

1. Statement of Purpose

The Board of Education of USD 480 is committed to providing a positive and productive learning and environment, free of sexual harassment or sexual discrimination.

2. Sexual Harassment and Discrimination Prohibited

Sexual harassment and sexual discrimination will not be tolerated at school, on school property (including, but not limited to, school buses and other school transportation), and at school-sponsored activities, programs or events. The sexual harassment or sexual discrimination of any student by members of the Board of Education, administrators, certified employees, classified employees, students, vendors, and any other persons is strictly prohibited.

3. Sexual Harassment and Discrimination Defined

Sexual harassment/discrimination is any one of the following: (a) unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written or physical conduct of a sexual nature by a district employee, student, or other party which is so severe, persistent or pervasive as to limit a student's ability to participate in or benefit from an educational program or activity, or which creates a hostile or abusive educational environment; (b) the submission by a student to unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written or physical conduct of a sexual nature which is made, explicitly or implicitly, a term or condition of the student's education; or unwelcome sexual advances, requests for sexual favors or other inappropriate verbal, written

or physical conduct of a sexual nature, when the submission or rejection of the conduct by the student is used as the basis for determining the student's grade or other academic performance.

4. Examples of Prohibited Conduct.

The following is a list of some examples of sexual harassment or sexual discrimination:

- A. Male students repeatedly sabotaging a female student's lab experiments or projects.
- B. Making jokes or demeaning comments, either verbally or in writing, about a student who is or is believed to be gay or lesbian.
- C. Pressure for sexual activity, inappropriate or unwelcome touching, such as intentionally touching a female student's breasts or a student's buttocks.
- D. Suggesting or demanding sexual involvement with a school district employee, accompanied by implied or explicit threats by the employee concerning the student's grades or participation in extracurricular activities.
- E. Remarks to a student made with a sexual or demeaning implication.

5. Reporting..

Any student who believes they have been a victim of, or subjected to sexual harassment or sexual discrimination by another student, a school district employee, or other person is encouraged to report that conduct immediately to either the building principal, teacher or counselor. Any student of the school district who has knowledge of any sexual harassment or sexual discrimination is encouraged to report the sexual harassment or sexual discrimination to a teacher, counselor or principal. Any employee of the school district with knowledge of any sexual harassment or sexual discrimination must immediately report the sexual

harassment or sexual discrimination to the building principal. Any employee of the school district who discourages a student from filing a complaint of sexual harassment or sexual discrimination, or who fails to investigate or refer for investigation any such complaint, will be subject to disciplinary action, including, but not limited to, suspension, probation or termination.

6. Disciplinary Consequences.

Any student who is found to engage in sexual harassment or sexual discrimination will be subjected to appropriate disciplinary action, including, but not limited to, suspension from school, expulsion from school, suspension or removal from any extra-curricular event, game, contest or practice. Any school district employee who is found to have committed sexual harassment or sexual discrimination shall be subject to disciplinary action, up to and including termination of employment.

7. Investigation.

All complaints of sexual harassment shall be immediately investigated by the building principal. The investigation shall commence on the same day the complaint is made, if at all possible, but in no event later than the next school day.

The building principal shall conduct such interviews as are appropriate or may designate other individuals to conduct interviews. The investigation shall be completed within seven (7) school days after commencement of the investigation and sooner, if possible; PROVIDED HOWEVER, in the event of extenuating circumstances, such as the unavailability of material witnesses, completion of the

investigation may be extended for a reasonable period of time until such extenuating circumstances no longer exist. If sexual harassment or sexual discrimination is found to have taken place, the building principal will immediately discuss the investigation with the Assistant Superintendent before imposing any disciplinary action. Upon completion of the investigation, the building principal (or the Assistant Superintendent if the building principal is accused) shall, within four (4) school days after completion of the investigation, discuss with the complainant the results of the investigation. The district may, but is not required to, disclose to the victim the disciplinary consequences imposed upon the individual who has violated this policy.

A copy of the investigation, report and disciplinary action shall be maintained at the Central Office under the name of the individual who violated the policy. Such record shall be maintained until such time as the individual is either no longer attending school or no longer employed with the district.

In the event the person against whom the complaint of sexual harassment or sexual discrimination is made is the building principal, the investigation shall be undertaken by the Assistant Superintendent.

8. Remediation.

In the event a student is found to have been subjected to sexual harassment or sexual discrimination, the district shall also review what, if any, reasonable accommodations can be made for the student. Examples of actions which may be appropriate are: (i) transferring the perpetrator to another class; or (ii) prohibiting

the perpetrator from participating in an extracurricular activity, such as band trip, debate trip, etc. and in which the student will participate.

9. Miscellaneous.

The name, office address and telephone number of the building principal and the Assistant Superintendent shall be included in all copies of the policy which are included in the student handbooks or posted in school buildings. Each year, prior to the beginning of the school year, the school district's sexual harassment and sexual discrimination policy and grievance procedure shall be reviewed with administrators, certified personnel and classified employees. The district shall formulate, review and adopt each year a grievance procedure for reporting and investigating any complaints of sexual harassment or sexual discrimination.

Grievance Procedure

1. This grievance procedure shall apply to all complaints by students alleging sexual harassment or sexual discrimination by other students, school district employees, or any other person.
2. All complaints of sexual harassment or sexual discrimination should be reported either to a teacher, building principal, or counselor.

- A. Any complaint of sexual harassment or sexual discrimination committed against a student and reported to a teacher or counselor shall immediately be referred to the building principal; PROVIDED HOWEVER, if the building principal is the individual accused of sexual harassment or sexual discrimination, such complaint shall immediately be referred to the Assistant Superintendent for investigation.
- B. The building principal shall conduct all investigations of complaints of sexual harassment or sexual discrimination, unless the building principal is the person against whom the complaint was made, in which case the investigation shall be undertaken by the Assistant Superintendent.
3. All investigations shall commence on the same day the complaint is made, if at all possible, but in no event later than the next school day. The investigation shall be completed within seven (7) school days after commencement of the investigation and sooner, if possible; PROVIDED HOWEVER, in the event extenuating circumstances, such as the unavailability of material witnesses, exists, completion of the investigation may be extended for a reasonable period of time until such extenuating circumstances no longer exist.
4. The complainant will be notified that retaliation for filing the complaint is prohibited and that if the complainant suffers any such retaliation, they should report it immediately to the person investigating the complaint. All persons who are interviewed as part of the investigative process shall also be advised that retaliation against the complainant is prohibited and that for students,

disciplinary action can be taken as a result of any such retaliation, and for employees, employment disciplinary action may be taken in the event of any such retaliation by employees.

A. Disciplinary action for any student who violates the non-retaliation policy may include, but is not limited to, suspension from school, expulsion from school, suspension or removal from any extracurricular event, game, contest or practice.

5. Confidentiality of the complainant will be maintained, whenever possible. If the complainant requests confidentiality, every effort will be made to investigate the complaint while still honoring the student's request for confidentiality. There may be times, however, when, due to the nature of the conduct of which the student complains, confidentiality cannot be maintained.
6. When the investigation is complete, the investigator will meet with the student within four (4) school days to discuss the results of the investigation,
7. A student may also, at any time before or after conclusion of any investigation by the school district, file a complaint of sexual discrimination or sexual harassment, with the U.S. Department of Education, Office for Civil Rights, 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114-3302; phone number: (816) 268-0550.

