

Policy 3322

Students

Sexual Harassment/Intimidation of Students

McCall Donnelly School District is committed to providing an educational environment, as well as other benefits, programs, and activities, that are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the District prohibits harassment and discrimination based on sex, sexual orientation, gender, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

No District employee, District agent or student shall intentionally commit, or conspire to commit, an act of sexual harassment, intimidation or bullying against another student, staff members, volunteers, or parents/guardians. Such behaviors foster a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims, create conditions that negatively affect learning, and undermine the ability of students to achieve their full potential.

It is the policy of this district to maintain a safe school environment for all students while on school grounds; riding the school bus; and attending district-sponsored activities, events, or functions on school premises or at other locations. Sexual harassment, intimidation, and bullying are disruptive to a safe school environment and will not be tolerated.

Sexual harassment is conduct that is sexual in nature, is unwelcome, and denies or limits a student's ability to participate in or benefit from a school's education program.

Sexual harassment is a form of sex discrimination. An employee, District agent, or student engages in sexual harassment whenever he/she makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal or physical conduct 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, opportunities, 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 the student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Depriving a student of educational aid, benefits, services, opportunities or treatment; or
 - d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

3. The terms “intimidating”, “hostile” and “offensive” include conduct which has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but are not limited to:
 - a. Unwelcome touching,
 - b. Displaying or distributing sexually explicit drawings, pictures, or written materials or discussions of sexual experiences,
 - c. Making sexual propositions or pressuring students for sexual favors
 - d. Intimidation by words, actions, insults or name calling,
 - e. Teasing related to sexual characteristics
 - f. Performing sexual gestures or touching oneself sexually in front of others;
 - g. Spreading rumors related to a person’s alleged sexual activities.

DEFINITION

“Harassment, intimidation, or bullying” means any intentional gesture or any intentional written, verbal, or physical acts or threats against another student that:

1. A reasonable person under the circumstances should know will have the effect of
 - a. Harming a student.
 - b. Damaging a student’s property.
 - c. Placing a student in reasonable fear of harm to his or her person.
 - d. Placing a student in reasonable fear of damage to his or her property.
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of sexual harassment, intimidation or bullying may also be committed through the use of a phone; cell, or landline or through the use of social networking, data, or computer software that is accessed through a computer, computer system, or computer network.

PROHIBITED BEHAVIOR

The district expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of others.

Students attending district schools are prohibited from engaging in the following behaviors:

1. Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another’s movement; sexual misconduct; causing damage to another’s clothing or possessions; and taking another’s belongings.

2. Verbal and non-verbal abuse against a student, including, but not limited to, name calling, threatening, sexual misconduct, taunting, malicious teasing, or making rude gestures.
3. Psychological abuse against a student, including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, intentionally excluding another from groups or activities, and stalking.
4. Cyberbullying, including, but not limited to, using any electronic communication device to convey a message in any format (audio or video, text, graphics, photographs, or any combination thereof) that intimidates, harasses, or is otherwise intended to harm another individual.
5. Conduct based on a student's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, or socio-economic status; or a student's association with a person or group with one or more of these actual or perceived characteristics.
6. Conspiring with another individual to commit any act of harassment, intimidation, or bullying against another student; or perpetuating such conduct by spreading hurtful or demeaning material created by another person (e.g., forwarding offensive e-mails or text messages).
7. Retaliatory actions against another for reporting an act of sexual harassment, intimidation, or bullying.

The discipline rules related to sexual harassment, intimidation, and bullying apply when a student is (1) on school grounds before, during, or after school hours; or at any other time when the school is being used by a school group; (2) off school grounds at any school activity, function or event; or (3) traveling to or from school or a school activity, function, or event.

School employees will also be held accountable for harassing, intimidating, or bullying behavior directed toward staff members, volunteers, parents/guardians, or students.

REPORTING

Students who believe that they may have been sexually harassed or intimidated should contact a counselor, teacher, Title IX coordinator or administrator who will assist them in the complaint process. Supervisors or teachers who knowingly condone, or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline

District personnel are required to report, in a timely and responsive manner, any incident of harassment, intimidation, or bullying they witness or are aware of to the school principal

or designee. All other persons, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The district prohibits reprisal or retaliation against any person who reports an act of sexual harassment, intimidation, or bullying; or cooperates in an investigation. The consequences for a person who engages in reprisal or retaliation may include, but are not limited to, suspension and expulsion.

INVESTIGATION

The school principal or designee will promptly investigate any allegations of misconduct that are reasonably characterized as sexual harassment, intimidation, or bullying. At the discretion of the school principal and/or superintendent, the alleged perpetrator(s) may be suspended pending the outcome of the investigation.

If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (1) take appropriate disciplinary action; (2) notify the parent/guardian of the perpetrator; (3) notify the parent/guardian of the victim; and to the extent allowed under state and federal law, (4) notify the parent/guardian of the action taken to prevent any further acts of bullying or retaliation.

DISCIPLINARY ACTION

Students who engage in sexual harassment, intimidation, or bullying will be disciplined as determined appropriate, up to and including suspension and/or expulsion. Consequences for school employees who engage in such conduct may include suspension and/or termination.

Each school will take prompt and effective steps reasonably calculated to end the harassment, intimidation, or bullying; eliminate any hostile environment and its effects; and prevent the harassment from recurring. Appropriate steps to end harassment may include separating the victim and the perpetrator, or providing counseling for the victim and perpetrator.

TRAINING

The district recognizes that in order to have the maximum impact, it is important to train school employees who have significant contact with students on school policies and procedures regarding sexual harassment, intimidation, and bullying. Training will provide

staff members with a clear understanding of their roles and responsibilities and the necessary skills to prevent, identify, and respond to bullying.

The district encourages the implementation of school and community wide bullying education and prevention programs.

REFERRAL TO LAW ENFORCEMENT

The school principal will refer allegations of sexual harassment, intimidation, or bullying to law enforcement if he/she reasonably believes that the student has engaged in conduct in violation of Idaho Code Section 18-917A.

NOTICE

The district will provide each student and parent/guardian with written annual notice of this policy in a manner consistent with students' age, grade and level of academic achievement through publication in the student handbook.

Legal Reference:

Idaho Code Sections: 18-917A, 33-512(6)

Cross Reference:

Policy 3085 Sexual Harassment, Discrimination, and Retaliation

Adoption:

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