

Students

Harassment of Students Prohibited

Bullying, Intimidation and Harassment Prohibited

No person, including a SASED employee or agent, or student, shall harass, intimidate or bully students on the basis of actual or perceived: race, color, national origin, military status, unfavorable discharge status from military service; sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, creed, physical or mental disability, order of protection status, status of being homeless, actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics or any other distinguishing characteristic. SASED will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person, including a SASED employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and/or engages in other verbal or physical conduct, including sexual violence, of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
 - a. Substantially interfering with a student's educational environment;
 - b. Creating an intimidating, hostile, or offensive educational environment;
 - c. Depriving a student of educational aid, benefits, services, or treatment; or
 - d. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms *intimidating*, *hostile*, and *offensive* include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Making a Complaint: Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment or any other prohibited conduct to the Nondiscrimination Coordinator, Building Principal/Program Administrator, or a Complaint Manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the Building Principal/Program Administrator for appropriate action.

The Executive Director shall insert into this policy the names, addresses, and telephone numbers of SASED's current Nondiscrimination Coordinator and Complaint Managers. At least one of these individuals will be female, and at least one will be male.

Nondiscrimination Coordinator:

Lynn Schroeder
Name
6S331 Cornwall Road
Address
Naperville, IL 60540
630/778-4500
Telephone

Complaint Managers:

Lynn Schroeder
Name
6S331 Cornwall Road
Address
Naperville, IL 60540
630/778-4500
Telephone

Sam Cannata
Name
6S331 Cornwall Road
Address
Naperville, IL 60540
630/778-4500
Telephone

The Executive Director shall use reasonable measures to inform staff members and students of this policy such as, by including it in the appropriate handbooks.

Any SASED employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any SASED student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy and if appropriate, their Individual Education Plan (IEP). Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

LEGAL REF.: Title IX of the Educational Amendments, 20 U.S.C. §1681 et seq.
34 C.F.R. Part 106.
105 ILCS, 5/10-20.12 10-22.5, 5/27-1, and 5/27-23.7.
775 ILCS 5/1-101 et seq. Illinois Human Rights Act
23 Ill.Admin.Code §1.240 and Part 200.
Davis v. Monroe County Board of Education, 119 S.Ct. 1661 (1999).
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992).
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998).
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Sexual Harassment), 7:10 (Equal Educational Opportunities); 7:180 (Preventing Bullying, Intimidation and Harassment); 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Discipline), 7:240 (Conduct Code for Participants in Extracurricular Activities)

ADOPTED: February 23, 2011

UPDATED: December 9, 2015