

TOLLAND PUBLIC SCHOOLS
Tolland, Connecticut

BOARD POLICY

REGARDING: Sex Discrimination and Sexual
Harassment (Students)

Number: 5070
Students

Approved: 2/12/03
Revised: 4/28/10

It is the policy of the Board of Education that any form of sex discrimination or sexual harassment is prohibited, whether by students, Board employees or third parties subject to the control of the Board. Students, Board employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action.

The Superintendent of Schools shall develop Administrative Regulations implementing this policy.

Definitions

Sex discrimination occurs when a person, because of his or her gender, is denied participation in or the benefits of any education program.

Sexual harassment: in a school setting, sexual harassment is conduct that

1. is sexual in nature;
2. is unwelcome; and
3. denies or limits a student's ability to participate in or benefit from a school's educational program. Sexual harassment can be verbal, nonverbal or physical.

Although not an exhaustive list, the following are examples of sexual conduct prohibited by this policy:

1. Statements or other conduct made either explicitly or implicitly, indicating that submission to, such conduct is a term or condition of an individual's grade or academic performance and/or conduct that has the purpose or effect of substantially interfering with an individual's

academic performance or creating an intimidating, hostile, or offensive learning environment.

2. Unwelcome attention and/or advances of a sexual nature, including, but not limited to, verbal comments, sexual invitations, and physical touching.
3. Display or circulation, electronically or otherwise, of sexually suggestive or obscene materials including, but not limited to e-mails, text messages, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets, or gestures.
4. Any behaviors or activities occurring on more than one occasion that collectively instill fear in the victim and/or threaten her/his safety, mental health, and /or physical health. Such behaviors or activities may include, but are not limited to non-consensual communications (face-to-face, telephone, e-mail, threatening or obscene gestures, surveillance, or showing up outside victim's classroom or workplace).
5. Retaliation against a person for filing a complaint, or against witnesses for providing testimony during an investigation.

Procedure

It is the express policy of the Board of Education to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this policy. The district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent possible. The district will not tolerate any reprisals or retaliation that occur as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator.

The school district will periodically provide staff development for district administrators and periodically distribute this policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Legal References: United States Constitution, Article XIV
Title IX of the Education Amendments of 1972 20 U.S.C. §1681,
et seq.
Title IX of the Education Amendments of 1972, 34 C.F.R. § 106.1,

et. seq.

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999) Office for Civil Rights, U.S. Department of Education, Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 66 Fed. Reg. 5512 (Jan. 19, 2001).

Constitution of the State of Connecticut, Article I, Section 20.