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## RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 2 of 8  
Suspension Procedures

- (2) The facts on which the charges are based;
  - (3) The provision(s) of the pupil code of conduct the pupil is accused of violating;
  - (4) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
  - (5) The terms and conditions of the suspension.
- d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day; and
- e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
- (1) Services shall be provided within five school days of the suspension.
  - (2) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.
  - (3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.
2. The suspending Building Principal shall immediately report the suspension to the Superintendent, who is required to report it to Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
  3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.
  4. For a pupil with a disability, the provisions set forth in this section shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.





# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 3 of 8  
Suspension Procedures

## B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Building Principal or designee shall assure the rights of a pupil suspended for more than ten consecutive school days by providing the following:
  - a. Immediate notification to the pupil of the charges, prior to the pupil's removal from school;
  - b. An informal hearing prior to the suspension in which the pupil is given the opportunity to present the pupil's side of the story regarding the pupil's actions leading to the long-term suspension and the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
  - c. Immediate notification to the pupil's parent(s) or legal guardian(s) of the pupil's removal from school;
  - d. Appropriate supervision of the pupil while waiting for the pupil's parent(s) or legal guardian(s) to remove the pupil from school during the school day;
  - e. Written notification to the parent(s) or legal guardian(s) by the Superintendent or designee within two school days of the initiation of the suspension, stating:
    - (1) The specific charges;
    - (2) The facts on which the charges are based;
    - (3) The pupil's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.6; and
    - (4) That further engagement by the pupil in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the pupil's right to a free public education, in the event that a decision to expel the pupil is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.5.
      - (a) The Board shall request written acknowledgement of the notification of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil subsequent to the removal from the pupil's educational program, pursuant to N.J.A.C. 6A:16-7.3.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 4 of 8  
Suspension Procedures

- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to B.1.j. below;
- g. A pupil with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the right of the pupil to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)8;
- i. Educational services, either in school or out of school, that are comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
  - (1) The services shall be provided within five school days of the suspension.
  - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education pupil, at a minimum, based on the following criteria:
    - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
    - (b) The results of any relevant testing, assessments or evaluations of the pupil;
    - (c) The pupil's academic, health, and behavioral records;
    - (d) The recommendation of the Superintendent, Building Principal, or other relevant school or community resource;
    - (e) Considerations of parental input; or
    - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, as appropriate.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 5 of 8  
Suspension Procedures

- (3) Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program, in accordance with N.J.A.C. 6A:14.
- j. A formal hearing before the Board, which, at a minimum, shall:
- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator or an impartial hearing officer for the purpose of determining facts or making recommendations.
    - (a) The Board as a whole shall receive and consider either a transcript or detailed report on such hearing before taking final action.
  - (2) Include the opportunity for the pupil to:
    - (a) Confront and cross-examine witnesses, when there is a question of fact; and
    - (b) Present his or her own defense and produce oral testimony or written supporting affidavits.
  - (3) Take place no later than thirty calendar days following the day the pupil is suspended from the general education program;
  - (4) Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6; and
  - (5) Result in a decision by the Board, which at a minimum, shall be based on the preponderance of competent and credible evidence.
- k. A written statement to the pupil's parent(s) or legal guardian(s) of the Board's decision within five school days after the close of the hearing that includes, at a minimum:
- (1) The charges considered;
  - (2) A summary of the documentary or testimonial evidence from both the pupil and the administration that was brought before the district Board of Education at the hearing;



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 6 of 8  
Suspension Procedures

- (3) Factual findings relative to each charge and the Board's determination of each charge;
  - (4) Identification of the educational services to be provided to the pupil pursuant to B.1.i. above;
  - (5) The terms and conditions of the suspension; and
  - (6) The right to appeal the Board's decision regarding the pupil's general education program to the Commissioner of Education in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. Immediate return to the general education program if at any time it is found that the general education pupil did not commit the offense;
  - m. For a pupil with a disability found not to have committed the offense, the pupil's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14; and
  - n. At the completion of a long-term suspension, the Board shall return the general education pupil to the general education program.
2. Any appeal of the Board's decision regarding the general education pupil's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
  3. Suspension of general education pupils shall not be continued beyond the Board's second regular meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
    - a. The Board shall determine whether to continue the suspension, pursuant to B. above, based on the following criteria:
      - (1) The nature and severity of the offense;
      - (2) The Board's removal decision;
      - (3) The results of any relevant testing, assessments or evaluations of the pupil; and

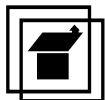


# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 7 of 8  
Suspension Procedures

- (4) The recommendation of the Superintendent, Principal or Director of the alternative education program or home or other out-of-school instruction program in which the pupil has been placed.
    - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of pupil suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regular Board meeting.
4. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall review the case at each subsequent Board meeting for the purpose of determining:
  - a. The status of the pupil's suspension;
  - b. The appropriateness of the current educational program for the suspended pupil; and
  - c. Whether the suspended pupil's current placement, pursuant to B.1.i. above, should continue or whether the pupil should return to the general education program.
5. When the Board votes to continue the suspension of a general education pupil, the Board, in consultation with the Superintendent, shall make the final determination on:
  - a. When the pupil is prepared to return to the general education program;
  - b. Whether the pupil shall remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
  - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5 and Policy 5620.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5610/page 8 of 8  
Suspension Procedures

