

MEMORANDUM

TO: NWABSD Board of Education
Members

DATE: June 6, 2023

NUMBER: 23-130

FR: Office of the Superintendent

SUBJECT: Approval of Proposed
Revisions to BP 5145.7,
Students, Sexual
Harassment; First Reading

STRATEGIC PLAN/BOARD GOAL:

Improve Stakeholder Communication.

ABSTRACT:

Board policy revisions require Board approval.

ISSUE:

At issue is to approve the first reading of the proposed revisions to BP 5145.7, Students, Sexual Harassment and open for public comments.

BACKGROUND AND/OR PERTINENT INFORMATION:

The Superintendent/designee presents drafts or suggestions for board policy revisions when changes in law occur or when specific need occurs. Policy revisions shall normally be given two readings prior to adoption by the Board. This is the first reading of the proposed revisions to BP 5145.7, Students, Sexual Harassment.

The Board Policy Committee reviewed the proposed changes, recommends approval and to open for public comments.

ALTERNATIVES:

1. Approve the first reading to the proposed revisions to BP 5145.7, Students, Sexual Harassment as presented and open for public comments;
2. Do not approve first reading to the proposed revisions to BP 5145.7 as presented;
3. Take no final action.

ADMINISTRATION'S RECOMMENDATION:

The administration recommends the Board approve the first reading to the proposed revisions to BP 5145.7, Students, Sexual Harassment as presented and open for public comments.

BP 5145.7 SEXUAL HARASSMENT

Note: In 1999, the U.S. Supreme Court ruled that a school district can be liable under Title IX when staff members ignore student-to-student sexual harassment. The court found that school districts can be liable when school officials know about and are deliberately indifferent to sexual harassment "so severe, pervasive, and objectively offensive that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school." "This ruling makes it more important than ever to educate students and staff on preventing and handling student-to-student sexual harassment. By setting a liability standard based on "deliberate indifference," the Court has made it possible for school districts to mount a defense based on a policy defining and prohibiting sexual harassment and a grievance procedure that is readily accessible to students.

~~*Note: Districts should be aware that when a student misses school or withdraws from a course to avoid sexual harassment, he/she may be deprived of equal educational opportunities.*~~

Note: Districts should be aware that when a student misses school or withdraws from a course to avoid sexual harassment, he/she may be deprived of equal educational opportunities.

The School Board recognizes that sexual harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform schoolwork, and increased absenteeism or tardiness.

To promote an environment free of sexual harassment, the principal administrator or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff inservice or student instruction and counseling. Teachers shall discuss this policy with their students in age-appropriate ways and shall assure them that they need not endure any form of sexual harassment.

(cf. 5131.5 - Vandalism, Theft and Graffiti)

(cf. 5137 - Positive School Climate)

The Board shall not tolerate the sexual harassment of any student by any other student or any district employee. Any student or employee who is found guilty of sexual harassment shall be subject to disciplinary action up to and including suspension or termination.

(cf. 4119.11 - Sexual Harassment)

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5141.42 - Professional Boundaries for staff and students)

Students or staff should immediately report incidences of sexual harassment to the ~~principal~~administrator or designee. The Superintendent or designee shall promptly investigate each complaint of sexual harassment in a way that ensures the privacy of all parties concerned. In no case shall the student be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Complaints Concerning Discrimination)

Legal Reference:

U.S. SUPREME COURT

Davis v. Monroe County Bd. of Educ., 119 S.Ct. 1661 (1999)

Ellison v. Brady, 924 F.2d 872 (9th Cir., 1991)

Franklin v. Gwinnett, 503 U.S. 60 (1992)

Meritor Savings Bank v. Vision, 477 U.S. 57 (1986)

Revision: (Date of Revision)

Adopted: April 28, 2004

Northwest Arctic Borough School District