

# SEXUAL HARASSMENT

Title IX of the Education Amendments of 1972 prohibits sex discrimination. Under this federal law, a school is required to have a policy against sexual discrimination, and to notify employees, students, and parents of that policy. That Lanikai Elementary School Board policy is provided below, and it is followed by the full content of the take-home flyer on sexual harassment.

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VI. Health and Safety

Policy #2

## Sexual Harassment

### Definition:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when it interferes with an individual's performance at the school and/or creates an intimidating, hostile, or offensive environment. The conduct above is also sexual harassment when submission to it is made either explicitly or implicitly a term or condition of an individual's employment or access to education.

1. Sexual harassment of or by any Lanikai Elementary PCS student or member of the school staff will not be tolerated. The Lanikai Board considers sexual harassment to be a major offense that may result in disciplinary action for students or dismissal of an offending staff member.
2. Any student or employee who believes that he or she has been harassed or who has witnessed sexual harassment is encouraged to report such incident immediately to his or her teacher or to the Principal or designee, who shall promptly investigate all such incidents in a confidential manner.
3. Lanikai School students may receive age-appropriate instruction on the nature and prohibition of sexual harassment.
4. Notice or copies of this policy shall be provided to school staff and parents/guardians of Lanikai School students, and recipients shall be asked to acknowledge receipt in writing.
5. Administrative regulations and procedures for reporting charges of sexual harassment and for pursuing available remedies shall be made available to staff and to parents/guardians of students on request.

## TITLE IX AND SEXUAL HARASSMENT

### *Sexual Harassment*

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#### *It's Not Academic! So, What Is It?*

- touching of a sexual nature
- sexual advances
- graffiti of a sexual nature
- displaying or distributing sexually explicit drawings, pictures, and written materials
- sexual or "dirty" jokes
- touching oneself or displaying 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.

Sexual harassment has two forms: **quid pro quo** and **hostile environment**.

- > **Quid pro quo harassment** occurs when a school employee causes a student to believe that that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct.
- > **Hostile environment harassment** occurs when unwelcome sexually harassing conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. A hostile environment can be created by a school employee, another student, even someone visiting the school.
- > **Regardless of which type of harassment occurs**, in order to ensure a safe working and learning environment a school must take immediate and appropriate steps to stop the harassment and to prevent it from happening again. The best judgment and common sense of the staff and administration are important parts of any response.

***Preventing and remedying sexual harassment at Lanikai School is essential to ensure a safe and non-discriminatory environment in which our students can learn.***

Sexual harassment of students is a real and serious problem in education at all levels. It happens at elementary schools as well as at secondary schools and beyond. It can affect any student, threatening both physical and emotional well-being, and can impact how well a student performs in school. Moreover, sexual harassment is illegal. Title IX of the Education Amendments of 1972 prohibits sex discrimination, including sexual harassment.

Sexual harassment can take place in classrooms, on the playground, and in other areas. Too often the behavior is allowed to continue simply because students and employees are not informed about what sexual harassment is or how to stop it. Students, parents, and school staff must all be able to recognize sexual harassment and understand what they can do to prevent it. If it is ignored or not reported, it is likely to continue and become worse, rather than go away.

For these reasons, Lanikai School will not accept, tolerate, or overlook sexual harassment. We will not excuse the harassment with an attitude of "that's just emerging adolescent sexuality" or "boys will be boys," or ignore it for fear of damaging anyone's reputation. To do so would send a message that such conduct is accepted or tolerated by the school. It is not.

Under federal law, a school is required to have a policy against sex discrimination and to notify employees, students and elementary and secondary school parents of the policy. OCR's experience shows that the best way for a school to deal with sexual harassment is to prevent it from occurring. A school may take a number of steps to prevent harassment, including:

- Develop and publicize a sexual harassment policy.
- Conduct periodic age-appropriate sexual harassment awareness training.
- Establish discussion groups for both male and female students where they can talk about what sexual harassment is and how to respond to it.
- Work with parents and students to develop and implement age-appropriate, effective measures for addressing sexual harassment.

**A** student who believes he or she has been sexually harassed, or a parent who believes that his or her child has been harassed, should immediately report it to the Lanikai principal or another responsible school official. The school will move quickly to determine what happened, explain how its grievance procedures work, and offer the student or parent the opportunity to use them. The important thing is that the school take steps to find out the facts.

**T**he school will make every effort to prevent public disclosure of names of all parties involved, except to the extent necessary to find out what happened. The school will pay attention to any due process or other rights the accused student or teacher might have, but will make every effort not to interfere with the protections provided to the complainant under Title IX.

**F**inally, it is extremely important for a school to make certain to the best of its ability that no harm comes to a student for reporting incidents of sexual harassment. The school will take steps to prevent any retaliation by the alleged harasser or anyone else at the school.

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