

Policy Overview

The Sharpsville Area School District is committed to a positive and productive education and work environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Definitions

There are two forms of sexual harassment: quid pro quo and hostile environment.

1. "Quid Pro Quo" Sexual Harassment

Quid pro quo harassment occurs when a school employee, such as a teacher, causes a student to believe that he or she must submit to sexual conduct, sexual advances, or grant sexual favors or that accepting or rejecting such conduct or communications will be used as a factor in decisions affecting the student's education.

For example, when a teacher threatens to fail a student unless the student agrees to date the teacher, it is quid pro quo harassment.

Similarly, quid pro quo harassment can occur when an employee's supervisor makes unwelcome sexual advances or requests sexual favors and the employee reasonably believes that submitting to that conduct or communication is a condition of obtaining employment or that accepting or rejecting that conduct or communication will be used as a factor in employment decisions.

2. "Hostile Environment" Sexual Harassment

Hostile environment sexual harassment is conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a person the ability to participate in or benefit from a program, education, or environment.

For students, hostile environment sexual harassment means unwelcome conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a student the opportunity to participate in or benefit from an education program or activity.

For employees, a hostile work environment is created when unwelcome conduct of a sexual nature is sufficiently serious that it interferes with, denies, or limits the employee's work performance or work environment.

A. The term “conduct” includes, but is not limited to:

- Verbal comments, including unwelcome sexual advances, requests for sexual favors, and derogatory remarks;
- Nonverbal conduct, such as graffiti, text messages, or notes; and/or o physical conduct such as sexual touching, fondling, sexual assault, rape, and other forms of sexual violence.

B. The term “of a sexual nature” is a broad term that includes conduct or comments about sex (the physical act), based on sex (persons being male or female), or based on sex or gender-based stereotyping.

C. In determining whether conduct is “sufficiently serious” as to interfere with, deny, or limit education or employment so as to rise to the level of sexual harassment, the district will examine all the circumstances, including: the type of harassment (e.g., whether it was verbal or physical); the frequency and severity of the conduct; the age, sex and relationship of the parties; the setting and context in which the harassment occurred; whether other incidents have occurred at the school; and other relevant factors. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. For instance, a single instance of rape is sufficiently severe to create a hostile environment.

3. *Other conduct defined by federal law:*

- A. Sexual assault
- B. Dating violence
- C. Domestic violence
- D. Stalking

Who is affected by sexual harassment

Sexual harassment can occur adult to student, student to adult, student to student, adult to adult, male to female, female to male, male to male and female to female, as well as to, from, and between transgender individuals.

Response - The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment or sexual assault that come to the attention of the district, either formally or informally.

SASD Superintendent Procedure - The superintendent or designee shall develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment and sexual assault. The procedures will include reasonable and prompt timelines and delineate staff responsibilities under this policy. All staff are responsible for receiving informal complaints and reports of sexual harassment and sexual assault and

informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

Posting - SASD School Board policy regarding Title IX shall be posted in each district building in a place available to staff, students, parents, volunteers and visitors. The policy shall be referenced in the District handbook.