

3.26 – LICENSED PERSONNEL SEXUAL HARASSMENT

1. Purpose

Sexual harassment is sex discrimination under Title IX. It is the policy of the Benton School District to maintain a learning and a working environment that is free from sex discrimination, including sexual harassment.

2. Authority

It shall be a violation of this policy for any member of the District staff to harass a student or another staff member through conduct or communications of a sexual nature.

3. Definitions

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or another staff member constitutes sexual harassment when:

- a. Submission to such conduct is made, whether explicitly or implicitly, a term or condition of an individual's education;
- b. submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or
- c. such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive environment.

Actionable sexual harassment is generally established when an individual is exposed to a pattern of objectionable behaviors or when a single, serious act is committed. What is, or is not, sexual harassment will depend upon all of the surrounding circumstances. Depending upon such circumstances, examples of sexual harassment include, but are not are not limited to: unwelcome touching; crude jokes or pictures; discussions of sexual experiences; pressure for sexual activity; intimidation by words, actions, insults, or name calling; teasing related to sexual characteristics or the belief or perception that an individual is not conforming to expected gender roles or conduct or is homosexual, regardless of whether or not the individual self-identifies as homosexual; and spreading rumors related to a person's alleged sexual activities.

4. Procedures

Any person who alleges sex discrimination or sexual harassment by any staff member or student may use the District's equity complaint procedure (detailed below) or may complain directly to the building principal, counselor or to the Equity Coordinator, the individual designated to receive such complaints.

- Filing of a complaint or otherwise reporting sexual harassment or sex discrimination will not reflect upon the individual's status nor will it affect future employment, grades or work assignments.
- Upon receipt of a report of sexual harassment, the building principal or counselor or other staff member shall immediately notify the Equity Coordinator without screening or investigating the report. If the report is given verbally, the principal, counselor or staff member will reduce it to a written form within 24 hours and forward it to the Equity Coordinator.
- The Equity Coordinator shall immediately authorize an investigation, which may be conducted by school officials. A written report on the

investigation will be provided to the Equity Coordinator within 10 school days of the complaint or report of sexual harassment.

- The investigation may consist of personal interviews with the person filing a complaint, the individual(s) against whom the complaint is filed and others who may have knowledge of the alleged incident or circumstances surrounding the complaint.
- In addition, the District may take immediate steps, at its discretion, to protect the person filing the complaint pending the completion of the investigation.

5. School District Action

Upon receipt of a recommendation that the complaint is valid, the District will take such action as appropriate based on the results of the investigation. If the harasser is a student, disciplinary action may include suspension or expulsion. If the harasser is an employee, disciplinary action may include termination or non-renewal.

Legal References: Title IX of the Education Amendments of 1972, 20 USC 1681, et seq.
Title VII of the Civil Rights Act of 1964, 42 USC 2000-e, et seq.
A.C.A. § 6-15-1005(b)(1)

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