

SEXUAL HARASSMENT-- STUDENTS

The Board of Education is committed to providing learning and working environment where both sexes can learn and work together comfortably and productively, free from sexual harassment. Sexual harassment is illegal under both federal and state law and will not be tolerated here.

It will be a violation of this policy for students to harass other students or Old Tappan employees through commission of any of the prohibited behaviors listed below. It will also be a violation of this policy any employee of the Old Tappan Public School District to harass a student through commission of any of the prohibited behaviors listed below.

Prohibited Behavior

Unwelcome sexual advances, request for sexual favors, and other verbal or physical contact of a sexual nature when made by any student to another student or employee or when made by any employee to a student shall be considered potential acts of sexual harassment when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's education or employment; or
- B. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- C. Such conduct has the purpose or effect of interfering with an individual's educational or work performance and thereby creates an intimidating, hostile or offensive educational or work environment.

Unsolicited and unwelcome contact that has sexual overtones may also be considered sexual harassment. This includes but is not limited to:

- A. Written contact, such as sexually suggestive or obscene drawing(s) letter(s), note(s) or invitation(s);
- B. Verbal contact such as sexually or obscene comment(s), including remarks about a person's body or rumors about a person's sex life; queries, including those about a person's sexual fantasies, preferences or history; threats, slurs, epithets, jokes about gender specific traits or sexual propositions;
- C. Nonverbal contact such as giving unwanted personal gifts or following a person;
- D. Physical contact such as intentional touching, pinching, brushing against another body, touching oneself in a sexual manner in front of another person, impeding or blocking movement, assault, or coercing sexual intercourse; and
- E. Visual contact such as leering or staring at another's body, gesturing or displaying sexually suggestive objects or pictures, cartoons, posters or magazines.

Continuing to express sexual or social interest after being informed directly that the interest is unwelcome and/or using sexual behavior to control, influence or affect the career, salary and/or working or educational environment of an employee also have the potential of being considered acts of sexual harassment.

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It is impermissible to threaten, suggest, or imply that failure to accept a request for a date or sexual intimacy will affect a student's educational prospects or benefits. For example, it is forbidden either to imply or actually withhold support for promotion, or to suggest that a poor performance report will be given, or that grades or other educational benefits will be affected because a student has declined a sexual proposition.

Also, explicitly or implicitly offering educational or work benefits, such as grades, progress reports, recommendations, promotion, favorable performance evaluations, or recommendations in exchange for sexual favors is forbidden.

Monitoring

The Board of Education shall take all reasonable steps to see that this policy prohibiting sexual harassment is followed by all students and employees.

Discipline

Any student found to have violated this policy shall be subject to appropriate disciplinary action according to the severity of the offense, up to and including suspension or expulsion, consistent with the student discipline code. Any employee found to have violated this policy shall be subject to appropriate disciplinary action according to the severity of the offense, such as verbal or written warning, reprimand, suspension, discharge or tenure charges.

Retaliation

Retaliation complaints will be promptly investigated. Appropriate disciplinary action will be imposed where retaliation is found.

Any student or employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or education, nor discriminated against or disciplined as a result unless the individual has knowingly and maliciously participated in a false complaint or given false testimony. Such an individual will be subject to disciplinary action.

Complaint Procedure and Investigation

The Superintendent shall develop regulations to carry out this policy, in consultation with the Board attorney, which shall provide for the conduct of a prompt, thorough and fair investigation, and shall submit the same to the Board for review and approval. The Superintendent, where necessary, shall consult with the Board attorney about all investigations of complaints, formal or informal, to ensure that the due process and other rights of all parties are protected. No action shall be taken or recommended by the Superintendent until a final report is issued by the affirmative action and compliance officer or an alternative administrator, whichever is applicable according to law. The Superintendent shall not be required to report the matter to the Board until a final report is issued. The right of confidentiality of both the complainant and the accused will be respected consistent with the District's legal obligations and the necessity to investigate allegations and punish substantiated conduct.

Legal References: N.J.S.A. 18A:6-6 No sex discrimination
 N.J.S.A. 18A:29-2 Equality of compensation for male and female teachers
 N.J.A.C. 6A:7-1.1 et.seq. Managing for Equality and Equity in Education
See particularly:
 N.J.A.C 6A:7-1.4, -1.6

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Legal References: (continued)

29 U.S.C.A. 201 - Equal Pay Act of 1963 as amended

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

42 U.S.C.A. 2000e et seq. - Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972

The Comprehensive Equity Plan, New Jersey State Department of Education

Cross References:

*2224	Nondiscrimination/Affirmative Action
*4111.1	Nondiscrimination/Affirmative Action
*4211.1	Nondiscrimination/Affirmative Action
*5131	Conduct/discipline
5131.2	Harassment, intimidation and bullying
5131.9	Threats sent via modern technology
*5145.4	Equal Educational Opportunity
*6121	Nondiscrimination/Affirmative Action

*Indicates policy is included in the Critical Policy Reference Manual.

Key Words

Sexual Harassment of Students, Sexual Harassment of Employees, Sexual Harassment, Conduct, Discipline, Student Conduct, Student Conduct

Approved: June 19, 2000

Revised: April 28, 2008, September 22, 2008,