

Students

Harassment of Students Prohibited

Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; military status; unfavorable discharge status from military service; sex; sexual orientation; gender identity; gender-related identity or expression; ancestry; age; religion; physical or mental disability; order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more of the aforementioned actual or perceived characteristics; or any other distinguishing characteristic. The District will not tolerate harassing, intimidating conduct, or bullying, including sexual harassment, whether verbal, physical, sexual, or visual, that affects tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, 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, 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 a student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Depriving a student of educational aid, benefits, services, or treatment; or
 - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, gender based harassment, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal, or a Complaint Manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. The District's Nondiscrimination Coordinator will evaluate all express requests for confidentiality, considering whether and to what extent it can honor such request while also meeting its obligations under the law to respond to unlawful harassment, and will inform the person making such request of

his or her determination before obtaining the information the student wishes to keep confidential. Students who make good faith complaints will not be disciplined.

The Nondiscrimination Coordinator or designee shall use interventions as necessary to protect the Complainant during the investigation, such as but not limited to, physically separating the Complainant and accused with minimum burden on the Complainant, providing an adult escort for safety, academic support (including recalculating grades if necessary), school social work services or other counseling at no cost to Complainant, and school psychological services.

An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Complaint Manager, or Building Principal for appropriate action. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

All district employees who personally observe or become aware of a formal or informal complaint of prohibited conduct shall immediately notify a designated District Complaint Manager. Failure to report known acts of harassment to a District Complaint Manager is a work rule violation and could result in disciplinary action against the employee, including but not limited to a letter of reprimand, suspension with or without pay or termination.¹

In addition to making reports of bullying and harassment to the Complaint Manager, if an employee observes prohibited acts, they are encouraged to intervene to stop the harassment unless circumstances would make such intervention dangerous.

The District Complaint Managers will inform the Nondiscrimination Coordinator of all complaints and reports received under this policy.

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Name	<u>Susan Homes</u>
Address	<u>316 S. Hickory St., Smithton, IL 62285</u>
Email	<u>shomes@sccsd130.com</u>
Telephone No.	<u>618/233-6863, ext. 105</u>

Complaint Managers:

Name	<u>Eric Muckensturm</u>	<u>Vicki Norton</u>
Address	<u>316 S. Hickory St., Smithton, IL 62285</u>	<u>316 S. Hickory St., Smithton, IL 62285</u>
Email	<u>emuckensturm@sccsd130.com</u>	<u>vnorton@sccsd130.com</u>
Telephone No.	<u>618/233-6863, ext. 133</u>	<u>618/233-6863, ext. 103</u>

The Superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks.

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and

expulsion consistent with the behavior policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

A reprisal or retaliation against any person who reports an act of harassment or sexual harassment is prohibited.

Forms and Record Keeping

The Superintendent shall ensure that a complaint form is made available to complainants upon request.

The Complaint Manager or a designated District employee shall document all reports of incidents of sexual harassment, and their subsequent investigations, including but not limited to, notes of witness interviews, statements, video footage, etc., and the District shall establish a protocol for recordkeeping of such incidents, investigations, findings, and appeals.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.
34 C.F.R. Part 106.
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq., Illinois Human Rights Act.
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited),
7:10 (Equal Educational Opportunities), 7:180 (Prevention of and Response to
Bullying, Intimidation, and Harassment), 7:185 (Teen Dating Violence
Prohibited), 7:190 (Student Behavior), 7:240 (Conduct Code for Participants in
Extracurricular Activities)

ADOPTED: December 20, 2016