

I. GENERAL STATEMENT OF POLICY

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. Sexual violence is a physical act of aggression that includes a sexual act or sexual purpose.

It is the policy of the School District to maintain a learning and working environment that is free from sexual harassment and sexual violence. The School District prohibits any form of sexual harassment and sexual violence.

It shall be a violation of this Policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature as defined by this Policy.

It shall be a violation of this Policy for any student or employee to be sexually violent to a student or employee.

Sexual harassment may include conduct towards members of the public, as well as towards students or employees. Sexual harassment may also include citizen behavior towards students, or employees, and off the job conduct or behavior if working relationships or job responsibilities were at all involved or affected.

"Employee" shall include, but not be limited to all school district staff, teachers, non-certified personnel, administrators, volunteers, coaches and/or other such personnel whose employment or position is directed by the School District.

"Third parties" include, but are not limited to parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment or sexual violence and to discipline any student or employee who sexually harasses or is sexually violent to a student or employee of the School District, and to take appropriate action when deemed necessary if such complaint involves any other person.

While all forms of harassment are prohibited, this Policy specifically prohibits sexual harassment.

II. SEXUAL HARASSMENT / SEXUAL VIOLENCE DEFINED

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.

Any sexual harassment as defined, when perpetrated on any student or employee by any student or employee, will be treated as sexual harassment under this Policy.

B. Sexual harassment may include but is not limited to:

1. Verbal harassment and/or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Intentional brushing against a student's or an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
7. Any sexually motivated unwelcome touching;
8. Unequal treatment of any kind based upon gender; or
9. Sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

C. Sexual harassment can occur between members of the same sex, as well as between members of the opposite sex.

IMMEDIATE RESPONSE PLAN FOR REPORTS OF SEXUAL HARASSMENT / SEXUAL VIOLENCE AGAINST STUDENTS

Purpose: This response plan is intended to assist school personnel with its immediate response to, and communication with families regarding, reported instances of sexual harassment/sexual violence against students. The plan should not be interpreted to limit the school's ability to respond and/or provide support as necessary in a particular case.

This response plan describes action steps to be taken by each involved employee; please note that some steps involve more than one employee.

Upon receipt of information of a potential sexual harassment/sexual violence incident:

- **Responsible Employees***

**Any school staff member who knows/should know of possible sexual violence/harassment against a student.*

1. As soon as practicable, inform the Title IX Coordinator of the following:
 - a) known details of the alleged incident, such as date, time, place, and conduct;
 - b) name of student alleged to have experienced sexual violence/harassment;
 - c) name(s) of the alleged perpetrator(s); and,
 - d) other students/individuals involved in the alleged incident.
2. Maintain confidentiality regarding incident.

- **Title IX Coordinator**

1. Instruct Responsible Employee or other reporting individual regarding obligation to maintain confidentiality (when applicable).
2. As soon as practicable, notify principal or acting administrator ("Admin").
3. As soon as practicable, in conjunction with Admin:
 - a) Evaluate:
 - Need to involve school nurse; and/or
 - School Resource Officer (SRO)* / Local Police Department

**If SRO contacted, SRO shall coordinate the appropriate response, if any, by the Local Police Department.*

- b) If reporting student and/or witnesses are present:
- ask if he/she/they are willing to provide voluntary written statements related to incident (if appropriate); and,
 - provide he/she/them with informational handout related to harassment/sexual violence procedures and resources.
- c) Notify Superintendent and District Title IX Coordinator of the reported incident –
- If reporting student has requested that his or her name not be disclosed –
 - In conjunction with Admin, Superintendent, and District Title IX Coordinator, evaluate student’s request for confidentiality considering factors such as:
 - potential that alleged perpetrator may commit additional acts;
 - severity of alleged conduct;
 - the age of the reporting student;
 - the ability to gather relevant evidence without disclosing student’s name; and,
 - obligation to make a mandatory report naming the student.
 - If disclosure is deemed necessary: Inform reporting student of determination.
 - If disclosure is deemed unnecessary*: Inform reporting student of determination, but that school nonetheless has an obligation to perform investigation and that the inability to use student’s name may hinder the investigation
**Regardless of confidentiality determination, school shall take reasonable steps to respond to complaint and institute interim measures as appropriate.*
- d) Perform initial evaluation of need for interim measures to protect involved students.
- e) As soon as practicable, contact* parent(s)/guardian(s) of reporting student:
- Inform parent(s)/guardian(s) of alleged incident;
 - Explain next steps; and,
 - Offer community resources.
- *In certain circumstances, an alternate staff member may be designated as the family liaison.*

