

## **SEXUAL HARASSMENT**

### **PROHIBITED CONDUCT**

Students shall not engage in conduct constituting sexual harassment. Sexual harassment is illegal and will not be tolerated. The Marengo County Board of Education shall investigate all allegations of sexual harassment and take appropriate action against students who engage in sexual harassment. Sanctions against students for violation of this policy may include verbal or written warning, suspension, or expulsion.

### **DEFINITION**

Sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, displays photographs, pictures, or drawings which are sexually offensive, or makes verbal remarks of a sexual nature when:

1. The advances, requests, or conduct have the effect of interfering with performance of duties or creating an intimidating, hostile, or otherwise offensive school environment; or
2. Submission to or rejection of such advances, requests, or conduct is used as a basis for decisions affecting the student.

## **COMPLAINT PROCEDURE**

A student who believes he or she has been subjected to any form of sexual harassment shall report the matter to his/her teacher or principal. A student may request the right to make his or her report of sexual harassment to a supervisor of the same sex as the student.

No student alleging sexual harassment shall be required to present the matter to the person who is the subject of the complaint.

The employee receiving a complaint of sexual harassment shall start an immediate investigation into the matter. The completed investigation shall be reviewed by the Superintendent or his designee and legal counsel for prompt and appropriate action, if warranted.

## **PROTECTION OF COMPLAINANT**

No student shall be subject to adverse action in retaliation for any good faith report of sexual harassment under this policy. To the fullest extent practical, all reports of sexual harassment will be kept confidential.

## **FRIVOLOUS/VINDICTIVE CLAIMS**

Students who file frivolous or vindictive claims without merit will be subject to disciplinary action.

## **ANTI-HARASSMENT POLICY**

### **SECTION 1: HARASSMENT, VIOLENCE, AND THREATS OF VIOLENCE**

No student and/or Marengo County School Board employee shall engage in or be subjected to harassment, violence, threats of violence, or intimidation by any other student and/or Marengo County School Board employee that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions.

### **SECTION 2: DEFINITIONS**

- A. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristics is set forth in Section 3.B below. To constitute harassment, a pattern of behavior may do any of the following:
1. Place a student in reasonable fear or harm to his or her person or damage to his or her property.

2. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  3. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  4. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- B. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- C. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
- D. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity, or opportunity for which the student is or would be eligible.
- E. The term “student” as used in this policy means a student who is enrolled in the Marengo County School System.

### **SECTION 3. DESCRIPTION OF BEHAVIOR EXPECTED OF STUDENTS**

- A. Students are expected to treat other students with courtesy, respect, and dignity, and comply with the Code of Student Conduct. Students are expected and required to:

1. Comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, or intimidation.
  2. Refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student.
  3. Refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.
- B. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct: age, color, creed, disability, gender, handicap, Head Start enrollment, homelessness, limited English proficiency, migrant status, national origin, neglect or delinquency, race, religion, or sex.

#### **SECTION 4. CONSEQUENCES FOR VIOLATIONS**

A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy.

## **SECTION 5. REPORTING, INVESTIGATION, AND COMPLAINT RESOLUTION PROCEDURES**

- A. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the Principal's and/or Counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the Principal or the Principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.
- B. Upon receipt of the complaint, the Principal or the Principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the Principal or the Principal's designee determines that the complaint alleges a serious violation, the Principal or the Principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may be imposed by the Principal or the School System.
- C. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to

disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

- D. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the Principal or the Principal's designee will inform the student's parent or guardian of the report.

#### **SECTION 6. PROMULGATION OF POLICY AND RELATED PROCEDURES, RULES, AND FORMS**

This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Marengo County Board of Education's website.

**MARENGO COUNTY SCHOOLS**

**HARASSMENT REPORT FORM**

The policy of the Marengo County Board of Education forbids discrimination against any student on the basis of age, color, creed, disability, gender, handicap, Head Start enrollment, homelessness, limited English proficiency, migrant status, national origin, neglect or delinquency, race, religion, or sex. This policy applies to harassment by other students, employees, or other individuals who are subject to the control of school authorities. No student shall be subjected to harassment, violence, threats of violence, or intimidation.

Complainant: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_

Name of person you believe harassed you: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; what you did to avoid the situation, etc. (Attach additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that I have been harassed. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Complainant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Received By: \_\_\_\_\_

Date: \_\_\_\_\_