
Note: This policy addresses discrimination, harassment ~~of and re-~~
taliation involving District students. For provisions regarding
discrimination, harassment ~~of~~ and retaliation involving
District employees, see DIA. For reporting requirements re-
lated to child abuse and neglect, see FFG. For provisions re-
garding bullying, see FFI.

STATEMENT OF NON-
DISCRIMINATION

The District prohibits ~~sexual harassment, dating violence, and harassment~~
~~based on a person's~~ discrimination, including harassment, against any
student on the basis of race, color, religion, gender, national origin, dis-
ability, or ~~religion~~ any other basis prohibited by law. The District prohi-
bits dating violence, as defined by this policy. Retaliation against an-
yaone involved in the complaint process is a violation of District policy.

~~Employees shall not tolerate harassment of students and shall make re-~~
~~ports as required at REPORTING PROCEDURES, below.~~

DISCRIMINATION

Discrimination against a student is defined as conduct directed at a
student on the basis of race, color, religion, gender, national origin,
disability, or on any other basis prohibited by law, that adversely af-
fects the student.

PROHIBITED
HARASSMENT

Prohibited harassment of a student is defined as physical, verbal, or
nonverbal conduct based on the student's race, color, religion, gender,
national origin, disability, or any other basis prohibited by law that is
so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an
educational program or activity, or creates an intimidating,
threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably inter-
fering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportuni-
ties.

Prohibited harassment includes dating violence as defined by this pol-
icy.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory
language directed at another person's religious beliefs or prac-
tices, accent, skin color, or need for accommodation; threatening or
intimidating conduct; offensive jokes, name calling, slurs, or rumors;
physical aggression or assault; display of graffiti or printed material
promoting racial, ethnic, or other negative stereotypes; or other kinds
of aggressive conduct such as theft or damage to property.

**SEXUAL HARASSMENT
BY AN
EMPLOYEE**

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- 1.4. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
- 2.5. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

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Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

BY OTHERS

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

EXAMPLES

Examples of sexual harassment of a student may include, ~~but are not limited to~~, sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

DATING VIOLENCE

Dating violence occurs when one partner in a dating relationship, either past or current, intentionally uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other partner.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT AND RETALIATION

FFH
(LOCAL)

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults, name-calling, put-downs, threats to hurt the student or the student’s family members or members of the student’s household, destroying property belonging to the student, threats to commit suicide or homicide if the student ends the relationship, attempts to isolate the student from friends and family, stalking, or encouraging others to engage in these behaviors.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student’s academic performance; or
3. Otherwise adversely affects the student’s educational opportunities.

~~OTHER PROHIBITED HARASSMENT~~

~~3. Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, gender, national origin, disability, or religion that is so severe, persistent, or pervasive that the conduct.~~

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EXAMPLES
RETALIATION

~~Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.~~

The District prohibits retaliation against a student alleged to have experienced discrimination or harassment, including dating violence, or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

EXAMPLES

Examples of retaliation include threats, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances, such as negative comments that are justified by a student’s performance in the classroom.

STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT AND RETALIATION

FFH
(LOCAL)

**PROHIBITED
CONDUCT**

In this policy, the term “prohibited conduct” includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

Any student who believes that he or she has experienced prohibited harassment ~~conduct~~ **or believes that another student has experienced prohibited conduct** should immediately report the alleged acts to a teacher, counselor, principal, or other District employee.

~~Any District employee who receives notice that a student has or may have experienced prohibited harassment is required to immediately report the alleged acts to an appropriate person designated below.~~

~~Any other person who knows or believes that~~ **Alternatively,** a student has experienced may report prohibited harassment should immediately report the alleged acts to the appropriate person designated below.

~~Reports of known or suspected child abuse or neglect shall be made as required by law. [See FFG]~~

TIMELY
REPORTING

~~Reports of harassment shall be made as soon as possible after the alleged acts. A failure to promptly report alleged harassment may impair the District’s ability to investigate and address the harassment.~~

~~Oral or written reports of prohibited harassment shall normally be made to the campus principal. A person shall not be required to report harassment to the alleged harasser; nothing in this policy prevents a person from reporting harassment conduct directly to one of the District officials below:~~

DEFINITION OF

DISTRICT
OFFICIALS

For sexual harassment, **the purposes of this policy, District officials are** the Title IX coordinator, ~~{See FB(LOCAL)}~~ **For all other prohibited harassment, the** **the Section 504 coordinator, and the** Superintendent.

