

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Sexual Harassment
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5751 SEXUAL HARASSMENT

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

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

Definitions

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a ~~pupil's-student's~~ participation in an educational program or activity or bases an educational decision on the ~~pupil's-student'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-student~~ resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcome 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 ~~pupilstudent~~, or by a third party that is sufficiently severe, persistent, or pervasive to limit a ~~pupil's-student'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 ~~all persons regardless of gender identity or expression~~ any "person" from ~~sex discrimination; accordingly both male and female pupils are protected~~ from sexual harassment engaged in by school district employees, other ~~pupilsstudents~~, or third parties. Sexual harassment is prohibited, regardless of the gender of the harasser ~~or -even~~ if the harasser and the ~~pupil-student~~ being harassed are members of the same gender ~~is prohibited~~. Harassing conduct of a sexual nature directed toward any ~~pupilstudent~~, regardless of the ~~pupil's student's~~ sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment. Non-sexual touching or other non-sexual conduct does not constitute sexual harassment, ~~but may be prohibited by law and/or board policy~~.

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Grievance Procedure

~~The Superintendent is directed to establish regulations to implement this policy, including a~~

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

~~In the event of a complaint,~~ ~~t~~The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the ~~pupil-student~~ 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.

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This policy and regulation on sexual harassment of ~~pupils-students~~ shall be published and distributed to ~~pupils-students~~ and employees to ensure all ~~pupils-students~~ and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for ~~pupils-students~~ to ensure the staff and the ~~pupils-students~~ 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 addition, if the Board accepts ~~F~~federal funds, the Board shall be bound by Title IX of the Education Amendments of ~~1992-1972~~ prohibiting sexual harassment of ~~pupils-students~~. Title IX applies to all public school districts that receive ~~f~~Federal funds and protects ~~pupils-students~~ 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.

United States Department of Education - Office of Civil Rights Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (1997)

Cross References: 3362, 4352

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