

# POLICY ACA

## Board of Education Las Cruces Public Schools

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Related Entries: [ACA-RA](#), JKD-RA, JK  
Responsible Office: Superintendent

### Sexual Harassment

#### I. PURPOSE

By issuing a single, comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all LCPS employees and students are provided with a work and learning environment that is free of sexual harassment. Sexual harassment is a form of discrimination based on gender or sexual orientation, which is prohibited by this policy in addition to federal law.

#### II. POSITION

LCPS will not condone or tolerate any form of sexual harassment of, or by, staff or students. LCPS is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. The superintendent is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also that infractions of it may be in violation of federal/civil and/or criminal laws. It is the intention of LCPS to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly, and effectively. Consequently, all LCPS administrators, teachers, and staff in schools, offices, and other facilities shall be cognizant of, and responsible for, effectively implementing the sexual harassment complaint resolution procedures established in this policy.

#### III. DEFINITIONS

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, written, or physical conduct of a sexual nature when made by a member of the district staff, student, or member of the public while on district property or while attending an LCPS function, where:

- A. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or

- B. submission to or rejection of such conduct is used as a basis for employment or education decisions affecting such individual; or
- C. such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating an intimidating, hostile, or offensive employment or educational environment.
- D. Sexual harassment may include, but is not limited to:
  - 1. Suggestive or obscene letters, notes, invitations, e-mails, derogatory comments, slurs, jokes, epithets, assault, touching, fondling, sexual molestation or assault, impeding or blocking movement, leering, gestures, display of sexually suggestive objects, posters, or cartoons.
  - 2. Continuing to express sexual interest after being informed that the interest is unwelcome.
  - 3. Implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed. Within the educational environment, actual withholding of or implying that grades earned or deserved would be withheld; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
  - 4. Coercive sexual behaviors used to control, influence, or affect the career, salary, and/or work environment of another employee. Within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
  - 5. Offering favors or educational or employment benefits, such as grades or promotions, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
- E. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred. A single incident may result in violation of this policy.

**IV. STANDARDS OF CONDUCT**


Between an employee and a student, sexual harassment is any conduct of a sexual nature. Between students, sexual harassment is inappropriate conduct of a sexual nature. Specific definitions follow.

- A. *Standard of Conduct for Employees.* No employee may engage in conduct of a sexual nature with a student at any time or under any circumstances, regardless if the student consents and whether such conduct takes place on school property or in connection with any school-sponsored activity.
- B. *Standard of Conduct for Students:* Verbal or physical conduct of a sexual nature by one student to another may constitute sexual harassment.

**V. REVIEW**

This policy shall be reviewed on an on-going basis in accordance with the Board of Education policy review process.

**Legal Ref:** Education Amendments of 1972, Title IX, Equal Employment Opportunity Act of 1972 and Civil Rights Act of 1964 as amended, Title VII  
**History:** Previously Policy 214 and Policy 337, Revised 11.01.05

  
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*Approved - Board of Education, President*

11/01/05  
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*Date*