

SEXUAL HARASSMENT OF STUDENTS

The policy of this school district forbids discrimination against, or harassment of any student on the basis of sex. The Board of Education will not tolerate sexual harassment by any of its employees or students. This policy applies to all students and employees including non-employee volunteers whose work is subject to the control of school personnel. Policy DA applies to sexual harassment of employees.

1. Sexual Harassment

- A. For the purpose of this policy, sexual harassment includes verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
- B. Demeaning comments about a girl's ability to excel in a class historically considered a "boy's" subject, privately talking to a student about sexual matters, hugging or touching a student inappropriately may constitute sexual harassment.
- C. Writing graffiti which names a student or otherwise identifies a student is potentially slanderous and constitutes sexual harassment. Graffiti of any kind will not be tolerated on school property. The superintendent is directed to cause any graffiti or unauthorized writings to be removed immediately.

2. Specific Prohibitions

A. Administrators and Supervisors

1. It is sexual harassment for an administrator, supervisor, support employee, or teacher to use his or her authority to solicit sexual favors or attention from students.
2. Administrators, supervisors, support personnel, or teachers who either engage in sexual harassment of students or tolerate such conduct by other employees shall be subject to sanctions, as described below.
3. The school district is not concerned with the "off-duty" conduct of school personnel unless the conduct has or will have a negative impact on the educational process of the school. Any romantic or sexual affiliation between school personnel and students, including students who have reached the age of majority (18) during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination for the employee. Any sexual affiliation between teachers and students under the age of 18 may constitute a crime under state or federal law.

3. Report, Investigation, and Sanctions

- A. It is the express policy of the board of education to encourage student victims of sexual harassment to come forward with such claims. This may be done through the Sexual Discrimination Grievance policy.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

1. Students who feel that administrators, supervisors, support personnel, teachers, or other students are subjecting them to sexual harassment are encouraged to report these conditions to the appropriate administrator or teacher. If the student's immediate administrator or teacher is the alleged offending person, the report will be made to the next higher level of administration or supervision or to any responsible adult person.
 2. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- B. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
 - C. Any employee found to have engaged in sexual harassment of students shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.
 - D. Any student found to have engaged in sexual harassment of other students shall be subject to sanctions, including, but not limited to warning, suspension or other appropriate punishment subject to applicable procedural and due process requirements.

REFERENCE: Title VII of the Civil Rights Act of 1964
 42 U.S.C. §2000e-2
 29 C.F.R. §1604.1, et seq.

CROSS-REFERENCE: Policy DA, Sexual Harassment (employees)
Policy DAAB, Grievance Procedures, Sex Discrimination (employees)
Policy DAAB-R, Grievance Procedures, Sex Discrimination, Regulation (employees)
Policy DO, Termination, Certified Teachers
Policy DO-R, Teacher Termination Procedures
Policy FBA, Grievance Procedures, Sex Discrimination/Harassment (students)
Policy FBA-R, Grievance Procedures, Sex Discrimination/Harassment, Regulations (students)
Policy FO, Student Discipline
Policy FO-R1, Control and Discipline Policy

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TITLE IX AND SCHOOL SPONSORED SPORTS

Congress enacted Title IX of the Education Amendments in 1972. This Federal law prohibits discrimination on the basis of sex in any education program or activity when the district is a recipient of federal financial assistance, regardless of whether federal funds are received in connection with athletics. The district is committed to the prevention and avoidance of gender discrimination in connection with school sponsored extracurricular activities, including school sponsored sports. To ensure compliance by the district's athletic program with the mandates of Title IX the board requires:

- Annual notification to all staff members regarding the district's commitment to non-discrimination in all of its programs and activities, including school sponsored sports;
- Publication of the grievance procedure applicable to complaints of discrimination in the student handbook and on the school's website with identification of the district's Title IX Coordinator, to enable parents or students to notify the board and administration of any instances of perceived discrimination in the district's programs or activities, including sports;
- The conduct of a student interest survey no less than every three (3) years to ensure that the sports offered by the district are responsive to student interest;
- Annual review of the district's sports-related facilities to ensure that the district does not discriminate on the basis of gender in the planning, construction or assignment of facilities for practice or competition;
- Annual training of all administrative and athletic staff (and other staff as appropriate) regarding their respective responsibilities for providing programs free of discrimination and reporting perceived discrimination;
- Overseeing expenditures for school sponsored sports to ensure that monies spent neither discriminate nor perpetuate past discrimination with respect to coaches salaries, equipment,

supplies, facilities or in other areas in which expenditures are made; and,

- Non-discriminatory treatment of athletes in all areas of participation in the district's sports program including, but not limited to: travel, uniforms, use of facilities, scheduling of games, equipment, supplies, spirit support, and coaching assignments.

TITLE IX CONTACT: Wes McGowen (918)659-2345