- f) If alleged perpetrator is a student: As soon as practicable, contact* parent(s)/guardian(s) of alleged perpetrator:
- Inform parent(s)/guardian(s) of alleged incident;
 - Explain next steps; and,
 - Offer community resources.
- *In certain circumstances, an alternate staff member may be designated as the family liaison.*
- g) As soon as practicable, implement any necessary interim remedial measures.
4. Document steps taken in response to initial report of incident.
5. Function as primary contact for parent(s)/guardian(s) of involved students as follows:
- a) Provide approximate timeline for investigative process, as practicable;
 - b) Communicate regularly to continue supporting involved student(s) and to provide new/ongoing information, as appropriate, during the investigative process;
 - c) Respond to parent/guardian communications as soon as practicable;
 - d) Direct parent(s)/guardian(s) to SRO/Local Police Department regarding any criminal investigation of incident; and,
 - e) Coordinate and communicate with investigator assigned.
- **Administrator (Admin)**
 1. As soon as practicable, in conjunction with the Title IX Coordinator:
 - a) Evaluate:
 - Need to contact involve school nurse; and/or
 - School Resource Officer (SRO)*/Local Police Department

**If SRO contacted, SRO shall coordinate the appropriate response, if any, by the Local Police Department.*
 - b) If reporting student and/or witnesses are present:
 - ask if he/she/they are willing to provide voluntary written statements related to incident (if appropriate); and,
 - provide he/she/them with informational handout related to harassment/sexual violence procedures and resources.

- c) Notify Superintendent and District Title IX Coordinator of the reported incident –
- If reporting student has requested that his or her name not be disclosed –
 - In conjunction with the Title IX Coordinator and Superintendent, evaluate student’s request for confidentiality considering factors such as:
 - potential that alleged perpetrator may commit additional acts;
 - severity of alleged conduct;
 - the age of the reporting student;
 - the ability to gather relevant evidence without disclosing student’s name; and,
 - obligation to make an mandatory report naming the student.
 - If disclosure is deemed necessary: Inform reporting student of determination.
 - If disclosure is deemed unnecessary*: Inform reporting student of determination, but that school nonetheless has an obligation to perform investigation and that the inability to use student’s name may hinder the investigation
**Regardless of confidentiality determination, school shall take reasonable steps to respond to complaint and institute interim measures as appropriate.*
- d) Perform initial evaluation of need for interim measures to protect involved students.
- e) As soon as practicable, contact* parent(s)/guardian(s) of reporting student:
- Inform parent(s)/guardian(s) of alleged incident;
 - Explain next steps; and,
 - Offer community resources.
**In certain circumstances, an alternate staff member may be designated as the family liaison.*
- f) If alleged perpetrator is a student: As soon as practicable, contact* parent(s)/guardian(s) of alleged perpetrator:
- Inform parent(s)/guardian(s) of alleged incident;
 - Explain next steps; and,
 - Offer community resources.

**In certain circumstances, an alternate staff member may be designated as the family liaison.*

- g) As soon as practicable, implement any necessary interim remedial measures.
2. ***If warranted by the seriousness of the allegations***, call (or escort) the alleged perpetrator to the office
- a) **If the alleged perpetrator is a student:**
- Provide informational handout related to harassment/sexual violence procedures and resources; and,
- b) **If the alleged perpetrator is an employee:**
- Provide informational handout related to harassment/sexual violence procedures and resources; and,
 - Proceed in accordance with applicable collective bargaining agreement.
3. As soon as practicable, in conjunction with the Title IX Coordinator, implement any necessary interim remedial measures.
4. Notify the front desk:
- a) of the names of the reporting student's parent(s)/guardian(s) and, when applicable, the names of the alleged perpetrating student's parent(s)/guardian(s); and,
- b) to immediately contact the Title IX Coordinator (or designated alternate liaison) if any of those individuals contact the school.
- *Front desk shall not be informed of the reason for this request to preserve confidentiality.*
5. Document steps taken in response to initial report of incident.

Please Note:

Confidentiality: Regardless of whether a student involved in an alleged incident of sexual harassment/ sexual violence requests confidentiality, to the extent possible, school employees should disclose information regarding the alleged incident ***only*** to individuals who are responsible for handling the school's response, as well as mandatory reporting agencies (when applicable).

Time Frames: As used in this document, “as soon as practicable” is intended to indicate that these tasks should be given priority over routine tasks and should be accomplished as soon as it is feasible.

Law Reference: Ed 303.01(j), Substantive Duties of School Boards; Sexual Harassment Policy
Ed 306.04(a)(9), Sexual Harassment; RSA 354-A:7, Unlawful Discriminatory Practices
Appendix Reference: GBAA-R
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