

**I. THE POLICY STATEMENT**

It is the policy of the Delaware Community School Corporation to maintain a learning and working environment (“Educational Environment”) that is free from sexual harassment. Sexual harassment creates an atmosphere that undermines a positive and healthy Educational Environment and will not be tolerated.

This policy applies to teachers, staff, administrators, employees, volunteers, and other persons subject to the control of School authorities (individually and collectively “School Personnel”) and students. All School Personnel and students have a responsibility to keep the Educational Environment free from sexual harassment.

The School Corporation seeks to eliminate sexual harassment through education and by encouraging School Personnel and students to report promptly to School authorities any complaint of sexual harassment. Appropriate corrective measures will be taken to stop sexual harassment when it is found to have occurred. Those persons found to be in violation of this policy shall be subject to the applicable disciplinary action.

**II. TITLE IX COORDINATOR**

There shall be a Title IX Coordinator responsible for coordinating compliance with applicable Title IX requirements for the School Corporation. The Title IX Coordinator may, but is not required to, assign a School official in each building to serve as that building’s Title IX Coordinator.

Each Title IX Coordinator shall (a) provide counseling and guidance for students and School Personnel on matters related to Title IX; (b) have authority to receive complaints and coordinate the investigation of complaints in accordance with this policy; and (c) recommend measures for compliance.

The Title IX Coordinator shall be the Assistant Superintendent. The name, office, address, telephone number, and e-mail address of the Title IX Coordinator shall be published in the School Directory.

**III. CONFIDENTIALITY**

In carrying out this policy and the applicable procedures, the right of confidentiality of both the complainant and the accused will be respected consistent with the legal obligations and the necessity to investigate allegations of misconduct, and to take corrective action when sexual harassment has been found to have occurred. Neither an alleged victim’s name nor the name of any accused will be released to the public unless required by law.

**IV. NO RETALIATION**

No student or School Personnel shall be subject to retaliation for action taken in good faith to seek advice concerning a sexual harassment matter, to file a sexual harassment complaint, or to serve as a witness in the investigation of alleged sexual harassment. Acts of retaliation are a violation of this sexual harassment policy and will be investigated and addressed as a form of sexual harassment.

**V. STUDENTS****A. DEFINITION OF SEXUAL HARASSMENT**

1. Conduct that constitutes unwelcomed sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature where:
  - a. Submission to such advance, request or conduct is made either explicitly or implicitly a term or condition of the student’s education.
  - b. Submission to or rejection of such advance, request or conduct by a student is used as a basis for decisions affecting such student’s performance in education programs.

- c. Such advance, request or conduct has the purpose or effect of substantially interfering with a student's performance in education programs.
  - d. Denial of an educational opportunity for a student occurs directly because another student submits to such advance, request or conduct which has favorable results for that other student.
2. Unwelcomed conduct of a sexual nature that creates an intimidating, hostile, or offensive environment when:
- a. Such conduct has the purpose or effect of substantially interfering with the student's performance in education programs.
  - b. Such conduct is unwelcomed when the student has indicated either by his or her conduct or verbal objection that it is unwelcomed.
    - (1) A student who has participated in conduct that would be sexual harassment has initially welcomed such conduct and must give specific clear notice to any other student that such conduct is no longer welcomed for subsequent such conduct to be deemed sexual harassment.
    - (2) A student cannot complain of conduct as being sexual harassment if he or she has participated in the conduct that would be the basis for the complaint.

#### B. EXAMPLES OF SEXUAL HARASSMENT

Actions that constitute sexual harassment take a variety of forms. Examples of kinds of conduct that may constitute sexual harassment include but are not limited to the following:

- 1. Sexual advances, propositions or pressuring a student for sexual favors
- 2. Comments of a sexual nature regarding a person's body, personality, or dress
- 3. Displaying or distributing sexually suggestive objects, pictures, drawings, or written materials
- 4. Telling sexual jokes or making sexual gestures
- 5. Spreading rumors or rating other students as to sexual activity
- 6. Touching of a sexual nature

