

SEXUAL HARASSMENT OF STUDENTS

A student may be subject to sexual harassment by a student, employee, board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by students is not always easily recognized. The following are examples of sexual harassment school personnel should be aware of when dealing with a complaint of alleged sexual harassment:

1. unwanted sexual behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, blocking student's movement, pulling at clothes, attempted rape, or rape;
2. a female student in a predominantly male class or a male student in a predominantly female class subjected to sexual remarks by students or teachers who may regard the comments as joking and part of the usual classroom environment;
3. a pattern of impeding a female's progress in classes, such as industrial arts;
4. a pattern of discouraging a male student from enrolling in a home economics class; and
5. purposefully limiting or denying female or male students access to educational tools, such as computers.

PROCEDURES

The Holmdel Township Board of Education shall designate an Affirmative Action Officer to carry out the district's responsibilities associated with compliance with Title IX, pursuant to 5145. policies on student rights. In addition, the Board will designate a second individual, the district 504 officer, for ensuring compliance with Title IX in regard to sexual harassment so that students who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Affirmative Action Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student sexual harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities and that the district is operated as required by Title IX. Such notification shall include, but not be limited to publication in newsletters and handbooks of the district.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment;

Students who believe they have been subjected to sexual harassment are to report the incident to the Affirmative Action Officer or the second designee as described above. The Affirmative Action Officer or second designee, the district's 504 officer, shall notify the Building Principal and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

INVESTIGATION OF A COMPLAINT

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must be conducted within five (5) school days. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the complainant shall speak with an individual of the same sex. Complainants are to be notified of the outcome of the investigation.

INFORMAL COMPLAINTS

In addition to notification to the Affirmative Action Officer or the Board's designee as described above, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available. Students who believe they have been subjected to sexual harassment, are urged to request such an interview immediately following the incident.

The Building Principal or Superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Superintendent is to inform the complainant of the denial and request a formal written complaint to be filed with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint shall be reopened for investigation if a recurrence of sexual harassment is reported. The Building Principal or Superintendent is to advise the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal's or Superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

FORMAL COMPLAINTS

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent originally consulted, who will then forward it to the next appropriate level of management (i.e., the Superintendent or the Board of Education) for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, (i.e., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter).

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of sexual harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Source: Regular Board Meeting

Date: January 24, 1996

