

Students

Sexual and Other Unlawful Harassment of Students

It is the policy of the East Hampton Board of Education to maintain a working and learning environment that is free from sexual and other unlawful harassment. The Board will not tolerate the harassment of or by any student based on sex, sexual orientation, gender identity or expression, race, color, national origin, religion or creed, physical or visual, and regardless of the medium through which it occurs. Such harassment violates state and federal law.

This policy prohibits sexual, racial and other unlawful harassment of students by employees, other students, teachers, administrators, Board members, volunteers, and others contractually or otherwise under the control of the school system. It protects against harassment on school premises, at school-sponsored activities and at other places where these individuals come in contact with students in connection with their education by the school system.

Students are prohibited from harassing teachers, administrators or other school personnel on the basis of sex, sexual orientation, race, color, religion, creed, national origin, ancestry, marital status, age, physical or mental disability.

Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to the conduct is made either explicitly or implicitly a term or condition of student's education;
- submission to or rejection of the conduct by an individual is used as the basis of education decisions affecting the student;
- the conduct has the purpose or effect of having a negative impact upon the academic performance, or of creating an intimidating, hostile or offensive educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding educational opportunities or learning environment.

Such conduct constitutes sexual harassment whether or not a threat or adverse consequences is carried out and whether or not the student actually suffers any tangible adverse consequences.

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Definition of Sexual Harassment (continued)

Sexual harassment includes a wide range of behaviors – from pressure or requests for sexual activities to unwelcome sexual comments and innuendo to verbal abuse of a sexual nature. Unwelcome sexual flirtations and advances, offensive touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and displays in the work place of sexually suggestive objects or pictures are some of the additional behaviors that constitute sexual harassment. Behavior appropriate outside the school setting may not be appropriate in the school environment. Sexual harassment may be subtle and even unintentional. It may be directed toward members of the opposite or same sex.

Examples of Sexual Harassment

While an exhaustive list is not possible, the following are examples specific behaviors that, if unwelcome and of a sexual nature, could constitute sexual harassment:

- Suggestive or obscene letters, notes, e-mail messages, voice mail messages, invitations, derogatory comments, slurs, jokes, epithets, touching, impeding or blocking movement, leering, gestures, noises, pulling at clothes, display of sexually suggestive objects, pictures or cartoons, graffiti, sexual assault, attempted sexual assault.
- Continuing to express sexual interest after learning of or being informed that the interest is unwelcome;
- Coercive sexual behavior used to control, influence, or affect educational opportunities, academic achievements, and/or learning environment of a student, such as threats of reprisal, implying or withholding support for an honor, program, or recommendation, benefit or activity;
- Suggesting a poor grade or evaluation will be prepared;
- The creation of an atmosphere of sexual harassment or intimidation, or a hostile or offensive learning environment; and
- Inappropriate attention of a sexual nature.

Other Prohibited Conduct

Unwelcome speech or conduct of an offensive or hostile nature based on an individual's race, color, origin, sexual orientation, disability, sex or religion is also prohibited by this policy.

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Sexual and Other Unlawful Harassment of Students (continued)

Complaint Procedure

All members of the school community are responsible for helping to assure that sexual, racial and other unlawful harassment is avoided. Any person who has observed or otherwise become aware of conduct prohibited by this policy should bring the matter to the immediate attention of the Building Principal and/or Title IX Coordinator. Any student who feels he or she has been harassed or victimized in violation of this policy should process a complaint in accordance with the Complaint Procedure described in the accompanying regulations.

All complaints will be promptly investigated in as confidential a manner as practical and appropriate corrective action will be taken when warranted. Any employee, student, volunteer or other individual under the control of the school system who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to discipline, including possible dismissal or expulsion. He or she may also be personally liable in any legal action brought against him or her.

Retaliation

Retaliation against an individual because she or he has reported harassment or has cooperated in an investigation of alleged harassment is a violation of Board policy and state and federal law. Such retaliation is a form of harassment and will be handled in the same manner as other forms of unlawful harassment.

Relationships at the Workplace

Sexual or romantic relationships between employees and students are strictly prohibited whether or not they constitute sexual harassment as defined in this policy.

A copy of this policy shall be distributed to all current and future students and employees.

Legal Reference: Connecticut General Statutes

20 U.S.C. §1681-1688 (Title IX)

§10-15c (Discrimination in public schools prohibited)

§10-15c Discrimination in public schools prohibited. School attendance by five year olds. (Amended by P.A. 97-247 to include "sexual orientation" and P. A. 11-55 to include "gender identity or expression"
Public Act 11-55 An Act Concerning Discrimination

Policy adopted: January 26, 2006
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EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut