



Regulation 2130 - Harassment

Sexual Harassment

The Board of Education strongly believes that no person in the district shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity. Sex-based discrimination and harassment includes that which is based on gender, sexual orientation, perceived sexual orientation, or gender identity.

For purposes of this Regulation, sexual harassment of a student consists of sexual advances, requests for sexual favors, sexually-motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- 1.) A school employee causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when an employee or third party agent of the district causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct; or
- 2.) When the unwelcome sexual conduct of a school employee or classmate is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment.

Examples of conduct which may constitute sexual harassment include:

- sexual advances;
- touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;
- graffiti of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- touching oneself sexually or talking about one's sexual activity in front of others;
- spreading rumors about or rating other students as to sexual activity or performance;
- unwelcome, sexually-motivated or inappropriate patting, pinching, or physical contact. This prohibition does not preclude legitimate, non-sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as a teacher's consoling hug of a young student, or one student's demonstration of a sports move requiring contact with another student. (NOTE: Where the perpetrator is an adult and the victim is a student, welcomeness is generally not relevant.)
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.

Harassment Because of Gender

"Sexual" harassment, as used in Policy 2130 and this Regulation, may also include gender-based harassment. For purposes of this Regulation, gender harassment of a student consists of verbal or physical conduct relating to an individual's gender when:

- 1.) The harassing conduct is sufficiently persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment; or
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- 3.) The harassing conduct otherwise substantially and adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of gender include:

- graffiti containing offensive language;
- name-calling, jokes, or rumors;
- threatening or intimidating conduct directed at another because of the other's gender;
- notes or cartoons;

- slurs, negative stereotypes, and hostile acts which are based upon another's gender; written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to gender;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by gender;
- verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, including harassment based on exhibiting what is perceived as stereotypical characteristics for sex or failure to conform to stereotypical notions of masculinity or femininity.

Examples of such harassment may include, but are not limited to, the following:

- A student in a predominantly single-gender class who is subjected to sex-based remarks by a teacher or students who regard the comments as joking and part of the usual class environment.
- Interfering with a student's achievement in a predominantly or historically single-gender class by hiding tools or equipment, questioning the student's ability to handle the work, or suggesting that the student is "abnormal" for enrolling in the class.
- Purposefully limiting or denying students access to educational resources because of their gender.
- Teasing a student about the student's enrollment in a predominantly or historically single-gender class.
- Teasing a student because the student does not identify with or express himself or herself with the gender assigned to him or her at birth.

Harassment Because of Race or Color

For purposes of this Regulation, racial harassment of a student consists of verbal or physical conduct relating to an individual's race or color when:

- 1.) The harassing conduct is sufficiently severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment;
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- 3.) The harassing conduct otherwise substantially and adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of race or color include:

- graffiti containing racially-offensive language;
- name-calling, jokes, or rumors;
- threatening or intimidating conduct directed at another because of the other's race or color;
- notes or cartoons;
- racial slurs, negative stereotypes, and hostile acts which are based upon another's race or color;
- written or graphic material containing racial comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by race or color.

Harassment Based Upon Religion

For purposes of this Regulation, religious harassment of a student consists of verbal or physical conduct relating to an individual's religion or the religion of the individual's parents, family members, or ancestors when:

- 1.) The harassing conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment;
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3.) The harassing conduct otherwise substantially and adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of religion include:

- graffiti containing offensive language which is derogatory to others because of their religion;
- jokes, name-calling, or rumors based upon an individual's religion;
- slurs, negative stereotypes, and hostile acts which are based upon another's religion;
- written or graphic material containing religious comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by religion.

Harassment Based Upon National Origin or Ethnicity

For purposes of this Regulation, ethnic or national origin harassment of a student consists of verbal or physical conduct relating to an individual's ethnicity or country of origin or the country of origin of the individual's parents, family members, or ancestors when:

- 1.) The harassing conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment;
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3.) The harassing conduct otherwise substantially and adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of national origin or ethnicity include:

- graffiti containing offensive language which is derogatory to others because of their national origin or ethnicity;
- jokes, name-calling, or rumors based upon an individual's national origin or ethnicity;
- ethnic slurs, negative stereotypes, and hostile acts which are based upon another's national origin or ethnicity;
- written or graphic material containing ethnic comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, ethnicity or national origin;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by national origin or ethnicity.

Harassment Because of Disability

For the purposes of this Regulation, harassment because of the disability of a student consists of verbal or physical conduct relating to an individual's physical or mental impairment when:

- 1.) The harassing conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment;
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3.) The harassing conduct otherwise adversely and substantially affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of disability include:

- graffiti containing offensive language which is derogatory to others because of their physical or mental disability;
- threatening or intimidating conduct directed at another because of the other's physical or mental disability;
- jokes, rumors, or name-calling based upon an individual's physical or mental disability;
- slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability;
- graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability.

