

## **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 overtones of conduct that are unwelcome, that are personally offensive, that affect morale, 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, teacher, principal, or the superintendent.

Any employee receiving a report of harassment from a student shall report the matter to the building principal immediately. If the matter is not taken care of to the complainant's satisfaction the matter should be reported to the superintendent.

In the event the complaint involves the building principal, the matter shall be reported to the superintendent. In the event the complaint involves the superintendent, the matter shall be reported to the chairman of the school board.

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.

Employees who believe they are being subjected to sexual harassment are encouraged to file complaints through the district's grievance procedure (Policy 502.2.3, Certificated or Policy 503.3, Classified).

### **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. The superintendent may use his/her discretion to contact law enforcement, district legal advisors, or any other person or agency deemed necessary regarding the allegations.

### **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 an 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.

**Personnel: General Personnel Policies  
Staff conduct and Responsibilities**

**Policy 501.3.3**

If there is not sufficient 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 disclosed that the complaining student or employee has falsely accused another person of sexual harassment in a knowing and malicious manner, the complaining student or employee 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 16-601, 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.

<b>Legal source:</b>	<u>Idaho Code</u> 16-1619	"Idaho child protective act."
	<u>Idaho Code</u> 33-1208	"Revocation, suspension or denial of certificate-Grounds."
	<u>Idaho Code</u> 33-513	"Professional personnel."
	<u>Policy</u> 502.2.3	"Certificated Staff Grievance Procedure"
	<u>Policy</u> 503.3	"Classified Staff Grievance Procedure"

**Adopted:** September 26, 1996  
**Reviewed:** March 29, 2005; April 21, 2005  
**Revised:** May 12, 2005