Sexual Harassment--Students

Title IX of the federal Education Amendments of 1972 provides that schools must provide an educational program that offers equal educational benefits for boys and girls. Decisions of the United States Supreme Court and the United States Department of Education make clear that sexual harassment of student by employees or by other students violates the law.

The board of education forbids harassment of any student on the basis of sex. The board will not tolerate sexual harassment of students by employees or by other students.

The intent of this policy regarding conduct between employees and students is clear and straightforward: No employee of the school district may engage in any conduct of a sexual nature with any student, regardless of the student's age, ability to consent, or actual consent.

Requests for dates or other age-appropriate expressions of interest or affection, however, are not characteristically inappropriate, and can even contribute to the socialization process that is a large part of education. Accordingly, requests for dates and other age-appropriate expressions of interest between students is not sexual harassment unless the student to whom such requests or expressions are directed has indicated that they are unwelcome. When a student has made reasonably clear that he or she does not welcome the requests or attention by the other student, it is sexual harassment for the other student to continue to make such requests or give such attention.

A. Definitions and Standards of Conduct

Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is unwelcome conduct of a sexual nature. Special definitions follow:

1. Conduct of a Sexual Nature:

   Conduct of a sexual nature may include, but is not limited to:

   -- verbal or physical sexual advances, including subtle pressure for sexual activity;
   -- sexually oriented touching, pinching, patting, staring, pulling at clothing, or intentionally brushing against another;
   -- showing or giving sexual pictures, photographs, illustrations, messages, or notes;
   -- writing graffiti of a sexual nature on school property;
-- comments or name-calling to or about a student regarding alleged physical or
personal characteristics of a sexual nature;

-- sexually-oriented "kidding," "teasing," double-entendres, and jokes; and

-- any harassing conduct to which a student is subjected because of or
regarding the student's sex.

2. Standard of Conduct for Employees:

No employee may engage in conduct of a sexual nature with a student at any time or
under any circumstances. All allegations will be investigated by the District
according to the procedures set forth in the guideline: Reporting and Investigating
Sexual Misconduct By Rio Rancho Public School Employees.


a. Verbal or physical conduct of a sexual nature by one student of another may
constitute sexual harassment when the allegedly harassed student has
indicated, by his or her conduct, that the conduct is unwelcome, or when the
conduct, by its nature, is clearly unwelcome or inappropriate.

b. A student of the age of consent who has initially welcomed conduct of a
sexual nature by active participation must give specific notice to the alleged
harasser that such conduct is no longer welcome in order for any such
subsequent conduct to be deemed unwelcome.

B. Reporting, Investigation, and Sanctions

1. Reporting:

It is the express policy of the board to encourage students who feel they have been
sexually harassed by a school employee or by another student or students to report
such claims. A school employee who has knowledge of a student being abused is
required to report it. All Reports will be investigated.
a. **Report of Sexual Harassment by a School Employee:**

-- Any student who believes he or she has been subject to any conduct of a sexual nature by a school employee may tell a counselor or principal.

-- If a student who believes he or she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

-- If a student believes he or she has been sexually harassed by a counselor or a principal, or by any other administrator the student should seek the assistance of his or her parent(s) in reporting such harassment to the district office, superintendent or to a member of the board.

b. **Report of Sexual Harassment by a Student or Students:**

-- Any student who believes he or she has been sexually harassed by another student or other students may tell a teacher, counselor, or principal or assistant principal.

-- If a student who believes he or she has been sexually harassed by another student or students, and who feels uncertain about who to tell, or feels uncomfortable telling any counselor, or principal, the student should tell his or her parent(s) about the problem, and ask for the parent(s) help in reporting the sexual harassment to appropriate school personnel.

c. **Reporting by Employees Mandatory:**

Any district employee who receives any report of sexual harassment of a student, whether the report is given by a student, a parent, or another employee, must notify his or her immediate supervisor or the superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.
2. **Investigation:**

The superintendent or his or her designee will appropriately and promptly investigate all reports of sexual harassment of students. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. If a district employee is implicated, the investigation will be conducted according to the district procedures set forth in *Reporting and Investigating Sexual Misconduct by School Employees.*

3. **Sanctions:**

   a. **Employees:**

   Any district employee found to have engaged in conduct of a sexual nature with a student shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or criminal charges, subject to any applicable procedural requirements.

   b. **Students:**

   Any student found to have engaged in sexual harassment of a student shall be subject to discipline, including, but not limited to, suspension or expulsion, subject to any applicable procedural requirements.

See policies 230, 336-10 forward.