6. The Board shall provide a general education pupil suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or appropriate educational services, based on the criteria set forth under B.1.i.(2) above, until the pupil graduates from high school or reaches the age of twenty, whichever comes first.
  - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
  - b. The educational services provided, either in school or out of school, shall be comparable to those provided in the public schools for pupils of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
  
7. For a pupil with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the pupil's educational placement to an interim or alternate educational setting.
  - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to each pupil with a disability who is subjected to a long-term suspension.
  - b. All decisions concerning the pupil's educational program or placement shall be made by the pupil's Individualized Education Program team.
  - c. The provisions of B.2. through B.6. above shall not apply to pupils with disabilities.

Issued:



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5611/page 1 of 4

Removal of Pupils From the General Education  
Program for Weapons/Firearms Offenses

M

## R 5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR WEAPONS/FIREARMS OFFENSES

- A. Definitions for the Purposes of This Regulation are:
1. Removal - The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
  2. Suspension - A temporary exclusion from school, following due process procedures.
  3. Expulsion - A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.
- B. Procedures - Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses
1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school's general educational program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil:
    - a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and
    - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and
    - c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

### PUPILS

R 5611/page 2 of 4

### Removal of Pupils From the General Education Program for Weapons/Firearms Offenses

2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program for a period not exceeding one calendar year.
3. The Principal or designee will remove the pupil and immediately report the removal to the Superintendent of Schools and the local law enforcement agency. The Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.
4. The Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.
5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Policy 2481 until placement is available.
6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.

#### Program for Weapons/Firearms Offenses

7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
  - a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).





# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS

R 5611/page 3 of 4

Removal of Pupils From the General Education

- b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.
  - c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.
  - d. The Superintendent of Schools may modify the removal of the pupil on a case-by-case basis for firearm offenses as defined in B.1. above.
- C. Violations - Return of Pupils to General Education Program
- 1. The Superintendent will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remain in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Principal or director of the alternate education program in which the pupil has been placed.
  - 2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.
  - 3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.
- D. Expulsion
- In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. the Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.
- E. Superintendent's Authorization for Firearm/Weapon
- The Superintendent may grant written authorization to written requests from pupils to lawfully possess a firearm or other weapon while participating in a school-sponsored function. The Superintendent will not grant such permission to any pupil who has been convicted or is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS

R 5611/page 4 of 4

Removal of Pupils From the General Education  
Program for Weapons/Firearms Offenses

F. Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Policy 2481.

G. Special Education

Pupils with disabilities shall be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.6.

Issued:



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5721/page 1 of 2

Distribution of Flyers/Electronic Advertising

## R 5721 DISTRIBUTION OF FLYERS/ELECTRONIC ADVERTISING

### A. Criteria for Flyer Distribution

1. Approved flyers will not be reproduced by the building staff using district materials.
2. The Superintendent or designee shall review proposed activities and informational flyers which would involve more than one school or an outside purpose and sanction with a signature.
3. Informational flyers from local community groups may be distributed with the approval of the Superintendent. Community groups include but are not limited to the following:
  - a. Randolph Township recreation;
  - b. Scouting groups;
  - c. PTA's/PTO's;
  - d. Randolph Township Library;
  - e. Municipal Alliance Committee (MAC); and
  - f. Other township sponsored organizations subject to Superintendent's review.
4. Informational flyers related to fundraising will be approved based upon the following criteria:
  - a. Charitable causes;
  - b. Non-curricular field trips;
  - c. Bona fide organizations;
  - d. Discretion of Principal/approval at building level;
  - e. Non-competitive organization/program;



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS

R 5721/page 2 of 2

Distribution of Flyers/Electronic Advertising

- f. Non-political; and
  - g. Non-religious.
5. Informational flyers not related to fundraising will be approved based upon the following criteria:
- a. Non-profit;
  - b. Local community group;
  - c. Township sponsored;
  - d. School support group;
  - e. Non-religious;
  - f. Non-political; and
  - g. Non-competitive organization/program.

Any religious or for-profit Randolph organization will not be permitted to distribute flyers through the schools.

Issued: 14 April 2009



# REGULATION

# RANDOLPH BOARD OF EDUCATION

Revised: 2 September 2010

PUPILS  
R 5750/page 1 of 3  
Equal Educational Opportunity  
Complaint Procedure  
**M**

## R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

### A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

### B. Definitions

1. "Board of Education" means the Board of Education of the Randolph School District.
2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. "Complainant" means a pupil or a parent/legal guardian of a pupil who alleges a complaint.
4. "Day" means a working or calendar day as identified.
5. "Pupil" means an individual enrolled in any formal educational program provided by the school district.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

6. "School district" means the Randolph School District.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5750/page 2 of 3  
Equal Educational Opportunity  
Complaint Procedure

### C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Building Principal. The complaint will include:
  - a. The pupil's name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant;
  - b. The specific act or practice that the complainant complains of;
  - c. The school employee, if any, responsible for the allegedly discriminatory act;
  - d. The results of discussions conducted in accordance with ¶C1; and
  - e. The reasons why those results are not satisfactory.
3. The Building Principal will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Building Principal may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5750/page 3 of 3

Equal Educational Opportunity  
Complaint Procedure

6. The Superintendent will render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

## D. Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the pupil's cumulative file. A notation shall be made in the pupil's file of the existence of the record in the separate file.