Harassment Because of Sexual Orientation, Perceived Sexual Orientation, or Gender Identity

For purposes of this Regulation, harassment of a student because of sexual orientation, perceived sexual orientation, or gender identity consists of verbal or physical conduct relating to an individual's sexual orientation, perceived sexual orientation, or gender identity when:

- 1.) The harassing conduct is sufficiently persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, or abusive educational environment; or
- 2.) The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- 3.) The harassing conduct otherwise substantially and adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of sexual orientation, perceived sexual orientation or gender identity include:

- graffiti containing offensive language;
- name-calling, jokes, or rumors;
- threatening or intimidating conduct directed at another because of the other's sexual orientation, perceived sexual orientation, or gender identity;
- notes or cartoons;
- slurs, negative stereotypes, and hostile acts which are based upon another's sexual orientation, perceived sexual orientation, or gender identity;
- written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, sexual orientation, perceived sexual orientation, or gender identity;
- other kinds of aggressive conduct such as theft or damage to property which is motivated by sexual orientation, perceived sexual orientation, or gender identity.

Reporting Procedures

In each school building, the building principal is the person responsible for receiving oral or written reports of discrimination, sexual harassment, or harassment based on race, color, religion, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity at the building level. Any adult district personnel who receives a report of discrimination, sexual harassment, or harassment based on race, color, religion, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity shall inform the building principal immediately. At the district level, the District Compliance Officers are designated according to the incidents listed below.

Staff to Staff Incident	Assistant Superintendent Human Resources
Staff to Student Incident	Assistant Superintendent Human Resources
Student to Student Incident Pre-K	Executive Director Early Childhood
Student to Student Incident Elementary	Executive Director Elementary Education
Student to Student Incident Secondary	Assistant Superintendent Supervision of Schools

- 1.) Any student who believes he or she has been the victim of sexual harassment or harassment based on race, color, religion, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity by a student, teacher, administrator, or other school personnel of the district, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the district, is encouraged to immediately report the alleged acts to their building principal.
- 2.) If the student feels that such contact with the building principal would be inappropriate, if the situation is not satisfactorily resolved by the building principal, or if the student simply feels more comfortable speaking with someone other than the building principal, the student should contact the Compliance Officer for the district designated by this Regulation. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the District Compliance Officer by the reporting party or the complainant. If any complaint involves the Compliance Officer, the complaint shall be filed directly with the Superintendent.
- 3.) If neither the student's building principal nor the Compliance Officer is of the same sex as the student, or the student for any other reason would prefer to report the student's concern to another administrator within the district, the student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.
- 4.) Any teacher, administrator, or other school official who has or receives notice that student has or may have been the victim of sexual harassment or harassment based on race, color, religion, sex, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity by a student, teacher, administrator, or other school personnel of the district, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the district, is required to immediately report the alleged acts to the building principal or the Compliance Officer designated by this Regulation within twenty-four (24) hours or within a reasonable time thereafter.
- 5.) Any other person with knowledge or belief that a student has or may have been the victim of unlawful discrimination, sexual harassment or harassment based on race, color, religion, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity as set forth above, is encouraged to immediately report the alleged acts to their building principal or the Compliance Officer designated by this Regulation.
- 6.) The district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the district office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. A complainant's refusal to sign a complaint does not relieve the district of the obligation to investigate the complaint. Nothing in this

Regulation shall prevent any person from reporting harassment directly to the Compliance Officer or to the Superintendent. A student who believes that he/she has been subjected to harassment prohibited by this regulation shall not be required to confront the alleged harasser prior to making the report. The district will respond to male and female students' complaints of discrimination and harassment promptly, appropriately, and with the same degree of seriousness.

7.) Upon receipt of a report, the principal must notify the District Compliance Officer immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Compliance Officer. If the report was given verbally, the principal shall personally reduce it to written form within twenty-four (24) hours and forward it to the Compliance Officer. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the principal.

8.) The District Compliance Officer shall:

- receive reports or complaints of unlawful discrimination, sexual harassment, or harassment based on race, color, religion, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity;
- oversee the investigative process;
- be responsible for assessing the training needs of the district's staff and students in connection with the dissemination, comprehension, and compliance with this Regulation;
- arrange for necessary training required for compliance with this Regulation; and
- insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

Investigation

Upon receipt of a report or complaint alleging unlawful discrimination, sexual harassment, or harassment based upon race, color, religion, sex, national origin, ethnicity, disability, sexual orientation, perceived sexual orientation, or gender identity the Compliance Officer shall immediately undertake or authorize an investigation. The investigating officer may be a building administrator, district administrator or third party designated by the district. The district will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

1.) The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this Regulation, the district shall consider:

- the nature of the behavior;
- how often the conduct occurred;
- whether there were past incidents or past continuing patterns of behavior;
- the relationship between the parties involved;
- the race, religion, national origin, ethnicity, sex, and age of the victim;
- the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment;
- the number of alleged harassers;
- the age of the alleged harassers;
- where the harassment occurred;
- whether there have been other incidents in the school involving the same or other students;
- whether the conduct adversely affected the student's education or educational environment;
- the context in which the alleged incidents occurred.