#### C. COMPLAINT PROCEDURES

- 1. A student who believes he or she has been subjected to sexual harassment by any student or School Personnel should use the complaint procedures in this Section C.
- 2. A sexual harassment complaint may be made to any building Principal, Assistant Principal, Principal's designee, or Title IX Coordinator.
- 3. Should the sexual harassment complaint involve an alleged sexual touching, the School official receiving the complaint shall notify (a) the building Principal where the alleged sexual harassment occurred or, if not available, then the Superintendent; (b) the Title IX Coordinator; and (c) the appropriate personnel of the Delaware County Sheriff's Department. The School official and Title IX Coordinator will work with the Sheriff's Department to investigate the alleged sexual touching and determine the proper course of action. The School official receiving the complaint should prepare the written report as provided in the following Sub-section 4.
- 4. A sexual harassment complaint must be reported in writing on the forms provided by the School Corporation. If a student makes a verbal complaint, the School official receiving the complaint should complete the written report. The written report must include the following:
  - a. name of the student making the complaint;
  - b. name of the person or persons alleged to have committed the sexual harassment;

- c. name of any witnesses; and
  - d. description of the behavior, acts and/or events that are alleged to constitute the sexual harassment.
5. Any student providing a written statement for the investigation of a sexual harassment complaint should be asked to sign and date the statement.
  6. If the accused is a student, the School official receiving the complaint may determine that the accused should be placed on in-school suspension during the investigation.
  7. The report of sexual harassment shall be submitted as follows:
    - a. In the event the accused are students or School Personnel other than a building Principal, the report shall be submitted to the building Principal where the alleged sexual harassment took place.
    - b. In the event the accused is a building Principal, the report shall be submitted directly to the Title IX Coordinator.
  8. The School official who receives a report shall review the investigation and information provided regarding the alleged sexual harassment.
  9. Each report of sexual harassment, the findings from the investigation, and any sanctions to be imposed if the alleged offender is a student, are to be presented to the Title IX Coordinator and Superintendent upon the conclusion of the investigation of the complaint.

#### D. SANCTIONS FOR SEXUAL HARASSMENT

##### 1. Student Offenders

- a. A student who is found to have engaged in sexual harassment shall be subject to disciplinary action including suspension or expulsion in accordance School policy and the Student Code of Conduct.
- b. The building Principal shall make findings based on the investigation and determine the appropriate disciplinary action to be taken.
- c. The building Principal shall advise the Superintendent of the results of the investigation and any disciplinary action taken. The Superintendent shall inform the Board of School Trustees in an executive session where a student is alleged to have engaged in sexual harassment, the results of the investigation, and any disciplinary action taken.

##### 2. School Personnel Offenders

- a. The School Personnel found to have engaged in sexual harassment shall be subject to disciplinary action including but not limited to reassignment, suspension, and/or discharge.
- b. The building Principal shall submit the results of the investigation to the Superintendent. Where the building Principal is involved in the alleged sexual harassment, then the Title IX Coordinator shall submit the results of the investigation to the Superintendent.
- c. The Superintendent shall review the report and findings, and make a recommendation to the Board of School Trustees of any action the Superintendent determines to be appropriate. The Board of School Trustees may meet in executive session to consider the report, findings, and Superintendent's recommendation and take any action it deems appropriate.

#### E. FALSE REPORTING

Any student who knowingly files false charges against any student or School Personnel shall be subject to disciplinary action consistent with the School policy and in accordance with the Student Conduct Code.

#### F. NOTIFICATION OF THIS POLICY

Notice of the policy will be circulated to all schools and departments of the Delaware Community School Corporation and incorporated in each student handbook.

### VI. SCHOOL PERSONNEL

#### A. DEFINITION OF SEXUAL HARASSMENT

1. Conduct that constitutes unwelcomed sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature where:
  - a. Submission to such advance, request or conduct is made either explicitly or implicitly a term or condition of employment or the Educational Environment.
  - b. Submission to or rejection of such advance, request or conduct by any School Personnel is used as a basis for decisions affecting such School Personnel's terms and conditions of employment or Educational Environment.
  - c. Such advance, request or conduct has the purpose or effect of substantially interfering with the employment or Educational Environment of the School Personnel.
  - d. Denial of an employment or educational opportunity for a School Personnel occurs directly because another School Personnel submits to such advance, request or conduct which has favorable results for that other School Personnel.
3. Unwelcomed conduct of a sexual nature that creates an intimidating, hostile, or offensive environment when:
  - a. Such conduct has the purpose or effect of substantially interfering with the terms and conditions of employment or Educational Environment of the School Personnel.
  - b. Such conduct is unwelcomed when the School Personnel has indicated either by his or her conduct or verbal objection that it is unwelcomed.
    - (1) A School Personnel who has participated in conduct that would be sexual harassment has initially welcomed such conduct and must give specific clear notice to any other person that such conduct is no longer welcomed for subsequent such conduct to be deemed sexual harassment
    - (2) A School Personnel cannot complain of conduct as being sexual harassment if he or she has participated in the conduct that would be the basis for the complaint.

