

Sexual Harassment Student Policy

Policy: 6067

Section: 6000 - Students

1. Policy Statement

- a. Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964 ([42 U.S.C. § 2000e, et seq.](#)), Title IX of the Education Amendments of 1972 ([20 U.S.C. § 1681 et seq.](#)), and the Utah Antidiscrimination Act, Utah Code [§ 34A-5-101 et seq.](#)
 - i. It is the policy of the South Summit School District to maintain a learning and working environment that is free from sexual harassment. The District prohibits any form of sexual harassment. The Board of Education of the South Summit School District does not discriminate on the basis of sex in its programs and activities and is required by Title IX and 34 CFR Part 106 not to discriminate on the basis of sex, including but not limited to such discrimination in admission and employment. The Board adopts this policy in order to meet its obligations under Title IX to provide appropriate treatment of and response to complaints or reports of sexual harassment and to seek to provide a learning environment free from sexual harassment and discrimination on the basis of sex. Therefore, the District will promptly respond to notice of sexual harassment or allegations of sexual harassment and take appropriate action.
 - ii. The definitions of sexual harassment under Title VII and Title IX differ, although there are areas of overlap. This policy therefore distinguishes between sexual harassment as to employment (Title VII) and sexual harassment as to participation in District programs and activities (Title IX). The intent of this policy is to meet the District's obligations under both Title VII (and the Utah Antidiscrimination Act) and Title IX.
 - iii. This policy addresses sex discrimination in the form of sexual harassment against students. Other forms of sex discrimination are addressed in Policy 3019. It is a violation of this policy for any employee or student of the District to sexually harass a student or an employee.
 - iv. No officer or employee of the District, when acting or purporting to act in official capacity, shall refuse to permit any student to participate in any school program because of the student's race, color, religious beliefs~~creed~~, sex, national origin, marital status, political ~~or religious~~ belief or creed, physical or mental condition, family, social, or cultural background, sexual orientation, or gender identification.

- v. The District encourages all victims of sexual harassment and persons with knowledge of sexual harassment to immediately report that to the Title IX Coordinator or an administrator. Employees with knowledge of sexual harassment or possible sexual harassment are required to report that information to their supervisor and/or the Title IX Coordinator. (Failure to make such reports may result in disciplinary action according to District policy.) All complainants have the right to be free from retaliation of any kind.
 - vi. The District and its schools and staff shall not provide a sex-designated facility, program, or event of a higher quality to one sex and of a lesser quality to the opposite sex but shall ensure equivalent quality or rotational sharing, including the use of athletic facilities or venues. The District and its schools and staff shall not provide males or females preferred or more advantageous scheduling of facilities, programs, or events in comparison to the opposite sex but shall ensure equivalent scheduling practices or rotational sharing, including the scheduling of athletic events or practices. The District and its schools and staff shall not provide males or females with more sex-designated opportunities than the opposite sex (meaning more than 10% disparity). The District and its schools and staff shall not require males or females to participate or compete against the opposite sex in any sex-designated facility, program, or event. The District and its schools and staff shall not require, give official authorization for, or knowingly allow males or females to use a sex-designated facility in the presence of the opposite sex.
 - vii. Notice of this policy shall be given to all students seeking admission and their parents and shall be included in student handbooks.
 - viii. Questions about rights under Title IX and about the application of Title IX to the District can be directed to the Title IX Coordinator identified in this policy or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.
 - ix. The District will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and when appropriate to discipline any employee or student who sexually harasses an employee or student of the District.
- b. No Expansion or Reduction of Other Legal Rights—Nothing in this policy shall be construed to give any right, claim or action beyond the specific process provided in this policy. Nothing in this policy restricts rights which may be available under other District policies or under applicable laws or regulations.

- c. **Prohibition of False Statements:** Employees and students are prohibited from knowingly making false statements or knowingly submitting false information in connection with allegations of sexual harassment or a sexual harassment investigation or a sexual harassment grievance procedure. Any employee or student doing so is subject to disciplinary action.
- d. **Confidentiality:** Except to the extent required to carry out a required response to sexual harassment under this policy or other forms of sex discrimination under other policies, or as required by law, the District shall keep confidential the identity of (a) any individual who reports or complains of sexual harassment or other types of sex discrimination (including filing a formal complaint), (b) any respondent or other individual reported to have perpetrated another form of sex discrimination, and (c) any witness regarding sexual harassment or other form of sex discrimination. Except to the extent that maintaining confidentiality would impair the District's ability to provide supportive measures, the District shall keep confidential any supportive measures provided to a complainant, respondent, or employee complaining of employment sexual harassment. (In appropriately responding to sexual harassment, the District may need to disclose the identity of individuals for purposes of an appropriate investigation and following the grievance process or for purposes of appropriate supportive measures.) Disclosure is also allowed to the extent permitted by FERPA and its implementing regulations.
 - i. Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate authorities and the confidentiality of the information will be maintained as required by [Utah Code § 80-2-1005](#).
- e. **Student Sexual Harassment Defined:** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by school employees, students, or visitors when:
 - i. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining power; or
 - ii. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's success; or
 - iii. That conduct or communication has the purpose or effect of unreasonably interfering with an individual's success, or creating an intimidating, hostile or offensive environment.

