

# KNOW YOUR RIGHTS

## What is Sexual Harassment?

**Title IX** forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment.

The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under title IX as follows:

***“Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services or treatment protected under title IX.”***



## § 60-20-402

### Sexual Harassment of Students

The Board of Education is committed to maintaining a learning environment for its students that is free from sexual harassment. Furthermore, the Board of Education strongly believes that no person in the PSS shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

### This includes, but is not limited to:

- Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's academic status or progress, or employment.
  - Submission to or rejection of such conduct by an individual is the basis for educational or employment decisions affecting that individual.
  - Such conduct creates an intimidating, hostile, or offensive educational or work environment.
  - Qualified students are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors.



# WHO

## Does Sexual Harassment happen to?



Sexual harassment is **not limited to** conduct by males toward females. Sexual harassment may occur between any or all of the following:

- Student to student
- Staff to student
- Student to staff
- Male to female
- Female to male
- Male to male
- Female to female



## Examples of Sexual Harassment

- Unwelcome sexual advances ("unwelcome" determined on a case by case basis)
- Any invitation (even subtle) intended to result in a sexual liaison.
- Invitations to dinner or social events, when refusal results in the loss of academic status or in other adverse educational decisions.
- Propositioning a student.
- Unwelcome verbal conduct of a sexual nature
- Sexually provocative or explicit speech.
- Publicly expressed sexual fantasies.
- Jokes of a sexual or crude nature.
- Unwelcome physical conduct of a sexual nature.
- Grabbing or twisting an individual's arm.
- Any unwarranted touching.
- Sexually offensive pranks.





# How to Report Sexual Harassment at School

## Who do I go to if I want to report sexual harassment?

If a student believes he/she is being sexually harassed, the student should bring the concern to the attention of the building principal. If the student is more comfortable talking to someone other than the principal, they may inform any teacher, counselor or the vice principal.

## What do I do if nothing happens after I tell someone at school?

You can contact the PSS Human Resources Director or you can report your concern to another PSS Official, including the PSS Legal Counsel's Office.

## What happens after I make my complaint?

After a complaint is reported, an investigation will begin.



There will be no retaliation against or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to sexual harassment. The responsible administrator shall follow up regularly with the complaining student to ensure that the harassment has stopped and that no retaliation has occurred.



# Consequences of Sexual Harassment

- Any student who engages in sexual harassment while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.
- Any employee who permits or engages in the sexual harassment of students will be subject to disciplinary action, up to and including dismissal.
- Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to the principal and PSS Human Resources Director shall be disciplined appropriately.
- Any student who brings a false charge of sexual harassment shall receive appropriate discipline. The term "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.





# TITLE IX GRIEVANCE PROCEDURES



## **Level One: Principal or Immediate Supervisor (May be bypassed by the grievant)**

An informal meeting with the parties and the principal or the Human Resources Office-appointed mediator can solve many problems. A student who believes that he/she has been subjected to sexual harassment is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. If the individual's teacher/supervisor is the person alleged to have engaged in sexual harassment then the grievant should skip level 1 and go directly to level 2.

## **Level Two: The Investigation**

If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:

- The nature of the grievance
- The remedy requested; and
- The date the grievance was submitted.



The level 2 written grievance should be filed with the PSS Human Resources Director within **fifteen days** of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

The PSS Human Resources Director may appoint an investigator to investigate a written grievance. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the PSS Human Resources Director or appointed investigator will prepare a written report of the investigation that shall include:

- A clear statement of the allegations of the grievance and remedy sought by the grievant.
- A statement of the facts as contended by each of the parties.
- A statement of the facts as found by the appointed investigator and identification of evidence to support each fact.
- A list of all witnesses interviewed and documents reviewed during the investigation.
- A narrative describing attempts to resolve the grievance.
- The appointed investigator's conclusion as to whether the allegations in the grievance are meritorious.



The investigator shall consult with the Human Resources Director and/or Legal Counsel's Office during the investigation and attempted resolution of the grievance.

The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the Human Resources Director and Legal Counsel's Office and the Human Resources Director will make any necessary recommendations and forward the report to the Commissioner's office.

If the Commissioner/designee agrees with the recommendations of PSS Human Resources Director, the recommendations will be implemented. The Commissioner/designee will inform the grievant in writing of his or her decision and any action that will be taken.

### **Level Three: Appeal to The Board of Education**

If the Commissioner rejects the recommendations of the Human Resources Director, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal **within ten days** of receiving the report of the Commissioner to the Board of Education. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Education for consideration within thirty days. A decision shall be made and reported in writing to all parties **within thirty days** of that meeting. The decision of the Board of Education will be final.



### **Other Options for Grievant**

At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Omnibusman to the Commonwealth.

### **Enforcement**

Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS's sexual harassment policy, including but not limited to following:





## **Whenever Warranted as Needed**

- Removal of all sexually offensive graffiti from the school premises.
- All teachers, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.
- The building administrator shall take prompt action to investigate all complaints of sexual harassment.
- The building administrator shall take appropriate disciplinary action, as necessary.



## **Before the First Four Calendar Weeks of School**

Schools and programs shall conduct an in-service to all staff regarding sexual harassment, including sexual harassment involving students.

## **During the First Week of School**

Designated teachers shall discuss this policy with their students within one month after its adoption by the Board and during the first week of the school year thereafter. Written copies of the policy shall be given to each student in grades six through twelve (and in lower grades as may be appropriate) as part of these discussions. Discussion shall be conducted in age appropriate manner and should assure students they need not tolerate any form of sexual harassment.

## **Before the End of September**

Student instruction regarding sexual harassment shall be provided annually by the end of September to all students in grades six through twelve. Age appropriate instruction will also be presented to pre-kindergarten through fifth grade students.

## **Notification**

A copy of the PSS sexual harassment policy shall:

- Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
- Be displayed in a prominent location near each school principal's office.
- Be included in any orientation program conducted for new students in grades six through twelve.
- Appear in any PSS or Board of Education publication that sets forth the PSS or building's comprehensive rules, regulations, procedures, and standards of conduct for students.

