

## HARASSMENT AND SEXUAL HARASSMENT OF STUDENTS

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, or disability is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws. The term “sexual orientation” under state law means a person’s “actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.”

### Harassment

Harassment includes but is not limited to verbal abuse based on race, color, sex, sexual orientation, religion, ancestry or national origin, or disability. Harassment that rises to the level of physical assault, battery and/or abuse and bullying behavior is also addressed in the Board policy JICIA – Weapons, Violence and School Safety and in JICK – Bullying.

### Sexual Harassment

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written, graphic, electronic or verbal conduct that is sexual in nature or is gender-based, and interferes with a student’s education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom students may interact in order to pursue school activities are required to refrain from such conduct.

Harassment/sexual harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment/sexual harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment of students by persons other than school employees and students.

The Superintendent or the employee designated as the Affirmative Action Officer will investigate complaints of harassment in accordance with the Student Discrimination and Harassment Complaint Procedure. School employees, students, and parents shall be informed of this policy/procedure through handbooks and/or other means selected by the school administration.

Legal Reference:       Americans with Disabilities Act (42 USC § 12101 et seq., as amended;  
28 CFR § 35.107  
Section 504 of the Rehabilitation Act of 1973 (Section 504) (29 USC § 794  
et seq., as amended; 34 CFR § 104.7)  
Title IX of the Education Amendments of 1972 (20 USC § 1681, et seq.; 34  
CFR § 106.8)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d))

20-A MRSA § 6554

MHR/MDOE Joint Rule Chapter 94-348 and 05-071, ch. 3

Cross Reference:     ACAA-R - Student Discrimination and Harassment Complaint Procedure  
                          AC - Nondiscrimination/Equal Opportunity and Affirmative Action  
                          ACAD - Hazing  
                          JICIA - Weapons, Violence and School Safety  
                          JICK - Bullying

Adopted:            April 2, 2013

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