

The Arlington Public Schools shall provide equal educational opportunities and learning environments that are free of discrimination, including harassment, on the basis of race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, marital status, pregnancy status, genetic information, gender identity or expression, and/or disability. No student, on these bases, shall be denied equal access to educational or extracurricular programs, activities, services, or benefits or be limited in the exercise of any right, privilege or advantage. APS shall design its educational facilities, programs and activities from an equity-based perspective, to meet the varying needs of all students.

The Superintendent shall designate a procedure in Policy Implementation Procedure 25-1.15 for reporting, investigating, and addressing incidents of discrimination and harassment, in a prompt, thorough, and impartial manner, and for ensuring the implementation of APS' responsibilities and requirements pursuant to this policy and governing laws and regulations. The Superintendent or designee shall annually certify compliance with procedures relating to reporting and addressing all forms of discrimination and harassment, including but not limited to student sexual harassment. The Superintendent shall designate at least one Compliance Officer and one alternate Compliance Officer to coordinate APS' efforts to comply with and carry out the school division's responsibilities and requirements pursuant to these policies and related laws and regulations.

No APS employee, contractor, or student shall discriminate or retaliate against any individual because that individual has opposed any act of discrimination or harassment, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy. Confidentiality shall be maintained to the maximum extent possible, recognizing that mandatory reporting to Arlington County Child Protective Services and/or Arlington County police, or other disclosure pursuant to the requirements of law may be required.

This policy applies to all incidents that occur at APS schools or on APS property; while in proximity to school premises; while coming to or going from school; while on school-owned and operated school buses or on chartered buses; or while engaged in approved and supervised school activities on or off school premises. In addition, incidents that occur outside APS property and/or activities are also the subject of this policy to the extent that the alleged behavior may impact a student's educational opportunities or access.

Definitions

“Gender-based harassment” is *unwelcome conduct* of a nonsexual nature based on a student's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

“Harassment” is conduct that has the purpose or effect of unreasonably interfering with an individual's educational opportunity or creating an intimidating, hostile or offensive educational environment because of his or her race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, marital status, pregnancy status, genetic information, gender identity or expression, and/or disability. Examples of conduct that can contribute to a hostile environment include vulgar and/or abusive comments and jokes, comments, and stories relating to an individual's race, national origin, creed, color, religion, gender, age, economic status,

sexual orientation, marital status, pregnancy, genetic information, gender identity or expression, and/or disability.

“Harassment and Discrimination Based on Disability” – For an otherwise qualified person with a disability (as defined in the Rehabilitation Act of 1973, as amended, and its implementing regulations and American with Disabilities Act), exclusion from participation in, denial of benefits of, or otherwise subjection to discrimination under any program or activity which receives or benefits from federal assistance on the basis of the disability.

“School Administrator” is the building principal or program administrator, or designee if the principal/program administrator is not available.

“Sex-based harassment” includes *sexual harassment* and *gender-based harassment*.

“Sexual Harassment” – One form of sex-based discrimination, this includes unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature as well as harassment based on sexual orientation, gender identity or non-conformity to gender stereotypes that has the effect of unreasonably interfering with a student's educational opportunity or creating an intimidating, hostile, or offensive learning environment. Sexual harassment includes conduct that may also be criminal in nature such as rape, sexual assault, stalking, and similar offenses. Examples include: groping, innuendo, graffiti and notes of a sexual nature, unwanted caress, name calling, touch, staring, requests for sexual favors, propositioning, personal remarks, invading space, gestures, dirty jokes, online rumors, whistling, mocking, sexting, sexual violence, and stalking. In certain circumstances, a single severe episode can constitute harassment.

“Hostile Environment” - Hostile environment harassment occurs when verbal, nonverbal, or physical conduct on the basis of any legally protected characteristic by another student, a school employee, or a third party is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity or to create a hostile or abusive educational environment. Any dating and/or sexual advances between staff and students is inappropriate and is prohibited.

The Superintendent or designee will annually certify compliance with procedures related to reporting and addressing student sexual harassment under Title IX.

Responsibilities

The Director of Student Services shall serve as the Compliance Officer for complaints of discrimination on the basis of a disabling condition.

The Assistant Superintendent for Administrative Services or designee shall serve as the Title IX Coordinator, and shall also serve as the Compliance Officer for all other student complaints of discrimination, sex-based or otherwise.

All APS staff members are responsible employees who are required to immediately report any suspected student discrimination and harassment to the student's school administrator or to the

relevant Compliance Officer.

Each school administrator is responsible for ensuring that the school site is free of discrimination and harassment, that students are aware of Policy and PIP 25-1.15, and that they are informed about how to report incidents of harassment and discrimination. School administrators must promptly report to the Title IX Coordinator/Compliance Officer reports of or suspected sex-based discrimination and harassment.

Allegations of sex-based harassment involving staff with students will be addressed through Policy 35-4.10 Prevention of Sexual Misconduct and Abuse.

References

- ◆ Titles VI and VII of the Civil Rights Act of 1964;
- ◆ Title II of the Americans with Disabilities Act of 1990;
- ◆ The Civil Rights Act of 1991;
- ◆ Title IX of the Education Amendments of 1972;
- ◆ Title II of the Genetic Information Nondiscrimination Act of 2008;
- ◆ The Virginia Human Rights Act;
- ◆ The Pregnancy Discrimination Act of 1978;
- ◆ School Board Policy 35-4.10 Prevention of Sexual Misconduct and Abuse