TITLE IX

The District shall designate at least one employee to coordinate its effort to comply with Title IX of the Education Amendments of 1972, as amended, and shall notify all students of the name, office address, and telephone number of the employee(s) so designated.

**SECTION 504
COORDINATOR**

The District shall by regulation designate from time to time persons to coordinate its efforts to comply with Section 504 of the Rehabilitation Act of 1973 as amended.

SUPERINTENDENT

The superintendent shall serve as coordinator for purposes of district compliance with all other antidiscrimination laws

**ALTERNATIVE
REPORTING
PROCEDURES**

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator or Section 504 coordinator, may be directed to the Superintendent.

STUDENT WELFARE
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(LOCAL)

A report against the Superintendent may be made directly to the Board. **If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.**

NOTIFICATION OF
TIMELY
REPORTING

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.

NOTICE OF REPORT

~~Upon receipt of a report of harassment, a principal~~ **Any District employee who receives notice that a student has or may have experienced prohibited conduct** shall immediately notify the appropriate District official listed above **and take any other steps required by this policy.**

NOTICE TO PARENTS

~~The principal or District official~~ **or designee** shall promptly notify the parents of any student alleged to have experienced prohibited ~~harassment~~ **conduct** by a District employee or another adult ~~associated with the District.~~ ~~In cases of student to student harassment, the District shall promptly notify the parents of any student alleged to have experienced harassment when the allegations presented, if proven, would constitute sexual harassment or other prohibited harassment as defined by District policy.~~

INVESTIGATION OF
THE REPORT

The District may request, but shall not insist upon, a written report. If a report is made orally, the District official shall reduce the report to written form.

REPORT

Upon receipt or ~~notification~~ **notice** of a report, the District official shall determine whether the allegations, if proven, would constitute ~~sexual harassment or other prohibited harassment~~ **conduct** as defined by ~~District~~ **this** policy. If so, the District official shall immediately authorize or undertake an investigation, **regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.**

If appropriate, the District shall promptly take interim action **calculated** to prevent ~~harassment~~ **prohibited conduct** during the course of an investigation.

The investigation may be conducted by the District official or a designee, such as the campus principal, or by a third party designated by the District, such as an attorney. When appropriate, the campus principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Ector County ISD
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STUDENT WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT AND RETALIATION FFH
(LOCAL)

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| | <p>The District's obligation to conduct an investigation is not satisfied by the fact that a criminal or regulatory investigation regarding the same or similar allegations is pending.</p> |
| CONCLUDING THE INVESTIGATION | <p>Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.</p> <p>The investigator shall prepare a written report of the investigation. The report shall be filed with the District official overseeing the investigation.</p> |
| DISTRICT ACTION | <p>If the results of an investigation indicate that prohibited harassment conduct occurred, the District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the harassment conduct.</p> <p>The District may take disciplinary action based on the results of an investigation, even if the District concludes that the conduct did not rise to the level of harassment prohibited by law or District policy or unlawful conduct.</p> |
| CONFIDENTIALITY | <p>To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.</p> |
| APPEAL | <p>A student, including a complainant who is dissatisfied with the outcome of the investigation, may appeal through FNG(LOCAL), beginning at the appropriate level. A complainant student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.</p> |
| RETALIATION PROHIBITED | <p>Retaliation against a student alleged to have experienced harassment, a witness, or another person who makes a report or participates in an investigation is strictly prohibited. A person who makes a good faith report of prohibited harassment shall not suffer retaliation for making the report. A person who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding prohibited harassment is subject to appropriate discipline.</p> |
| RECORDS RETENTION | <p>Retention of records shall be in accordance with FB(LOCAL and CPC(LOCAL)).</p> |
| ACCESS TO POLICY | <p>Information regarding this policy shall be distributed annually to District employees and included in the student handbook. Copies of the policy shall be readily available at each campus and the District's administrative offices.</p> |

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ADOPTED:

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