

Discriminatory Harassment by and of District Employees

The District prohibits all forms of discriminatory harassment as defined below. This Policy covers discriminatory harassment by and of District employees.

It is the policy of the District to comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of discriminatory harassment on the basis of sex. Inquiries regarding the application of Title IX to the District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

Definitions

Discriminatory harassment means verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class, when such conduct meets any of the following criteria:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or an individual's ability to perform job functions or creates an intimidating, threatening or abusive educational or work environment.
2. Has the purpose or effect of substantially or unreasonably interfering with a student's educational performance or an individual's work performance.
3. Otherwise adversely affects a student's educational opportunities or an individual's employment opportunities.

Discriminatory harassment could include, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class.

Sexual harassment is a specific form of discriminatory harassment which means unwelcome sexual advances, requests for sexual favors, inappropriate verbal or physical conduct of a sexual nature, gestures of a sexual nature, or display of materials which evoke responses not in keeping with the atmosphere intended for the workplace environment.

Title IX sexual harassment is a specific form of sexual harassment which means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship.
 - b. The type of relationship.
 - c. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is co-habiting with or has co-habited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or
2. Suffer substantial emotional distress.

Guidelines

The Board encourages employees or others who believe they or others have been subject to discriminatory harassment, including Title IX sexual harassment, to promptly report such alleged incidents to the Title IX Coordinator, even if some elements of the related incident took place or originated away from school ground, school activities, or school conveyances. If the Title IX Coordinator is the subject of the report, then the incident shall be reported to the Superintendent. A person who is not an intended victim or target but is adversely affected by the harassing conduct may file a report in accordance with this Policy.

In the event a report of discriminatory harassment, including Title IX sexual harassment, is received by a school employee other than the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report), such report shall promptly be forwarded to the Title IX Coordinator (or, the Superintendent in the event that the Title IX Coordinator is the subject of the report) for response and investigation in accordance with applicable legal obligations.

The Board designates the Director of Equity and Public Programs as the District's Title IX Coordinator. The contact information and procedures for contracting the Title IX Coordinator are included in the accompanying Administrative Regulation. Depending on the specific allegations raised in a complaint received pursuant to this Policy, the Superintendent may designate additional individuals to assist the Title IX Coordinator in carrying out their responsibilities outlined herein.

The Board directs that reports of discriminatory harassment, including Title IX sexual harassment, falling within the scope of this Policy shall be investigated promptly and in accordance with applicable legal obligations. The Board directs that corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be handled in accordance with applicable law, regulations, Board Policy, and District's legal and investigative obligations.

There shall be no retaliation against any person who, in good faith:

1. Reports or makes a formal complaint of any form of discriminatory harassment, including Title IX sexual harassment;
2. Testifies assists, participates or refuses to participate in a related investigation, process or other proceeding or hearing; or
3. Otherwise took any reasonable action to stop discriminatory harassment, including Title IX sexual harassment

The prohibition against retaliation includes a prohibition against intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator (or the Superintendent, in the event the allegations involve the Title IX Coordinator) immediately if any such conduct is believed to have occurred.

Delegation of Responsibility

The Superintendent or designee shall notify law enforcement officials of reports and/or incidents of discriminatory harassment, including Title IX sexual harassment, in accordance with applicable legal requirements.

The Superintendent or designee shall ensure that procedures for resolving reports involving discriminatory harassment, including Title IX sexual harassment, of employees are developed and made part of the accompanying Administrative Regulation.

Cross Reference:

Policy and Regulation No. 4001, *Equal Opportunity and Nondiscrimination in Employment Practices*

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