#### B. EXAMPLES OF SEXUAL HARASSMENT

Actions that constitute sexual harassment take a variety of forms. Examples of kinds of conduct that may constitute sexual harassment include but are not limited to the following:

1. Sexual advances, propositions or pressuring any School Personnel or student for sexual favors
2. Comments of a sexual nature regarding a person's body, personality, or dress
3. Displaying or distributing sexually suggestive objects, pictures, drawings, or written materials
4. Telling sexual jokes or making sexual gestures
5. Spreading rumors or rating other person's as to sexual activity
6. Touching of a sexual nature

### C. COMPLAINT PROCEDURES

1. Any School Personnel who believes he or she has been subjected to sexual harassment by any student or School Personnel should use the complaint procedures in this Section C.
2. A sexual harassment complaint may be made to the Title IX Coordinator, Title IX Coordinator appointee, Human Resources Director, or Superintendent.
3. A sexual harassment complaint must be reported in writing on the forms provided by the School Corporation. If the School Personnel makes a verbal complaint, the School official receiving the complaint should complete the written report. The written report must include the following:
  - a. name of the School Personnel making the complaint;
  - b. name of the person or persons alleged to have committed the sexual harassment;
  - c. name of any witnesses; and
  - d. description of the behavior, acts and/or events that are alleged to constitute the sexual harassment.
4. If the accused is a student, the School official receiving the complaint shall inform the Principal of the building the student attends of the complaint. The building Principal may determine that the accused student should be placed on in-school suspension during the investigation.
5. A written statement given by any School Personnel for the investigation of a sexual harassment complaint should be signed and dated by the School Personnel giving the statement. Any student providing a written statement for the investigation should be asked to sign and date the statement.
6. The report of sexual harassment shall be submitted as follows:
  - a. In the event the accused are students or School Personnel other than the Title IX Coordinator, the report shall be submitted directly to the Title IX Coordinator.
  - b. In the event the accused is the Title IX Coordinator, the report shall be submitted directly to the Superintendent.
7. In the event that the accused is School Personnel other than the Superintendent, each report of sexual harassment, the findings from the investigation, and the recommended sanctions, are to be presented to the Superintendent. In the event the accused is the Superintendent, the report of sexual harassment, the findings from the investigation, and the recommended sanctions, are to be presented to the President of the Board of School Trustees.

### D. SANCTIONS FOR SEXUAL HARASSMENT

1. Student Offenders
  - a. A student who is found to have engaged in sexual harassment shall be subject to disciplinary action including suspension or expulsion in accordance School policy and the Student Code of Conduct.
  - b. The building Principal shall make findings based on the investigation and determine the appropriate disciplinary action to be taken.
  - c. The building Principal shall advise the Superintendent of the results of the investigation and any disciplinary action taken. The Superintendent shall inform the Board of School Trustees in an executive session where a student is alleged to have engaged in sexual harassment, the results of the investigation, and any disciplinary action taken.

2. School Personnel Offenders

- a. School Personnel found to have engaged in sexual harassment shall be subject to disciplinary action including but not limited to reassignment, suspension, and/or discharge.
- b. The Title IX Coordinator or Title IX Coordinator appointee shall submit the results of the investigation to the Superintendent. Where the Superintendent is involved in the alleged sexual harassment, the Title IX Coordinator or Title IX Coordinator appointee shall submit the results of the investigation to the President of the Board of School Trustees.
- c. The Superintendent shall review the report and findings, and make a recommendation to the Board of School Trustees of any action the Superintendent determines to be appropriate. Where the Superintendent is involved in the alleged sexual harassment, the President of the Board of School Trustees shall review the report and findings, and make a recommendation to the Board of any action the President determines to be appropriate. The Board of School Trustees may meet in executive session to consider the report, findings, and any recommendation and take any action it deems appropriate.

E. FALSE REPORTING

Any School Personnel who knowingly files false charges against any student or School Personnel shall be subject to disciplinary action consistent with the School policy and [staff handbook].

F. NOTIFICATION OF THIS POLICY

Notice of the policy will be circulated to all schools and departments of the Delaware Community School Corporation and incorporated in the Policy Manual.

Adopted: 11-21-95

Revised: 1-18-11