

**The Gray Charter School
Board of Trustees
Policy**

Sexual Harassment

P751

The Board of Trustees

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The Board of Trustees directs the Executive Director to maintain an academic environment that protects pupils from sexual harassment. Accordingly, the Board of Trustees shall not tolerate sexual harassment of pupils by staff members, other pupils or other individuals on school premises, school buses or at any school-sponsored activity. Sexual harassment is a form of prohibited sex discrimination.

Pupils who believe that they have been subjected to sexual harassment may file a formal complaint. The Affirmative Action Officer shall receive any such complaints and carry out a prompt and thorough investigation. The Affirmative Action Officer shall protect the rights of both the person making the complaint and the alleged harasser. The Executive Director and his/her designee shall develop a regulation setting forth the procedure for the filing and processing of complaints of sexual harassment and ensure that appropriate training is providing to those staff members who have the responsibility for investigating complaints of sexual harassment.

Any staff member or pupil who is found to have engaged in sexual harassment shall be subject to appropriate discipline. Law enforcement shall be contacted when appropriate.

The Executive Director shall submit an annual report to the Board of Trustees on the effectiveness of this policy.

Definitions of Sexual Harassment

1. Quid Pro Quo sexual harassment occurs when a staff member explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to sexual advances,, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo sexual harassment occurs whether or not the pupil submits to the threatened harmful conduct.
2. Hostile environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal of physical conduct of a sexual nature by a staff member, other pupil(s) or other individual(s) that is sufficiently severe or pervasive to have reasonably resulted in a limitation of the pupil's ability to participate in or benefit from an educational program or activity. For purposes of this policy, any of the aforementioned conduct by a staff member directed toward a pupil shall be considered "unwelcome".

The following are examples of conduct that can constitute sexual harassment:

1. Slurs, epithets, threats, verbal abuse, derogatory comments, degrading descriptions or practical jokes of a sexual nature or about gender specific traits;
2. Graphic verbal comments about an individual's body;
3. Sexual jokes, stories, drawings, pictures or gestures;
4. Spreading of sexual rumors;
5. Teasing or sexual remarks about a student enrolled in predominately single sex class;

6. Touching of an individual's body or clothes in a sexual way;
7. Nonverbal movements of a sexual nature;
8. Displaying sexually suggestive objects or materials;
9. Pressure or coercion involving proposed sexual activity; and
10. Leering, staring, overly personal conversation, sexual flirtations or sexual propositions that are repeated after the unwelcome nature of same are communicated to the individual committing the act.

Investigation and Response to Complaints

1. The administration will:
 - a) inform all staff, pupils, and parents that sexual harassment is prohibited in the educational
 - b) identify and train campus teams of professional staff members to respond to the concerns of students and / or staff.
2. The campus team will refer all concerns or complaints to the Principal and the building Affirmative Action Officer.
3. The Principal or designee shall report the allegation to the Executive Director and to the district Affirmative Action Officer.
4. If the individual or complaint is not satisfied with the building administrative decision, a formal grievance may be filed with the district Affirmative Action Officer.
5. Filing a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status, nor affect future grades or class assignment.
6. The complaint procedure shall be made available for pupils, parent(s) or legal guardian(s), and/or staff member protesting alleged discriminatory or sexually or other harassing action. An immediate report of the allegation should be made to the Affirmative Action Officer or the Executive Director.
7. The Affirmative Action Officer will initiate a thorough investigation and will protect the rights of both the pupil or staff member making the complaint and the alleged harasser.

Due process rights will be respected during any investigation activity. Appropriate confidentiality shall be maintained throughout the investigative process.

Sources: N.J. AAUW Study Hostile Hallways...; Equal Employment Opportunities Commission: New Jersey School Boards Association

N.J.A.C. 10:5 – 1 et seq. Law Against Discrimination; Title IX of the Education Act of 1972, 20 U.S.C.A. 1681

Adopted: 13 June 2003