STUDENTS

Harassment of Students

Prince William County Public Schools (PWCS) is committed to a school environment in which students are free from sexual and other discriminatory harassment, and neither the Prince William County School Board nor its employees will tolerate harassment activity by any employee, student, or third party subject to the control of PWCS. It is the express policy of the Prince William County School Board to encourage victims of harassment to come forward with such claims.

Students should feel free to report harassment without fear of retaliation. Any attempt of retaliation against a student shall be addressed by appropriate corrective action, up to and including expulsion for involved students. School Division employees who make any attempt to retaliate against a student for filing or participating in the investigation of a sexual or other harassment charge shall also face disciplinary action, up to and including dismissal from employment.

To ensure a harassment-free environment, the school administration shall take appropriate steps to prevent sexual and other discriminatory harassment and shall deal promptly and decisively with reported incidents of harassment. The purpose of this regulation is to provide guidelines to ensure appropriate preventive and corrective actions.

I. Sexual Harassment

A. Students are protected by Title IX of the Education Amendments of 1972 (Title IX) from sexual harassment engaged in by a school’s employees, other students, or third parties which occurs at school, on school grounds or at school sponsored activities. Moreover, Title IX prohibits sexual harassment regardless of the sex of the harasser, i.e., even if the harasser and the person being harassed are members of the same sex.

B. Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, which may include use of cell phones or the internet, when

- Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining education;
- Submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual’s education; or
- That conduct or communication substantially or unreasonably interferes with an individual’s education, or creates an intimidating, hostile or offensive
educational environment (i.e. the conduct is sufficiently serious to limit a student’s ability to participate in or benefit from the educational program).

Examples of conduct which may constitute harassment based on sex, if it meets the immediately preceding definition, include, but are not limited to:

- Unwelcome sexual physical contact;
- Unwelcome ongoing or repeated sexual flirtation or propositions, or remarks;
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Graphic comments about an individual’s body;
- Sexual jokes, notes, stories, drawings, gestures or pictures;
- Spreading sexual rumors;
- Touching an individual’s body or clothes in a sexual way;
- Displaying sexual objects, pictures, cartoons or posters;
- Impeding or blocking movement in a sexually intimidating manner;
- Sexual violence;
- Display of written materials, pictures, or electronic images;
- Unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping.

C. Sexual harassment includes unwelcome sexual advances, regardless of sexual orientation, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.

This behavior (i) by an employee, (ii) by a contractor or volunteer in the School Division, or (iii) by any student to another student, constitutes sexual harassment if:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of a student’s instruction, employment, or participation in school/extracurricular activities.

2. Submission to or rejection of such conduct is used as the basis for academic decisions affecting the harassed student.

3. Such conduct has the purpose or effect of interfering with a student’s academic or professional performance, or creating an intimidating, offensive, or hostile academic environment.
4. A “hostile environment” is created when unwelcome conduct of a sexual nature directed toward a student is sufficiently severe or pervasive as to deny or limit the student’s ability to participate in or benefit from the School Division’s educational programs or activities. A single “severe” act, such as inappropriate touching or the touching of an intimate part of the body, may constitute sexual harassment. A pattern of less severe acts may be sexual harassment if pervasive or repeated, depending on the nature, frequency, context, and target of the acts. An isolated act, such as a verbal comment, would not generally be considered sexual harassment.

5. Complaints of sexual harassment will be investigated under this regulation, consistent with Policy 738, “Non-Discrimination and Harassment of Students,” and the procedures set forth in Regulation 738-1, “Complaint Procedures for Student Claims of Discrimination or Harassment.”

II. Other Discriminatory Harassment

Discriminatory harassment also includes harassment based on gender, race, color, national origin, disability, religion, ancestry, age, marital status, or any other characteristic protected by state or federal law.

Harassment is a course of conduct which annoys, threatens, intimidates, alarms, or puts a person in fear of his or her safety. Harassment is also unwanted, unwelcomed, and uninvited behavior that demeans, threatens, or offends the victim and results in a hostile environment for the victim and bystanders.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms; slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group, whether electronic, written, oral or physically transmitted messages or images. There is no requirement that the targeted individual actually possess any characteristic that is the basis for harassment, ridicule, intimidation, or bullying, so long as the harassment is based on the belief that the victim possesses such characteristics.

III. Complaint Procedure

A. A student who believes he/she has been harassed should follow the procedures set forth in Regulation 738-1, “Complaint Procedures for Student Claims of Discrimination and Harassment.”

B. When the alleged harasser is an employee of the School Division, complaints against employees shall be handled in accordance with Regulation 507-1,
IV. Corrective Action

A substantiated charge against a student for sexual or other discriminatory harassment, shall subject that student to disciplinary action in accordance with established disciplinary procedures. Such disciplinary action may range from admonition and counseling to suspension or expulsion, depending on the seriousness of the incident and the need to protect other students from future harassment or false allegations of wrongdoing. Students may also be subject to changes in classes or programs, or subject to a school transfer or other action, if necessary to protect the victim and/or correct a hostile environment. Students who intentionally file a harassment charge which they know, or reasonably should know, is false, may be subject to disciplinary action.

V. Notification and Preventive Measures

Students and parents are regularly notified in the “Code of Behavior” and informed through this regulation (accessible on the PWCS website at pwcs.edu) that sexual and other discriminatory harassment will not be tolerated. School administrators shall use other appropriate means to inform all students and staff of the School Board’s prohibition against sexual and other harassment, what types of conduct may constitute harassment, and the procedures for reporting harassment complaints set forth in Regulation 738-1, “Complaint Procedures for Student Claims of Discrimination or Harassment,” and Regulation 507-1, “Complaints Against Employees Involving Allegations of Discrimination and Harassment in Employment.”

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.

PRINCE WILLIAM COUNTY PUBLIC SCHOOLS