

5150.4 SEXUAL HARASSMENT OF AND BY STUDENTS

SEXUAL HARASSMENT PROHIBITED

It is the policy of the Union City Area School District to maintain a learning and working environment that is free from sexual harassment. The District strictly prohibits, and will not tolerate, sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities.

Any student in the District who engages in conduct which constitutes sexual harassment shall be subject to discipline, up to and including expulsion. Any student in the District who is subjected to sexual harassment by a District employee, another student, or a third party, shall have the right to file a complaint under this policy.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of discrimination prohibited by Titles IX and VII of the Civil Rights Act of 1964. The following types of conduct constitute sexual harassment:

1. A school employee explicitly or implicitly conditions a student's participation in an education program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature.
2. Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

Sexual harassment as defined above may include, but is not limited to, the following:

Verbal harassment or abuse, pressure for sexual activity, repeated remarks to a person with sexual or demeaning implications, obscene or sexually-oriented jokes, inappropriate gestures or body language, unwelcomed touching, or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, involvement in activities, or other aspects of one's education.

Sexual harassment also includes intimidating or hostile acts that are not sexual in nature, if they are directed toward students merely because of their gender.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

ENFORCEMENT

The District will act positively and promptly to investigate alleged sexual harassment claims and to effectively remedy them when an allegation is determined to be valid. The question of whether a particular action or incident occurred and whether it is prohibited behavior requires a determination based on all available facts.

Given the nature of this type of discrimination, the District also recognizes that false accusations of sexual harassment can have serious effects on innocent employees and students. Therefore, false accusations may result in disciplinary action.

All share the responsibility for protecting the rights of students. This responsibility also extends to sexual harassment by non-employees, such as contractors, vendors or visitors.

PROCEDURES

The District, under the direction of the Superintendent, will investigate and resolve complaints involving sexual harassment of students. Any student who believes that she/he has been subjected to sexual harassment shall report all incidents of such conduct verbally or in writing to any counselor, or administrator, or the District's Superintendent. In the event a verbal or written complaint is made to a counselor or administrator, the Superintendent will be notified immediately.

Any reports of violation of this policy will be managed with strict confidence. Disclosures will be made only to the extent necessary to thoroughly investigate the report and resolve the problem.

After a prompt and thorough investigation has been completed, a review of the results will be made. Any employee who is found to have violated this policy will be subject to discipline, up to and including termination. Any student who is found to have violated this policy will be subject to disciplinary action, up to and including expulsion.

RETALIATION PROHIBITED

The School District prohibits retaliatory behavior against any complainant or any participant in the complaint process. The initiation of a complaint of sexual harassment will not reflect negatively on the student who initiates the complaint nor will it effect the student's academic standing, rights, or privileges.

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