

REGULATION ACA

Las Cruces Public Schools

Related Entries: [ACA](#), JICK, JLF, JK
Responsible Office: Superintendent

Sexual Harassment

I. PURPOSE

To provide procedures for implementing the policy on sexual harassment

II. GUIDELINES - STUDENT SEXUAL HARASSMENT

A. Reporting

1. Reporting of Sexual Harassment by a School Employee

- a. Any student who believes he/she has been subjected to any conduct of a sexual nature by a school employee may tell a counselor or principal.
- b. If a student who believes he/she has been sexually harassed by a school employee feels uncertain about who to tell, or feels uncomfortable telling any counselor or principal, the student should tell his/her parent/guardian about the problem and ask the parent/guardian to help in reporting the sexual harassment to appropriate school personnel.
- c. If a student believes he/she has been sexually harassed by a counselor or a principal, or by any other administrator, the student should seek the assistance of his/her parent(s) in reporting such harassment to the superintendent or to a member of the Board of Education.

B. Reporting of Sexual Harassment by a Student or Students

1. Any student who believes he/she has been sexually harassed by another student or students, may tell a teacher, counselor, principal, or assistant principal.
2. If a student believes he/she has been sexually harassed by another student or students, and feels uncertain about who to tell, or feels uncomfortable telling a counselor or principal, the student should tell his/her parent/guardian about the problem and ask for the

parent/guardian to help in reporting the sexual harassment to appropriate school personnel.

C. Reporting by Employees Mandatory:

Any employee who observes or receives any report of harassment of a student, whether the report is given by a student, a parent/guardian, or another employee, must notify his/her immediate supervisor or the superintendent of such report, regardless of whether the employee receiving the report considers the report credible or significant.

III. GUIDELINES – EMPLOYEE SEXUAL HARASSMENT

A. Reporting

1. Any staff member who believes he or she has been sexually harassed should report the complaint as soon as possible to one of the following:
 - a. Immediate supervisor,
 - b. Next higher level above the supervisor,
 - c. To the principal in situations involving students as the harasser, and
 - d. Human resources administrator or superintendent.

IV. INVESTIGATION

The superintendent or designee will appropriately and promptly investigate all reports of harassment of students or employees. In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

- A. The administrator shall assist student in completing form *JICK-E1 Report of Harassment, Intimidation, Bullying, or Hazing*.
- B. When the complaint is reported, the administrator will sign the completed *Form JICK-E1* and submit a copy to the Department of Human Resources
- C. The administrator shall interview student or employee and witnesses. Documentation of statement should be included on form *JICK-E2 Interview Notes and Report on Student Harassment*.

- D. The administrator shall complete form *JICK-E3 Investigation Checklist* and send it to the appropriate district administrator(s).

V. SANCTIONS

- A. Students: Any student found to have engaged in harassment of a student or district employee shall be subject to discipline, including but not limited to counseling, suspension, or expulsion, subject to any applicable procedural requirements.
- B. Employees: Any employee found to have engaged in harassment of a student or district employee shall be subject to sanctions, including but not limited to warning, counseling, reprimand, suspension, or termination, subject to any applicable procedural requirements. Refer to *Policy 250 - Investigation of Employees Accused of Child Abuse*.

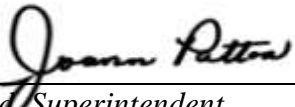
VI. VICTIM'S RESPONSIBILITY

- A. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed individual has indicated, by his/her conduct, that it is unwelcome.
- B. An individual who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

VII. DISTRICT'S RESPONSIBILITY

The district will endeavor to maintain confidentiality and no reprisals or retaliation will be allowed to occur because of the good faith reporting of charges of sexual harassment.

Legal Ref: 20 U.S.C. 1681 and 1703, 42 U.S.C. 2000
History: Previously Procedure 214 and Procedure 337, Revised 11.01.05



Approved Superintendent

November 01, 05
Date