

# Sexual Harassment

## SEXUAL HARASSMENT OF STUDENTS IS NOT PERMITTED

Sexual Harassment is illegal and will not be permitted at school or at school-related activities. (Harassment based upon race, color, national origin, pregnancy, religion, or disability is also unlawful prohibited conduct.) The following questions and answers will help students understand what sexual harassment is and what may be done to protect them from it.

### 1. Q: **What is sexual harassment?**

**A:** Sexual harassment is an illegal form of discrimination based on a person's sex even if the victim and harasser are the same sex. It occurs when a student is treated unfairly because of his or her sex, or when a student feels hurt or uncomfortable because of what is said or done by another person (student or adult). Words (spoken or written), actions, or bodily contact may be considered sexual harassment if they are connected in some way with a person's sex, and if they are considered to be unwanted or harmful by the student.

### 2. Q: **How do I know if I have been sexually harassed?**

**A:** Sometimes it is not easy to know if you have been sexually harassed. If you are singled out, left out, teased, embarrassed, or harmed in some other way because of your gender, it may be sexual harassment. Sexual harassment includes conduct as simple as a dirty joke which makes you feel uncomfortable, or as serious as somebody touching you when or where you do not want to be touched. It may only happen once or it may be repeated. If it is connected to gender, if you do not like it, and if it is serious or repeated, it may be considered sexual harassment.

### 3. Q: **What should I do if I have been sexually harassed?**

**A:** If you believe that you have been sexually harassed, tell your teacher, counselor, assistant principal, principal, or parents immediately. These people will listen to you, give you the help that you need, and see that the harassment stops. You have the right to complain any time you believe that you have been harassed, discriminated against, or treated unfairly in any way.

### 4. Q: **How will sexual harassment complaints be handled by the school administration?**

**A:** All complaints of sexual harassment will be handled according to policies and regulations of ACPS. The person accused of sexual harassment will be told about the complaint and given a chance to explain. Parents of the students involved will be informed. Witnesses to the alleged harassment will be interviewed. All such information will be considered when investigating and resolving a complaint.

### 5. Q: **What will happen to those who engage in sexual harassment?**

**A:** If the person is found to have engaged in sexual harassment, the consequences will be determined by the nature of the harassment and circumstances of the case. For students, the consequences will be based on the "Corrective Actions" described in the "Code of Conduct," and may range from a warning or counseling to suspension or expulsion. Student disciplinary measures are confidential by law and cannot be shared. If an adult staff member engages in sexual harassment, that person will face serious consequences up to and including dismissal depending on the seriousness of the harassment. In addition, the police will be contacted when any laws may have been broken.

### 6. Q: **What happens to me if I complain about sexual harassment?**

**A:** Students should feel free to report harassment so that the problem can be corrected. Those who engage in sexual harassment will be warned that there may be more serious consequences if they attempt to retaliate against the person who reported them, or if they continue the harassment. Every effort will be made to protect the student from retaliation or continued harassment, and to see that the student receives whatever help is needed. All students should understand, however, that complaints will be taken seriously and that corrective action may be taken against a student for making a complaint of harassment which is not true.

### 7. Q: **What if sexual harassment is not handled in a satisfactory way at the school?**

**A:** The parent/guardian of either student (accuser or accused) may appeal to the superintendent if dissatisfied with the way the school has handled a sexual harassment complaint. Appeals should be delivered in writing to the superintendent within five school days.

### 8. Q: **What can students do to stop sexual harassment?**

**A:** Students can help to stop sexual harassment by:

- Letting others know when their behavior is unacceptable.
- Telling the harasser very firmly to stop, and doing so at the first sign of harassment.

- Keeping notes of dates, times, places, witness names, etc.
- Asking for the help of a teacher or counselor.
- Reporting harassment to the principal or assistant principal.

Any student or parent who would like help in dealing with sexual harassment should talk with the principal, counselor, or teacher at the school, or call the Bullying / tip line at 434-352-2071. A copy of the policy and regulation on sexual harassment is available at <http://appomattox.schoolfusion.us> or upon request.

