

Approved by: _____ Signature: _____ Date: _____

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POLICY 309- Sexual Harassment - Students

Sexual harassment is an illegal behavior. Title IX of the Federal Education Amendments of 1972 provides that schools must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment toward students by employees or harassment of student(s) toward other students may violate the law.

The Turquoise Trail Charter School Governance Council therefore forbids harassment of any student on the basis of sex. The Governance Council will not tolerate sexual harassment of students by employees or by other students.

The intent of this policy regarding conduct between employees and students is clear and straightforward. No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.

The intent of this policy regarding conduct among students requires some further discussion. Much of the conduct described in the detailed specification of this policy - including sexually-oriented name-calling, graffiti, teasing, etc. - clearly has no place in school, and would not be welcomed by anyone. Requests for dates or other age-appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome.

When a student has made it reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention. In other words, one does have to take "No" for an answer.

DEFINITIONS AND STANDARDS OF CONDUCT

Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is unwelcome conduct of a sexual nature. Special definitions follow:

Conduct of a Sexual Nature

Conduct of a sexual nature may include, but is not limited to:

1. verbal or physical sexual advances, including subtle pressure for sexual activity;

2. sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
3. showing or giving sexual pictures, photographs, illustrations, messages, or notes;
4. writing graffiti of a sexual nature on school property;
5. comments or name-calling to or about a student regarding alleged physical or personal characteristics of a sexual nature;
6. sexually-oriented “kidding”, “teasing”, double-entendres, and jokes; and
7. any harassing conduct to which a student is subjected because of or regarding the student’s sex.

Standard of Conduct for Employees

No employee may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless of whether such conduct takes place on school property or in connection with any school-sponsored activity.

Standard of Conduct for Students: Unwelcome Conduct of a Sexual Nature

Verbal or physical conduct of a sexual nature by one student toward another student, may constitute sexual harassment when the conduct, by its nature, is clearly unwelcome or inappropriate, even if the allegedly harassed student has not indicated that it is unwelcome.

A student who has initially welcomed conduct of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

REPORTING, INVESTIGATION, AND SANCTIONS

Reporting:

It is the express policy of the Turquoise Trail Charter School Governance Council to encourage students who feel they have been sexually harassed by a school employee or by another student or students to report such claims.

Reporting of Sexual Harassment by a School Employee

1. Any student who believes he or she has been subjected to any conduct of a sexual nature by a school employee may tell a counselor or Head Administrator.
2. If a student who believes he or she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor or Head Administrator, the student should tell his or her parent(s) about the problem and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.
3. If a student believes that he or she has been sexually harassed by a counselor or a Head Administrator, or by any other administrator the student should seek the assistance of his or her parent(s) in reporting such harassment to the Head Administrator or to a member of the Governance Council.

Reporting of Sexual Harassment by a Student or Students

1. Any student who believes he or she has been sexually harassed by another student or other students, may tell a teacher, counselor, or administrator.
2. If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about whom to tell, or feels uncomfortable telling any counselor, or Head Administrator, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

Reporting of Employees - Mandatory

1. Any employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the Head Administrator of such a report, regardless of whether the employee receiving the report considers the report credible or significant.

Investigation:

All reports of sexual harassment of students will be appropriately and promptly investigated by the Head Administrator or his/her designee. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

Sanctions:

Employees

Any employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, or termination, subject to any applicable procedural requirements.

Students:

Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.