

6.10 *Student Anti-Harassment Policy (revised July 2012)*

6.10.1 Harassment, Sexual Harassment, Violence, Threat of Violence, Intimidation, Discrimination, and Threat of Suicide Prohibited - No student shall engage in or be subjected to harassment, sexual harassment, violence, threat of violence, intimidation, or discrimination by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions and may be referred to an outside agency as applicable by law.

If a student threatens to harm themselves or commit suicide, their parents will be notified and the student should speak with the school counselor or school administrator and may be referred to an outside agency for additional services.

6.10.2 Definitions

- a. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth below. To constitute harassment, a pattern of behavior may do any of the following:
- Place a student in reasonable fear of harm to his or her person or damage to his or her property.
 - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 - Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “sexual harassment” is defined in 6.11.2.
- c. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.

- d. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
- e. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefits, activity or opportunity for which the student is or would be eligible.
- f. The term “discrimination” as used in this policy means unjust or prejudiced treatment of students based on personal characteristics set forth below.
- g. The term “threat of suicide” as used in this policy means threatened self-directed injurious behavior with the intent to cause serious bodily injury or death.
- h. The term “student” as used in this policy means a student who is enrolled in the Madison County School System.

6.10.3 Description of Behavior Expected of Students

- a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Student Code of Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, sexual harassment, violence, intimidation, or discrimination; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy; (3) to refrain from threatening harm or suicide to self.
- b. Harassment, sexual harassment, violence, threat of violence, intimidation, and discrimination are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:
 - The student’s race, religious preference, disability, age, gender, national origin, citizenship, non-English speaking ability, or homeless status.

6.10.4 Consequences of Violation – The extent of the action taken will be determined by the degree and nature of the harassment. Such action may include disciplinary measures within Board policy guidelines. The intent of any action taken should be to eliminate the harassment and take appropriate steps to ensure it does not continue. The extent of action taken by the Board will be determined by the severity of the actions and other circumstances. Such action may involve disciplinary measures. In certain circumstances, law enforcement or other appropriate government agencies may be contacted.

6.10.5 Reporting, Investigation, and Complain Resolution Procedures

- a. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal custodian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal custodian, incidental or minor violations of the policy may be presented and resolved informally.
- b. Upon receipt of the complaint, and evidence, if applicable, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in the following manner.
 - The principal or the principal's designee shall investigate all complaints within ten (10) school days of the date of receipt of the complaint.
 - The Principal or the principal's designee shall use the Complaint Action Form to document actions taken throughout the investigation within twenty (20) days following the investigation.
 - The Principal or the principal's designee, within thirty (30) school days of the receipt of complaint, shall complete Investigative Summary Report and mail to the parents of the complainant.
- c. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.
- d. Acts or reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately,

recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

- e. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a student threatens to harm themselves or commit suicide, their parents will be notified and the student should speak with the school counselor or school administrator and may be referred to an outside agency for additional services

6.10.6 Promulgation of Policy and Related Procedures, Rules, and Forms - This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Board's website, the Student Code of Conduct, Student Handbooks, or from the District's Title IX Coordinator, Mrs. Anna S. Watts, 1275 F Jordan Road, Building B, Huntsville, AL 35811, 256-852-2557.

6.11 *Student Sexual Harassment* (revised July 2012)

6.11.1 Sexual Harassment Prohibited – Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences up to and including termination (for employees) and expulsion (for students) as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

6.11.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student's academic performance, participation in school sponsored activities, or any other aspect of the student's education;
- c. The conduct has the purpose and effect of unreasonably interfering with a student's academic performance or participation in school-sponsored

activities or creating an intimidating, hostile, or offensive education environment.

The following are examples of conduct that may constitute sexual harassment, depending on the circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Repeated unwelcome solicitations of sexual activity or sexual contact;
- c. Unwelcome, inappropriate sexual touching;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

6.11.3 Sexual Harassment Complaint Procedures Authorized – Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal custodian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal custodian, incidental or minor violations of the policy may be presented and resolved informally.

Upon receipt of the complaint, the principal or the principal's designee will undertake a prompt investigation of the complaint to determine if a referral to an outside agency, to include the Alabama Department of Human Resources (DHR) and/or law enforcement, is warranted. If complaint is not referred to an outside agency, the investigation will entail the gathering of relevant facts and evidence. The investigation will be conducted as follows:

- a. The principal or the principal's designee shall investigate all complaints within ten (10) school days of the date of receipt of the complaint.
- b. The Superintendent or designee will investigate within ten (10) school days of receipt of complaint filed against an employee.
- c. Within twenty (20) school days following the investigation, the principal or principal's designee shall conduct a follow up conference with the complainant alleging the violation and the parent(s) or custodian(s) to report the outcomes of the investigation.

- d. Within twenty (20) school days following the investigation, the superintendent or designee shall conduct a follow up conference with the complainant alleging the violation and the parent(s) or custodian(s) to report the outcomes of the investigation.
- e. The Principal, designee or Superintendent, designee, shall use the Complaint Action Form to document actions taken throughout the investigation.
- f. The Principal, designee, or Superintendent, designee, within thirty (30) school days of the receipt of complaint, shall compile the Investigative Summary Report. The written outcome will be provided to the complainant and the parent(s) or legal custodian(s)

If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system. The formal written outcome will be placed in the employee's personnel file and could lead to disciplinary action according to the policies set forth by the Madison County Board of Education.

- a. Violations may result in a report to an outside agency to include law enforcement.
- b. Acts or reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

6.11.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or designee. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

6.11.5 Notice of Policy to be Promulgated – The Superintendent will promulgate and disseminate this policy and the complaint procedures to the schools and will take

such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

A copy of this policy and the Complaint Action Form can be obtained on the District's Web Site on the Pupil Services' Web Page or by contacting the Title IX Coordinator, Mrs. Anna. S. Watts, 1275 F Jordan Road, Building B, Huntsville, AL 35811, 256-852-2557.

- 6.11.6 Consequences of Violation - The extent of the action taken will be determined by the degree and nature of the harassment. Such action may include disciplinary measures within Board policy guidelines. The intent of any action taken should be to eliminate the harassment and take appropriate steps to ensure it does not continue. The extent of action taken by the Board will be determined by the severity of the actions and other circumstances. Such action may involve disciplinary measures. to include, but not limited to, employment termination, transfer, etc. In certain circumstances, law enforcement or other appropriate government agencies may be contacted.
- 6.11.7 Confidentiality - The confidentiality of the parties involved will be observed provided it does not interfere with the system's ability to investigate or take corrective action.
- 6.11.8 Retaliation Prohibited - Retaliation against anyone reporting, or thought to have reported, sexual harassment is prohibited. Such retaliation shall be considered a serious violation of this policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy. Disciplinary action may be taken against anyone guilty of retaliation.