

Mesa Grande Academy



Sexual Harassment Policy

October 2016

PUPIL SEXUAL HARASSMENT POLICY (Education Code E 10-140)

A pupil may be suspended from school or recommended for expulsion if it is determined that the pupil has committed sexual harassment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by a pupil or pupils to another pupil which has the purpose or effect of having a negative impact upon the pupil's academic performance, or of creating an intimidating, hostile, or offensive educational environment.

The conduct described must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's performance or to create an intimidating, hostile, or offensive educational environment.

The following policy is part of new student orientation. In addition, a copy is posted on each campus and a copy is given to each employee, annually.

SEXUAL HARASSMENT, STUDENTS

The Mesa Grande Academy School Board, backed by the Southeastern California Conference and Pacific Union Office of Education of Seventh-day Adventist is committed to maintaining a learning environment that is free of harassment.

The school prohibits the unlawful sexual harassment of any student by any employee, student, or other person at school or at any school related activity. According to Equal Employment Opportunity Commission guidelines, sexual harassment is an act of discrimination on

Thinking something is "funny" or "no big deal" does not keep it from being sexual harassment.

Each principal, teacher and supervisor has the responsibility of maintaining an educational and work environment free of sexual harassment. This responsibility includes discussing the district's sexual harassment policy with his/her students and/or employees and assuring them that they are not required to endure sexually insulting, degrading or exploitative treatment or any other form of sexual harassment.

Types of conduct which are prohibited in the school / district and which may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual flirtations or propositions;
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Graphic verbal comments about an individual's body, overly personal conversations, or pressure for sexual activity; inappropriate sexual sounds or verbal expressions;
- Sexual jokes, notes, stories, drawings, pictures, written words, gestures, graffiti, or sexually explicit e-mails; calling other students names with sexual connotations;
- Viewing Sexually explicit media, drawings, etc...; Use of digital communication devices to communicate inappropriate / unwelcome comments
- Spreading sexual rumors or rumors about another person's sexual behavior;
- Touching an individual's body or clothes in a sexual way, massaging, grabbing, fondling, stroking, or brushing the body; touching a student's private parts;
- Cornering, blocking, leaning over, or impeding normal movements;
- Displaying sexually suggestive objects in the educational environment;
- Any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

the basis of sex within the meaning of Title VII of the Civil Rights Act of 1964, as amended. Sexual harassment is similarly construed within the meaning of Title IX of the Education Amendments Act of 1972 pertaining to the academic environment. In accordance with Title VII and Title IX, the School and District defines sexual harassment as follows:

1. Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature constitute sexual harassment when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status or program;
 - b. submission to, or rejection of, such conduct by an individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, activities available at or through the educational institution, or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. The Principal or designee shall ensure that students receive age appropriate information related to sexual harassment.
2. Students shall be assured that they need not endure any form of unwelcome sexual behavior or communication.

Any student who engages in the sexual harassment of anyone at school or a school-related activity shall be subject to disciplinary action. For students in grades 7 through 12, the disciplinary action may include, but

is not limited to, suspension and/or expulsion. Students shall be informed that they should immediately report any incidents to either the principal or his/her designee, if they feel they are being harassed. Any student or parent on behalf of the student, who feels that he/she is being sexually harassed may pursue the complaint in an informal process or may file a formal complaint with the School / District.

Employees shall similarly report any such incidents they may observe even if the harassed student has not complained to the principal or designee.

The principal or designee shall immediately investigate any report of sexual harassment of a student. Upon verifying that sexual harassment occurred, the principal or designee shall ensure that appropriate action is promptly taken to end the harassment, address its effects on the student(s) subjected to the harassment, and prevent any further instances of harassment. A student may make either an informal complaint, which is a complaint filed on the schools complaint form, with the Principal.

The School prohibits retaliatory behavior against any complainant or any participant in the sexual harassment complaint process. Information related to a complaint of sexual harassment shall be kept confidential to the extent possible, within legal constraints, and individuals involved in the investigation of such a complaint, shall not discuss related information outside the investigation process.

PURPOSE

- To set forth procedures to be followed when a student makes a complaint alleging they have been sexually harassed by a

- district employee, another student, or any other person at a school or school-related activity.
- In order to provide a safe learning environment for students, definitions, notification requirements, responsibility and an informal and formal process for the investigation of complaints are set forth below.

DEFINITION

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress;
- Submission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact on the individual's academic performance, or of creating an intimidating, hostile or offensive educational environment;
- Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through the school (Education Code Section 212.5).