



TLC ACADEMY STUDENT POLICIES

STUDENT RELATED SEXUAL HARASSMENT POLICY

(SUGGESTED BY LAW)

The School must reasonably respond to known student-on-student harassment where the harasser is under the School's disciplinary authority. Sexual harassment of students may constitute discrimination on the basis of sex in violation of Title IX. [20 U.S.C. 1681](#); [34 CFR 106.11](#); *Franklin v. Gwinnett County Schools*, 503 U.S. 60 (1992); *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999).

While [Education Code 37.0831](#) requires school districts to adopt and implement a dating violence policy, this does not apply to open-enrollment charter schools. However, charter schools are still advised that they should reasonably respond to known student-on-student harassment where the harasser is under the School's disciplinary authority. *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999).

It is illegal and against School policies for any employee or student to make any unwelcome sexual advances, request sexual favors, engage in verbal or physical conduct of a sexual nature and/or demonstrate any sexually harassing conduct. The School will not tolerate sexual harassment, nor will it tolerate reprisals against any student who makes a sexual harassment complaint.

Sexual harassment of a student by a School employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A School employee causes the student to believe that the student must submit to the conduct in order to participate in a School program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
 - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or

- b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and School employees are prohibited. Any sexual relationship between a student and a School employee is always prohibited, even if consensual.

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually-motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

The School takes allegations of sexual harassment very seriously and intends to investigate all official complaints. The School will take appropriate actions against all substantiated allegations. Any student who believes that s/he has experienced prohibited conduct, or believes that another student has experienced prohibited conduct, should immediately report the alleged acts to a teacher, counselor, principal, or other School employee. Both the complaining individual and the alleged harasser have equal privacy rights under the law.

The School prohibits retaliation against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a School investigation regarding discrimination or harassment, including dating violence, is subject to appropriate discipline.

Any student who believes that s/he has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, counselor, principal, administrator or other School employee. The report may also be made by the student's parent or guardian.