

## STUDENTS

### GOALS AND OBJECTIVES - HARASSMENT OF STUDENTS PROHIBITED

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student 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; 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.

The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, sexual, or visual, that affects the 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

It is the policy of Community Consolidated School District 93 to provide students with an educational environment free of sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constituting sexual harassment as defined and otherwise prohibited by this policy or by State and federal law.

Incidents of suspected or actual cases of student sexual abuse by employees must be reported immediately to the Department of Children and Family Services.

Sexual harassment of students is prohibited on school property, at school events, or on the school bus. Sexual harassment is defined as follows:

1. An employee's or District agent's sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that 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.
2. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual or sex-based nature by anyone, including students, imposed on the basis of sex, that 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.

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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

Students who believe they are victims of bullying, harassment, sexual harassment, or have witnessed harassment, are encouraged to discuss the matter with the Nondiscrimination Coordinator, the Building Principal, Assistant Principal, or Complaint Manager, or any staff member with whom the student is comfortable speaking, as soon as possible in order to facilitate a prompt investigation. Students may choose to report to a person of the student's same sex. An allegation that a student was harassed by another student shall be referred to the Building Principal or Assistant Principal for appropriate action.

An allegation that a student was a victim of any prohibited conduct perpetuated by school personnel, including a school vendor or volunteer, shall be processed and reviewed according to policy 500.06 *Abused and Neglected Child Reporting* in addition to any response required by this policy.

The Superintendent shall appoint a Nondiscrimination Coordinator for students who shall be responsible for coordinating the District's nondiscrimination efforts. The Nondiscrimination Coordinator may be the Superintendent, the Superintendent's designee, or a Complaint Manager for the Uniform Grievance Procedure. The Superintendent shall insert into this policy the names, addresses, and telephone numbers of the District's current Nondiscrimination Coordinator and Complaint Managers.

#### *Nondiscrimination Coordinator:*

Name	Cathy Brennan, Assistant Superintendent for Human Resources
Address	230 Covington Drive Bloomington, IL 60108
Email	<a href="mailto:cbrennan@ccsd93.com">cbrennan@ccsd93.com</a>
Telephone	630-539-3230

#### *Complaint Managers:*

Name	John Benedetti, Assistant Superintendent for Business Services	Crysta Morrissey, Assistant Superintendent for Student Services
Address	230 Covington Drive Bloomington, IL 60108	230 Covington Drive Bloomington, IL 60108
Email	<a href="mailto:benedej@ccsd93.com">benedej@ccsd93.com</a>	<a href="mailto:morrisc@ccsd93.com">morrisc@ccsd93.com</a>
Telephone	630-539-3290	630-539-3157

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The Superintendent shall also use reasonable measures to inform staff members and students by including:

1. For students, age-appropriate information about the contents of this policy in the District's student handbook(s), on the District's website, and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise posted in each school.
2. For staff members, this policy in the appropriate employee handbook(s), and, if applicable, in any other areas where policies, rules, and standards of conduct are otherwise made available to staff.

### Investigation Process

Supervisors, building principals, or administrators who receive a report or complaint of harassment must promptly forward the report or complaint to the Nondiscrimination Coordinator or a Complaint Manager. A supervisor or administrator who fails to promptly comply may be disciplined, up to and including discharge.

Reports and complaints of harassment will be confidential to the greatest extent practicable, subject to the District's duty to investigate and maintain an educational environment that is productive, respectful, and free of unlawful discrimination, including harassment.

The District shall investigate alleged harassment of students when the Nondiscrimination Coordinator or a Complaint Manager becomes aware of an allegation, regardless of whether a written report or complaint is filed.

*An alleged incident of sexual abuse* is an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A(b), that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity.

Any complaint alleging an incident of sexual abuse shall be processed and reviewed according to policy 5:90, *Abused and Neglected Child Reporting*, in addition to any response required by this policy.

### Enforcement

Any District 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 District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action consistent with Board policy 715.01 *Student Behavior*. 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 consistent with Board policy 715.04 *Suspensions*, or expulsion consistent with Board policy 715.05 *Expulsions*, with regard to students.

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LEGAL REF.: Title IX of the Educational Amendments, 20 U.S.C. §1681 et seq. 34 C.F.R. Part 106;  
Illinois School Code, Sec. 10-22.5 and 27-1 (105 ILCS 5/10-22.5 and 5/27-1);  
23 Ill. Admin. Code §1.240 and 200.10, *et seq.*  
34 C.F.R. Part 106;  
775 ILCS 5/1-101 *et seq.*, Illinois Human Rights Act;  
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.: 296, 500.08, 700.01, 715.01, 715.02, 715.03, 715.04

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