

Regulation

SEXUAL HARASSMENT OF PUPILS COMPLAINT PROCEDURE

Sexual harassment of pupils is prohibited by the Riverton Board of Education. The Chief School Administrator and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

A. Definitions:

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile Environment Sexual Harassment – Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

B. Grievance Procedure

The following Grievance Complaint Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

1. Reporting of Sexual Harassment Conduct

- a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor, the Affirmative Action Officer and/or any other central office administrator. All reports will be forwarded to the Building Principal and the Affirmative Action Officer within one working day.
 - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) and alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
 - (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.
 - (3) In the event the Building Principal or the Affirmative Action Officer is the alleged harasser, the report may be made to the Superintendent of Schools, who will coordinate the investigation procedures to be completed by other appropriately trained staff.
- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.

- c. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).
- d. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.
- e. The Affirmative Action Officer will also inform the School Business Administrator/Board Secretary, who will notify SAIF upon receipt of such report from the Affirmative Action Officer.
- f. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities.
- g. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the district's discipline code in order to maintain the health, safety and welfare of staff and/or pupils.

2. Affirmative Action Officer's Investigation

- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
- b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exists(ed).
- e. The Affirmative Action Officer will inform all persons who are interviewed and to any other person of this Board Policy and Regulation and will provide a copy of the Policy and Regulation to the person if requested.

- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Office, Superintendent or any staff member, compensated or uncompensated, will contact law enforcement agencies if there is potential or actual criminal conduct by any party and/or as required to report to law enforcement in accordance with N.J.A.C. 6A:16-6.3 et seq. Any school staff member, that has reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 is required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the building principal or immediate supervisor after making such report.
- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least, this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.
- b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.
- f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these

additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.

- g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
- h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
- i. The investigation procedures described in this Regulation were developed to provide direction and guidance in an investigation procedure. This regulation may be revised by the School officials depending on the circumstances and nature of the complaint and to ensure a fair, impartial and thorough investigation.

4. Affirmative Action Officer's Investigation Appeal Process

- a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any pupil who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

- 1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
- 2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:
 - a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.

Adopted: March 30, 2004

FIRST READING: Board of Education Meeting: 9/22/09

SECOND READING & ADOPTION: Board of Education Meeting: 10/27/09