

HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Harassment

Harassment includes but is not limited to verbal abuse based on race, color, sex, sexual orientation, **gender identity and expression**, religion, ancestry or national origin, or disability. Harassment that rises to the level of **sexual violence**, physical assault, battery, and/or abuse is also addressed in **Policy JLFA – Child Sexual Abuse Prevention and Response and Policy JICIA – Weapons, Violence, and School Safety** .

Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances; requests for sexual favors or pressure to engage in sexual activity; physical contact of a sexual nature, **including all forms of sexual violence**; and gestures, comments, or other physical, written, or verbal conduct that is gender-based ~~that~~ **and** interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment/sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

The Superintendent, **school administrator**, or Title IX Coordinator will investigate complaints of harassment in accordance with the Student **Discrimination and Harassment Complaint Procedure (ACAA-R)**. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

Confidential Employees.

The Board recognizes that students who are victims of sexual assault or non-consensual sexual contact may not be ready or willing to make a formal complaint to either legal or school

authorities, yet are still in need of support within the school setting. Further, the Board recognizes certain staff members such as licensed psychologists and licensed clinical social workers, where such staff members operate under a State license that includes an obligation of confidentiality, as confidential employees (“Confidential Employees”).

Thus, Confidential Employees are not required to divulge or release information gathered during a counseling relation with a student-client, except as may be required by law, specifically as may be required by and to the extent necessary to comply with State mandatory reporting obligations and Policies JLF or JLFA.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.)
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))
5 MRSA §§ 4602; 4681 et seq.
20-A MRSA § 6553

Cross Reference: AC - Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA-R - Student Discrimination and Harassment Complaint Procedure
ACAD - Hazing
JFCK - Student Use of Cellular Telephones and Other Electronic Devices
JICIA - Weapons, Violence, and School Safety

Adopted: September 14, 1999

Revised: May 13, 2003
October 12, 2004
February 12, 2008
August 28, 2012
June 11, 2019