

SEXUAL HARASSMENT/HARASSMENT BASED ON RACE, NATIONAL ORIGIN,
DISABILITY, RELIGION, GENDER, GENDER IDENTITY, GENDER EXPRESSION AND
SEXUAL ORIENTATION

Search GBA/JFHA-1

1. Policy Statement

The Alexandria City School Board is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation. Therefore, the Alexandria City School Board prohibits sexual harassment and harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability, religion, gender, gender identity, gender expression, or sexual orientation. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel means, school board members, school employees, agents, volunteers, contractors, or other persons subject to the supervision and control of the School Division.

In accordance with Title IX and its implementing regulations, the School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

A. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or

(2) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

(3) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e., the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual physical contact;
- unwelcome ongoing or repeated sexual flirtation or propositions or remarks;
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- graphic comments about an individual's body;
- sexual jokes, notes, stories, drawings, gestures, or pictures;
- spreading sexual rumors;
- touching an individual's body or clothes in a sexual way;
- displaying sexual objects, pictures, cartoons or posters;
- impeding or blocking movement in a sexually intimidating manner; or
- sending sexually explicit or suggestive electronic messages

B. Harassment Based on Race, National Origin, Disability, Religion, Gender, Gender Identity, Gender Expression or Sexual Orientation

Harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation consists of physical or verbal conduct relating to an individual's race, national origin, disability, religion, gender, gender identity, gender expression, or sexual orientation when the conduct:

- (i) creates an intimidating, hostile or offensive working or educational environment; or
- (ii) substantially or unreasonably interferes with an individual's work or education; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation if it meets the immediately preceding definition include:

- graffiti containing racially offensive language,
- name calling, jokes, or rumors,
- physical acts of aggression against a person or his property because of that person's race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation,

hostile acts which are based on another's race, national origin, religion, disability, gender, gender identity, gender expression or sexual orientation,

- harassment based on nonconformity to gender stereotypes and/or gender identity and expression, and
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation.

III. Complaint Procedure

The Superintendent shall issue regulations providing for the appointment of a Compliance Officer and Alternative Compliance Officer responsible for receiving, investigating, and acting upon complaints of discrimination or harassment prohibited by this Policy. Such regulations shall prescribe the procedures for the filing, investigation, and disposition of such complaints.

IV. Retaliation

Retaliation against students or school personnel who report discrimination or harassment or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged discrimination or harassment or participates in related proceedings.

V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination or harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VI. Prevention and Notice of Policy

Training to prevent sexual harassment and harassment based on race, national origin, disability, religion, gender, gender identity, gender expression and sexual orientation should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

VII. False Charges

Students or school personnel who knowingly make false charges of discrimination or harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: July 6, 2000

Amended: July 1, 2011
Amended: April 24, 2014

Legal Refs.: Americans with Disabilities Act of 1990;
Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972;
Section 504 of the Rehabilitation Act of 1973
Office of Civil Rights; Sexual Harassment Guidance: Harassment of Students by
School Employees, Other Students, or Third Parties

20 U.S.C. §§ 1681-1688
29 U.S.C. § 794
42 U.S.C. §§ 2000d-2000d-7
42 U.S.C. §§2000d-2000d-17
34 CFR Part 106

Cross Refs.: AC Non Discrimination
AD Education Philosophy
GB Equal Employment Opportunity/Non-Discrimination
GCPD Professional Staff Members, Contract Status and Discipline
GDPD Support Staff Members; Contract Status and Discipline
JB Equal Education Opportunities/Non-Discrimination
JFC Student Conduct
JFC-R Standards of Student Conduct
JFHA-R Procedures for Complaints of Discrimination
JHG Child Abuse and Neglect Reporting
KKA Service Animals in Public Schools