent may conduct the investigation. The investigation normally should be completed within ten (10) working days.

If the allegations of sexual harassment involve a teacher or other school employee, the principal shall submit the report of his/her investigation to the superintendent.

#### Discipline

If there is sufficient evidence to believe the allegation is more probably true than not, disciplinary action of a student, which may include, but is not limited to, warning, detention, suspension, expulsion, or any form of appropriate disciplinary measure shall be taken against the offending student.

If any employee is the offender, the offender shall be appropriately disciplined by utilizing any appropriate disciplinary actions provided by the district's personnel policy, including, but not limited to a dismissal.

If there is insufficient evidence to support the allegations, no record will be made of the allegation in the complaining student's permanent record. Likewise, no report of the allegation shall be placed in an accused employee's personnel record or in an accused student's permanent record.

In the event that the investigation discloses that the complaining student has falsely accused another of sexual harassment in a knowing and malicious manner, the complaining student may be subject to appropriate disciplinary action.

Confidentiality

Because of the sensitive nature of complaints of sexual harassment, any investigation shall be conducted, to the maximum extent possible, in a manner to protect the privacy of both the complainant and the accused.

Under certain circumstances, sexual harassment may constitute or be considered sexual abuse pursuant to 16-6101, et. Seq., the Idaho Child Protective Act. In said situations, the school district and/or its personnel shall comply with the Idaho statute reporting requirements which are contained in Idaho Code 16-1619. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged sexual abuse.

Legal source:            Idaho Code 16-1619    "Reporting abuse, abandonment or neglect."

Adopted:                November 17, 1994

Reviewed:              January 30, 2007

Revised:                October 28, 1998