

## **Policy**

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### SEXUAL HARASSMENT OF PUPILS

The Riverton Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual Harassment of pupils is a form of prohibited sex discrimination. School District staff will investigate and resolve allegations of sexual harassment of pupils engaged in sexual harassment by school employees, other pupils (peers) or third parties.

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The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment, which may include quid pro quo harassment and hostile environment.

#### Definitions:

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment sexual harassment – Sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil's sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment.

The regulation and grievance/complaint procedure shall provide a mechanism for discovering sexual harassment as early as possible for effectively correcting problems.

School staff, compensated and uncompensated, having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the building principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would be likely to endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

The Chief School Administrator or designee will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that the Board will not tolerate such behavior. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Chief School Administrator or designee will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

Date: March 30, 2004  
Review/Update by NJSBA: January 2009  
Readopted:

**Legal References:** United States Department of Education - Office of Civil Rights Sexual Harassment Guidance; Harassment of pupils by School Employees, Other Pupils, or Third Parties (1997)

FIRST READING: Board of Education Meeting: 9/22/09

SECOND READING & ADOPTION: Board of Education Meeting: 10/27/09