

MARION SCHOOL DISTRICT 60-3	NEPN Code: ACAA
FOUNDATIONS AND BASIC COMMITMENTS	

SEXUAL HARASSMENT

It is the Marion School District's policy that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee or student of the school district may sexually harass another. Any employee or student will be subject to disciplinary action including possible termination or expulsion for violation of this policy. Sexual harassment can arise between employees, by an employee to a student, between students and by a student to an employee. All forms are subject to this policy.

DEFINITION

Any unwelcome sexual advances, solicitation or sexual activity by promise of rewards, coercion of sexual activity by threat of punishment, verbal sexist remarks, or physical sexual assaults constitute sexual harassment. This conduct can have the effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive employment or educational environment regardless of intent.

EXAMPLES

Some examples of sexual conduct are:

1. Sexual advances.
2. Touching of a sexual nature.
3. Graffiti of a sexual nature.
4. Displaying or distributing sexually explicit drawings, pictures or written materials.
5. Sexual gestures.
6. Sexual or "dirty" jokes.
7. Pressure for sexual favors.
8. Touching oneself sexually or talking about one's sexual activity in front of others.
9. Spreading rumors about or rating other students as to sexual activity or performance.

Not all physical conduct would be considered sexual in nature.

Some examples of non-sexual conduct are:

1. A high school athletic coach hugging a student who made a goal.
2. A kindergarten teacher's consoling hug for a child with a skinned knee.
3. One student's demonstration of a sports move requiring contact with another student.

RESPONSIBILITY

School district officers, employees and students are responsible for maintaining a working and learning environment free from sexual harassment. Workshops and activities will be provided by the school district to explain the policy and laws. Careful scrutiny will be undertaken of all allegations of sexual harassment. False allegations that are malicious or ill-founded may constitute libel or slander. Copies of the policy will be available in both administrative offices.

COMPLAINTS

1. **Employees.** Any employee who believes that he or she has been a subject of sexual harassment should report this incident immediately to his or her immediate supervisor. If the immediate supervisor is involved in the activity, the violation should be reported to the supervisor's immediate supervisor.
2. **Students.** A student who believes he or she has been sexually harassed (or a parent or guardian who believes that his or her child has been harassed) should immediately report it to a responsible school official. This could be a teacher, principal, faculty member, administrator, campus security officer, affirmative action officer, staff in the office of student affairs, or the school's Title IX coordinator.
3. **Investigation.** All reported incidents will be thoroughly investigated and subject to disciplinary action. While absolute confidentiality cannot be guaranteed, confidentiality consistent with due process will be strictly maintained. Criminal acts must be reported to law enforcement authorities. An employee or student may file a written complaint because of dissatisfaction with the handling of a harassment complaint and may utilize any applicable grievance procedure for the purpose.

Legal References: South Dakota Executive Order 81-08;
Federal-Title IX (1972 Education Amendments).

Adopted: 12/14/1987

Formerly: Policy B-49

Revised: July 9, 2012