## SEX DISCRIMINATION AND SEXUAL HARASSMENT OF STUDENTS

Appomattox County Public Schools is committed to a school environment in which students are free from sex discrimination by other students, employees, or third parties. The school administration will take appropriate steps to prevent sex discrimination and will deal promptly and decisively with reported incidents of discrimination. Sexual harassment is one form of sex discrimination which, like others, is strictly prohibited.

### Definition of Sexual Harassment

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature, when one or more of the following applies:

- Submission to such conduct is made a term or condition of employment, instruction, or participation in school activities.
- Submission to or rejection of such conduct is used as the basis for making decisions about the student.
- Such conduct has the purpose or effect of interfering with performance in school or creating an intimidating, abusive, offensive, or hostile environment. A "hostile environment" is created when acts of a sexual nature are sufficiently severe, persistent, or pervasive as to deny the benefits of the school to the student. A single "severe" act, such as inappropriate touching or the touching of an intimate part of the body, may constitute sexual harassment. A pattern of less-severe acts may be sexual harassment if pervasive or repeated, depending on the nature, frequency, context, and target of the acts. An isolated act, such as a verbal comment would not generally be considered sexual harassment. Sexual harassment is determined by its effect on the victim (based on the "reasonable person" standard), not on the intent of the harasser. It is harassment if the victim,

as any “reasonable person” might be, is harmed—if the victim feels offended, intimidated, threatened, abused, or persecuted to the extent that the victim is denied certain benefits of the school or participation in school programs.

### **Complaint Procedure**

All students should be informed of their right to protection against sexual harassment and the right to file a complaint if they believe they have been harassed. School administrators are responsible for investigating each complaint, determining if the complaint is legitimate in accordance with the above definition, and taking corrective action where warranted. Any student can file a complaint by talking to an administrator and completing a complaint form, available in the school’s office, and returning this form to an assistant principal or principal. All teachers, counselors, and educational support staff should be informed of the students’ rights to file a complaint and should be able to help as appropriate, and will provide assurance of corrective action and protection against retaliation. School administrators will respond to complaints of sexual harassment according to School Board guidelines.

Complaints will be investigated in a prompt and impartial manner by the principal or designee who will interview the accused, as well as witnesses, and consider all relevant information/evidence. The accused and the parents of both parties will be informed of the complaint; otherwise, confidentiality will be maintained to the extent possible. The principal or designee will advise the complainant of counseling services or other sources of help as appropriate, and will provide assurance of corrective action and protection against retaliation.

### **Corrective Action**

Anyone accused of harassment will be informed of the specific complaint and given the opportunity to provide an explanation in defense. If a student has engaged in sexual harassment, corrective action will be taken in accordance with established disciplinary procedures. Corrective action may range from admonition and counseling to suspension or expulsion depending on the seriousness of the incident and the need to protect other students from future harassment. If an employee has engaged in sexual harassment, appropriate disciplinary action will be taken up to and including dismissal, depending on the seriousness of the offense. In addition, students, employees, and third parties may be reported to authorities for appropriate legal action.

NOTE: Any student who knowingly files a false complaint of harassment may also be subject to corrective action.

### **Protection Against Retaliation**

Students should feel free to report harassment without fear of retaliation from the accused. Any attempt of retaliation will be addressed by appropriate corrective action up to and including expulsion for students. School Division employees who make any attempt to retaliate as a result of a harassment charge will also face disciplinary measures, up to and including dismissal from their job.

### **Appeal Procedure**

A student may appeal the decision of the school administration in any sexual harassment case. Appeals must be stated in writing by the parent/guardian or emancipated student and forwarded to the appropriate level superintendent .

### **Preventive Measures**

The school will act to prevent sexual harassment as described in Policy JB

Students can help to prevent or stop harassment if they will:

- Let the harasser know very clearly that such actions are not wanted.
- Tell the harasser very firmly to stop.
- Keep written notes of dates, times, places, witness names, and other information about actual occurrences of harassment.
- Keep notes, letters, and other evidence of harassment.
- Talk with a counselor or administrator and, if appropriate, file a complaint.

### **Sources of Help**

Any student or parent who needs help in understanding the sexual harassment regulation or in knowing how to deal with concerns about sexual harassment should talk with the principal, assistant principal, or counselor at school or call the main Office of the school.