- f. As long as one or more of the above-listed factors is met, sexual harassment may include but is not limited to:
- ~~2.i.~~ Verbal harassment or abuse, including any offensive communication that is sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual gestures;
 - ~~3.ii.~~ Subtle pressure for sexual activity including sexual invitations or requests for sexual activity in exchange for preferences, favors, selection for work assignments, etc.;
 - ~~4.iii.~~ Physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, spanking, pinching, stalking, frontal-body hugs, intentional brushing against an employee's or student's body, etc.;
 - ~~5.iv.~~ Demanding sexual favors accompanied by implied or overt threats concerning an individual's status;
 - ~~6.v.~~ Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's success; or any unwelcome sexually motivated touching;
 - ~~7.vi.~~ Unwelcome gestures that are sexually suggestive, sexually degrading or imply sexual motives or intentions;
 - ~~vii.~~ Written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, etc.
- ~~8.2.~~ This includes Artificial Intelligence generated or manipulated media.

Legal References:

[42 U.S.C. 2000e et seq.](#)

[20 U.S.C. 1681 et seq](#)

[Utah Code 34A-5-101 et seq](#)

[34 CFR 106.8\(b\)\(1\)](#)

[34 CFR 106.45\(a\)](#)

[34 CFR 106.71\(a\)](#)

[34 CFR 106.30\(a\)](#)

[Utah Code 80-2-1005](#)

[Utah Code 80-2-602 \(2022\)](#)

[Utah Code 80-2-1005 \(2023\)](#)

[29 CFR 1604.11\(a\)](#)

[Mentor Savings Bank v. Vinson, 477 U.S. 57 \(1986\)](#)

[Baker v. Weyerhaeuser Co., 903 F.2d 1342 \(10th Cir. 1990\)](#)

[34 CFR 106.44\(a\)](#)

[18 U.S.C. 3772 \(c\)](#)

[34 U.S.C. 12291\(a\)\(11\)](#)

[34 U.S.C. 12291\(a\)\(12\)](#)

[34 U.S.C. 12291\(a\)\(36\)](#)

[34 CFR 106.30\(a\)](#)

[34 CFR 106.8\(a\)](#)

[34 CFR 106.44\(a\)](#)

[34 CFR 106.30\(a\)](#)

[34 CFR 106.45\(b\)\(1\)\(iv\)](#)

[34 CFR 106.45\(b\)\(5\)\(i\)](#)

[34 CFR 106.45\(b\)\(1\)\(x\)](#)

[34 CFR 106.45\(b\)\(5\)\(ii\)](#)

[34 CFR 106.45\(b\)\(5\)\(iii\)](#)

[34 CFR 106.45\(b\)\(5\)\(iv\)](#)

[34 CFR 106.45\(b\)\(5\)\(v\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\)](#)

[34 CFR 106.45\(b\)\(1\)\(ix\)](#)

[34 CFR 106.45\(b\)\(1\)\(vi\)](#)

[34 CFR 106.45\(b\)\(4\)](#)

[34 CFR 106.45\(b\)\(3\)\(i\)](#)

[34 CFR 106.45\(b\)\(3\)\(ii\)](#)

[34 CFR 106.45\(b\)\(7\)\(i\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(2\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\)](#)

[34 CFR 106.45\(b\)\(5\)\(i\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(5\)\(vi\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(5\)\(vii\)](#)

[34 CFR 106.45\(b\)\(5\)\(vi\), \(6\)\(ii\)](#)

[34 CFR 106.45\(b\)\(1\)\(ii\), \(vii\), \(b\)\(7\), \(b\)\(7\)\(i\)](#)

[34 CFR 106.45\(b\)\(1\)\(i\), \(b\)\(7\)\(ii\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(b\)\(7\)\(iii\)](#)

[34 CFR 106.45\(b\)\(7\)\(iii\)](#)

[34 CFR 106.45\(b\)\(8\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(viii\)](#)

[34 CFR 106.45\(b\)\(1\)\(v\), \(b\)\(9\)](#)

[34 CFR 106.45\(b\)\(1\)\(iii\), \(10\)\(i\)\(D\)](#)

[34 CFR 106.71\(a\)](#)

[34 CFR 106.45\(b\)\(10\)](#)

[34 CFR 106.8\(b\)\(2\), \(c\)](#)

Adopted Date: October 7, 2010

Last Reviewed Date: 09/08/2025

Last Revised Date: 09/08/2025

Prior Revised Dates: 05/15/2014, 07/08/2021, 09/14/2023, 12/14/2023