

Students**SEXUAL AND OTHER UNLAWFUL HARASSMENT OF STUDENTS**

It is the policy of the Regional School District #10 Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of any student based on race, color, sex, religion, creed, national origin, sexual orientation, physical or mental disability, marital status, parenthood, or alienage. Such harassment violates state and federal law.

This policy prohibits sexual and other unlawful harassment of students by employees, other students, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It protects against harassment on school premises, at school-sponsored activities and at other places where these individuals come in contact with students in connection with their education by the school system.

Students are prohibited from harassing teachers, administrators or other school personnel on the basis of race, color, sex, religion, creed, national origin, sexual orientation, gender identity or expression, physical or mental disability, ancestry, marital status, age, genetic information or any other basis prohibited by law.

Definition of Unlawful Harassment

Unlawful harassment means unwelcome and offensive conduct that has the purpose or effect of unreasonably interfering with a student's performance and/or learning opportunities or that is sufficiently severe, pervasive or persistent so as to create an intimidating, hostile or offensive educational environment. All forms of harassment are prohibited whether verbal, written, visual or physical and regardless of the medium through which it occurs.

Definition of Sexual Harassment.

Unwelcome conduct of a sexual nature including physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to the conduct is made either explicitly or implicitly a term or condition of a student's education;
- submission to or rejection of the conduct by an individual is used as the basis of education decisions affecting the student;

Students**SEXUAL AND OTHER UNLAWFUL HARASSMENT OF STUDENTS**

- the conduct has the purpose or effect of having a negative impact upon the academic performance, or of creating an intimidating, hostile or offensive educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding educational opportunities or learning environment.

Such conduct constitutes sexual harassment whether or not a threat of adverse consequences is carried out and whether or not the student actually suffers any tangible adverse consequences.

Sexual harassment includes a wide range of behaviors – from sexual violence to pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate outside the school setting may not be appropriate in the school environment. Sexual harassment may be subtle and even unintentional. It may be directed towards members of the opposite or same sex.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples of specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, graffiti, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, recommendation, benefit or activity;

Students

**SEXUAL AND OTHER UNLAWFUL HARASSMENT OF STUDENTS**

- Suggesting a poor grade or evaluation will be prepared;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment; and
- Inappropriate attention of a sexual nature.

Other Prohibited Conduct

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, sex, religion, creed, national origin, sexual orientation, gender identity or expression, physical or mental disability, marital status, parenthood, or alienage is also prohibited by this policy.

Complaint Procedure

All members of the school community are responsible for helping to assure that unlawful harassment is avoided. The Superintendent of Schools is authorized to develop and maintain regulations establishing a complaint procedure for reporting violations of this policy. Any student who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with said regulations. Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the Building principal and/or Title IX Coordinator.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any legal action brought against him or her.

The district's Title IX Coordinator is:

Director of Student Learning  
860-673-2538  
Regional School District No. 10  
24 Lyon Road, Burlington, CT 06013

Students

**SEXUAL AND OTHER UNLAWFUL HARASSMENT OF STUDENTS**

Retaliation

Retaliation against an individual because she or he has reported harassment or has co-operated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy.

Responsibilities of the Title IX Coordinator

The Title IX Coordinator is responsible for the following:

1. Ensures that all complaints of unlawful harassment are investigated in a prompt and objective manner;
2. Ensures the school district's compliance with various statutory record keeping, notice and training requirements of employees in the area of harassment;
3. Reviews the Board's policies on harassment and accompanying administrative regulations periodically for appropriate updating, and monitors them on an on-going basis for effective implementation;
4. Ensures that the Board's policy and administrative regulations are distributed to all students and employees annually;
5. Ensures that the definition of "harassment" as well as the process by which any person may make a complaint of sexual or other unlawful harassment is part of the orientation for all students and employees at the start of the school year and new students and employees during the school year;
6. Ensures students and employees are aware of who is serving as Title IX Coordinator for the District and how he or she may be reached.

A copy of this policy or appropriate summary shall be distributed annually to all students and employees, made available in the schools, posted on school websites and included in student handbooks.

Legal References:

Connecticut General Statutes

10-15c Discrimination in public schools prohibited

46a-58 Deprivation of rights

United States Code

20 U.S.C. 1400 Individuals with Disabilities Education Act

20 U.S.C. 1681 Title IX of the Education Amendments of 1972

29 U.S.C. 794 Section 504 of the Rehabilitation Act of 1973

42 U.S.C. 2000d Title VI of the Civil Rights Act of 1964

42 U.S.C. 12101 Americans with Disabilities Act

Policy adopted: May 11, 2009

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