Whether a particular action or incident constitutes a violation of this Regulation requires a determination based on all the facts surrounding the circumstances.

2.) The investigation shall be completed typically within fourteen (14) days from receipt of the report. The investigator will put his/her findings in writing and will forward a copy to the Compliance Officer within one (1) week after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown. If the Compliance Officer is the investigator, the Compliance Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this Regulation. The District's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

School District Response

1.) If the investigation substantiates the complaint, the district will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment if the offender is an employee or suspension/expulsion if the offender is a student). Appropriate actions may include, but are not limited to, counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, or discharge. District action taken for violation of this Regulation shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and district policies for violations of a similar nature of similar degree of severity. If the offender is another student, disciplinary action will be taken in accordance with state law and Board established policies.

If the offender is not an employee or student of the district, the district will take appropriate action within the scope of its authority to eliminate and redress the harassment.

2.) In determining what is an appropriate response to a finding that harassment in violation of this Regulation has occurred, the district shall consider:

- what response is most likely to end any ongoing harassment;
- whether a particular response is likely to deter similar future conduct by the harasser or others;
- the amount and kind of harm suffered by the victim of the harassment;
- the identity of the party who engaged in the harassing conduct.
- whether the harassment was engaged in by school personnel, and if so, the district will also consider how it can best remediate the effects of the harassment.

3.) In the event that the evidence suggests that the harassment at issue is also a crime in violation of a Missouri criminal statute, the District Compliance Officer shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

4.) Nothing in this reporting and investigation procedure shall relieve any employee of the district from his/her obligation, under Missouri law, to report suspected child abuse and/or neglect.

5.) If the investigation is indeterminate, the matter will be designated as unresolved, and the investigation file will be maintained by the Compliance Officer in a file separate and apart from any student or personnel file.

6.) Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained by the Compliance Officer at the main administrative offices of the district.

7.) The results of the district's investigation of each complaint filed under these procedures will be reported in writing to the student's parent/guardian and the alleged harasser by the building principal or District Compliance Officer in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

8.) If the district's evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful discrimination or harassment in violation of this Regulation, or that school personnel have failed to report harassment as required herein, that individual may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education-related actions. If the district's evaluation of a complaint of harassment results in a conclusion that no unlawful harassment has occurred, an individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education-related actions. An individual who was allegedly subjected to unlawful discrimination or harassment may also file a complaint with the Missouri Commission for Human Rights, the United States Department of Education, Office for Civil Rights, or the United States Department of Justice. In addition, such individual may choose to file suit in the United States District Court or the State Circuit Court.

Retaliation

The district will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports an incident of alleged sexual, racial, religious, ethnic, sexual orientation discrimination, disability-related harassment or violence, or any person who testifies, assists, or participates in a proceeding, investigation, or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment

The Compliance Officer or building principal shall follow up regularly with the complaining student to ensure the harassment has stopped and that no retaliation has occurred.

Submission of a good faith complaint or report of unlawful discrimination, sexual harassment, or harassment based upon race, color, religion, disability, national origin, ethnicity, sexual orientation, perceived sexual orientation, or gender identity will not affect the complainant or reporter's future employment, grades, learning, or working environment, or work assignments.

General Requirements

The district shall conspicuously post this Regulation against unlawful discrimination and harassment in each school in a place accessible to students, faculty, administrators, employees, parents, and members of the public. This notice shall include the name, mailing address, and telephone number of the Compliance Officer, the name, mailing address, and telephone number of the Missouri Commission for

Human Rights, the state agency responsible for investigating allegations of discrimination in educational opportunities, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights, and the United States Department of Justice.

A copy of this Regulation shall appear in the student handbook and shall be made available upon request of parents, students, and other interested parties.

The School Board will develop a method of discussing this Regulation with students and employees. Training on the requirements of nondiscrimination and the appropriate responses to issues of harassment will be provided to all school personnel on an annual basis, and at such other times as the School Board in consultation with the District Compliance Officer determines is necessary or appropriate.

This Regulation shall be reviewed at least annually for compliance with state and federal law.

Additional Cross References

Policy 2610 - Student Code of Conduct

Regulation 2610 - Student Code of Conduct

Policy 4810 - Sexual Harassment

Regulation 4810 - Sexual Harassment

Related Documents

Document	Form Number	Last Modified
Anti-Harassment Statement	2027	6/24/19

Section

2100 – Students General

Adopted Date

August 3, 2000

Cross Reference

Policy 2130 - Harassment

Legal Reference

None to display.

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