



District Mission: Students graduate with the knowledge, skills and behaviors to be college and career ready.

Hutchinson Public Schools

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Sexual Harassment

From Administrative Policy JGEC:

The Board of Education is committed to providing a positive and productive learning and working environment, free from discrimination on the basis of sex, including sexual harassment. Sexual harassment shall not be tolerated in the school district. Sexual harassment of employees or students of the district by board members, administrators, certificated and support personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs or events.

Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or when made by any student to another student when: (1) submission to such conduct is made, explicitly or implicitly, a term or condition of the individual's education; 2) submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or (3) such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive academic environment.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include, but is not limited to: verbal harassment or abuse; pressure for sexual activity; repeated remarks to a person, with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades, participation in extra-curricular activities, etc.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. The district will promptly investigate all complaints of sexual harassment and take prompt corrective action to end the harassment.

Any student who believes that he or she has been subjected to sexual harassment should discuss the alleged harassment with the building principal, another administrator, the guidance counselor, or another certified staff member. Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the district compliance coordinator. The building principal or district compliance coordinator shall discuss the complaint with the student to determine if it can be resolved. If the matter is not resolved to the satisfaction of the student in this meeting, the student may initiate a formal complaint under the district's discrimination complaint procedure.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable student conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity,

USD 308 does not discriminate on the basis of race, religion, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct.

An employee who witnesses an act of sexual harassment shall report the incident to the building principal. Employees who fail to report complaints or incidents of sexual harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

When a complaint contains evidence of criminal activity or child abuse, the building coordinator or district coordinator shall report such conduct to the appropriate law enforcement or-DCF authorities. (See GAAD)

To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

The filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or grades. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a sexual harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.

The policy shall be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.

Student-to-Student Sexual Harassment

All students attending the Hutchinson Public Schools have the right to learn in an educational environment free of all forms of discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. Student-to-student sexual harassment has been recognized as a practice that undermines the learning process by creating an environment that is upsetting, threatening or degrading to the student being harassed. No student, male or female, should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Examples of overt and subtle types of harassment that could occur include the following:

- A) uninvited notes, letters, telephone calls (which directly affect the school setting) or other materials of a sexual nature;
- B) uninvited and deliberate touching, leaning over or cornering;
- C) uninvited sexually suggestive looks or gestures;
- D) uninvited pressure for sexual favors;
- E) uninvited persistent pressure for dates and other intimate situations;
- F) uninvited sexual teasing, jokes, remarks or questions;
- G) attempted or actual rape or sexual assault; or
- H) visual displays that may be perceived as offensive to either males or females, (e.g. posters, calendars, photographs, graffiti or signs).

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. Students who engage in sexual harassment should know that such behavior may result in disciplinary actions which may include restrictions on the offender's activities and learning environment, suspension or expulsion.