

Sexual Harassment/Intimidation of Students

Sexual harassment is a form of sex discrimination and is prohibited in the District regardless of whether the victim is an employee, student, or recipient of the services of this District. An employee, District agent, or student engages in sexual harassment whenever he or she makes unwelcome advances; requests sexual favors; or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
  - A. Substantially interfering with the student's educational environment;
  - B. Creating an intimidating, hostile, or offensive educational environment;
  - C. Depriving a student of educational aid, benefits, services, opportunities or treatment; or
  - D. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to, unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics; and spreading rumors related to a person's alleged sexual activities. All forms are serious offenses and will not be tolerated in this District.

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator, or administrator who will assist them in the complaint process. The Board of Trustees has designated the Superintendent the Title IX coordinator, and the official responsible for receiving sexual harassment complaints and initiating investigations. Any report of sexual harassment shall be reported to the Superintendent within 24 hours. Supervisors or teachers who knowingly condone, or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.

In determining whether conduct constitutes sexual harassment, the investigation will look at the record as a whole and at the totality of the circumstances, such as the nature of the alleged behavior and the context in which they occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

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. Additionally, effort shall be made to provide appropriate relief for the victim.

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given the appropriate opportunity to defend themselves against such accusations.

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. Only those persons responsible for administering this policy and those conducting the investigation will have access to confidential communications.

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

If there appears to be no foundation to an allegation of sexual harassment:

1. No record shall be made of the allegation in the accused's personnel records;
2. A reiteration of the policy against sexual harassment may be provided as appropriate; and
3. Bad faith allegations or use of this policy for unintended purposes may result in disciplinary action against the accuser.

Any individual seeking further information should contact the Superintendent who is also the Title IX Coordinator for the District. The Superintendent shall ensure that the student and employee handbooks identify the name, address, and telephone number of the individual responsible for coordinating the District's compliance efforts.

An individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance Procedure.

The District may include a description of this policy in student handbooks and may take other measure to ensure that all students are aware of this policy.

Cross Reference: 4120

Uniform Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments

34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education  
Programs or Activities Receiving Federal Financial  
Assistance

I.C. § 67-5909 Acts Prohibited

IDAPA 08.02.03.160 Safe Environment and Discipline

Policy History:

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