

# DRAFT UPDATE

## Students

### Harassment of Students Prohibited

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; nationality origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

**Comment [AKL1]: Update 1:** This policy language was updated to list protected statuses from the anti-bullying statute word-for-word, despite some statuses being irrelevant to students in K-12.

Issue 86, August 2014

#### Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, 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, 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 a student's educational environment;
  - b. Creating an intimidating, hostile, or offensive educational environment;
  - c. Depriving a student of educational aid, benefits, services, or treatment; or
  - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**Comment [AP2]: Update 2:** The term *sexual violence* was added throughout this policy due to a U.S. Dept. of Education guidance document stating that acts of sexual violence may also be discrimination under Title IX.

Issue 86, August 2014

#### Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, or a Complaint Manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

# DRAFT UPDATE

An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Building Principal, or Assistant Building Principal for appropriate action.

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male.

## Nondiscrimination Coordinator:

Asst. Superintendent Dr. Kevin Nohelty

Name

16001 Lincoln Avenue

Address

Harvey, IL 60426

708.333.0300

Telephone

## Complaint Managers:

Asst. Superintendent Dr. Kevin Nohelty

Name

16001 Lincoln Avenue

Address

Harvey, IL 60426

708.333.0300

Telephone

Sirlena Thomas

Name

16001 Lincoln Avenue

Address

Harvey, IL 60426

708.333.0300

Telephone

The Superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks.

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

**Comment [AKL3]: OPTION:** Email addresses may be added to the Nondiscrimination Coordinator and Complaint Manager information found in this policy as well as policies 2.260, 5.10 and 5.20. If the board would like to add these, please attach the email addresses to the PRESS Plus response form.

Issue 86, August 2014

# ***DRAFT UPDATE***

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.  
34 C.F.R. Part 106.  
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.  
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.  
23 Ill.Admin.Code §1.240 and Part 200.  
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).  
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).  
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).  
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited),  
7:10 (Equal Educational Opportunities), 7:180 (~~Preventing~~Prevention of and  
Response to Bullying, Intimidation, and Harassment), 7:185 (Teen Dating  
Violence Prohibited), 7:190 (Student Discipline), 7:240 (Conduct Code for  
Participants in Extracurricular Activities)

ADOPTED: April 16, 2014