

SEXUAL HARASSMENT

Policy 5145.5

Sexual Harassment of Students by Students

Sexual harassment will not be tolerated by the students of the Portland Public Schools. Students are expected to adhere to a standard of conduct that is respectful and courteous to fellow students and to the public.

Should sexual harassment be alleged, it is the policy of the Portland Board of Education that it shall be thoroughly investigated, that there should be no retaliation against the victim of the harassment, and that the problem/concern should be appropriately addressed.

Under federal law and the Connecticut General Statutes 46a-60(a)(8), sexual harassment is defined as “any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature” made by someone from or in the work or educational setting. Sexual harassment can occur when but is not limited to:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment, or

Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Types of Sexual Contact Include:

Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, unwanted physical contact, touching, pinching, coerced sexual intercourse, impeding or blocking movement, leering, gestures, suggestive or insulting sounds, display of sexually suggestive objects, pictures or cartoons.

Continuing to express sexual interest after being informed that the interest is unwelcome.

Coercive sexual behavior used to control, influence, or affect the career, salary and/or work environment of another student, such as threats of reprisal: implying or withholding support for an appointment, promotion, transfer, or change of assignment, suggesting a poor performance report will be prepared, or suggesting probation will be failed.

Coercive sexual behavior used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student, including promises or threats regarding grades, course admission, performance evaluations, or recommendations; enhancement or limitation of student benefits or services (e.g., scholarships, financial aid, work study job).

The deliberate or careless creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment.

Inappropriate attention of a sexual nature from peer(s), i.e., student to student.

Definition: Sexual Harassment is unwanted sexual attention from anyone with whom the student may interact in the course of receiving an education in school or at school sponsored activities. Types of sexual conduct include inappropriate attention of a sexual nature from peer(s): i.e., student to student, and all other types of sexual conduct as further defined in paragraphs 1-6 above.

If it is determined that a student has sexually harassed another student, the possible consequences to the offending student may include:

Conference with students	Community Service
Parent Conference	Detention
Apology to the victim	Expulsion
Suspension	Referral to the police
Written report	

Reprisals, threats or intimidations of the victim will be treated as serious offenses, which could result in a permanent separation from the school through expulsion for student offenders.

Any student or parent/guardian of a student who believes that the student has been the victim of sexual harassment of another student, or has questions about this issue, should seek the help of the building administrator(s) or an adult whom they trust, such as a teacher, counselor, nurse, psychologist. The principal or designee shall be advised of the concern immediately.

A follow-up will occur to include a prompt and discreet investigation within ten working days when appropriate. The principal or designee shall report the results of the investigation and proposed disposition on the matter to the complainant, the alleged harasser, and as appropriate, to all others directly concerned within fifteen working days after receiving the complaint.

If the complainant is not satisfied with the decision of the principal or designee, an appeal in writing may be made to the Superintendent of Schools within ten working days of the receipt of

the decision. The Superintendent of Schools shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies for the complainant, the alleged harasser, and as appropriate, to all others directly concerned within fifteen working days after receiving the complaint.

If the complainant is not satisfied with the decision of the Superintendent of Schools, an appeal may be written to the Board of Education within ten days of the receipt of the decision.

The Portland Board of Education, within thirty working days, will investigate the complaint and may conduct a hearing to gather additional information. The Portland Board of Education will give a written response within ten working days following the completion of the hearing or within thirty working days after receiving the appeal if the hearing is not held.

All employees and supervisors shall be provided copies of the Board policy concerning sexual harassment. A developmentally appropriate summary of this policy will be included in school handbooks. The school district will provide staff development for district administrators and supervisors.

Policy adopted: 9/2/97

Legal Reference:

Civil Rights act of 1964, Title VII, 42 U.S.C.

Equal Employment opportunity Commission Guidance (N915.035) on Current issues of Sexual Harassment, effective 10/15/88.

Title IX of the Education Amendment of 1972, 34CFR Section 106.

Connecticut General Statutes

46a-60(a)(8) Discriminatory employment practices prohibited

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986) Constitution of the State of Connecticut, Article 1, Section 20.