Issued:





# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 1 of 10

Sexual Harassment of Pupils

M

### R 5751 SEXUAL HARASSMENT OF PUPILS

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

#### A. Definitions

1. **Quid Pro Quo Harassment** - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. **Hostile Environment Sexual Harassment** - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
3. **Notice** - The school district has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:
  - a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him/her.
  - b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.
  - c. An agent or a responsible employee of the school district may have witnessed the harassment.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 2 of 10

Sexual Harassment of Pupils

- d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.
4. Constructive Notice - A school district will be in violation if the school district has “constructive notice” of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district “should have” known about the harassment and if the school district would have found out about the harassment through a “reasonable diligent inquiry.”
5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
6. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any “person” from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.
7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.
8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government’s enforcement authority of Title IX.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 3 of 10

Sexual Harassment of Pupils

9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and “regarded the conduct as undesirable or offensive.” The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.
10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact that a pupil willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.
11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:
  - a. The degree to which the conduct affected one or more pupils’ behavior. The conduct must have limited a pupil’s ability to participate in or benefit from his/her education or altered the conditions of the pupils educational environment.
  - b. The type, frequency, and duration of the conduct.
  - c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
  - d. The number of individuals involved.
  - e. The age and gender of the alleged harasser and the subject or subjects of the harassment.
  - f. The size of the school, location of the incidents, and context in which they occurred.
  - g. Other incidents at the school.
  - h. Incidents of gender-based, but non-sexual harassment.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 4 of 10

Sexual Harassment of Pupils

## B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

### 1. Reporting of Sexual Harassment Conduct

- a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
  - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
  - (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.
- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.
- c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
- d. A report from the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
- e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 5 of 10

Sexual Harassment of Pupils

- f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

## 2. Affirmative Action Officer's Investigation

- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
- b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).
- e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

## PUPILS

R 5751/page 6 of 10

## Sexual Harassment of Pupils

- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.
- j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil, the nature of the conduct involved, and other relevant factors in determining whether a pupil had the capacity to welcome sexual conduct.
- k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a pupil.
  - (1) If elementary or middle school (grades K-8) pupils are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary pupil will not be viewed as consensual.
  - (2) If secondary (grades 9-12) pupils are involved, there is a strong presumption that sexual conduct between a school employee and a secondary pupil is not consensual.
  - (3) In cases involving older secondary and post-secondary pupils and older secondary and post-secondary special education pupils, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:
    - (a) The nature of the conduct and the relationship of the school employee to the pupil, including the degree of influence, authority, or control the employee has over the pupil.



# REGULATION

# RANDOLPH BOARD OF EDUCATION

PUPILS

R 5751/page 7 of 10

Sexual Harassment of Pupils

- (b) Whether the pupil was legally or practically unable to consent to the sexual conduct in question.
- l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:
  - (1) Statements made by any witnesses to the alleged incident.
  - (2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.
  - (3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.
  - (4) Evidence of the allegedly harassed pupil's reaction or behavior after the alleged harassment.
  - (5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
  - (6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.
- m. The scope of a reasonable response also may depend upon whether a pupil, or parent(s) or legal guardian(s) reporting harassment asks that the pupil's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:
  - (1) Will provide an overview of harassment policy [and Title IX if applicable] to the pupil, parent(s) or legal guardian(s) which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s) request the pupil's name remain confidential, the Affirmative Action Officer will inform the pupil, parent(s) or legal guardian(s) that the request may limit the school district's ability to respond.





















# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS  
R 5850/page 4 of 4  
Social Events and Class Trips

- c. Circulate freely among the participants in order to detect any infractions of rules;
  - d. Frequently check lavatories, entrances, hallways and the like;
  - e. Correct pupils who engage in minor infractions of rules;
  - f. Report to a teaching staff member any serious infraction of rules that may require school discipline or the dismissal of a pupil from the activity;
  - g. Report immediately to a teaching staff member any person who may be under the influence of alcohol or drugs so that the teaching staff member can implement Regulation No. 5530; and
  - h. Report immediately to a teaching staff member or police officer any person who may have alcohol, drugs, contraband, or a weapon in his/her possession.
- E. Post-activity Requirements
- 1. The sponsoring organization is responsible for cleaning up any decorations and debris caused by the activity and left on school premises.
  - 2. The responsible adult will submit to the Building Principal a brief but reasonably detailed report of the activity, including the names of chaperones. The report should include a description of any event that resulted in a pupil's dismissal from the activity.
  - 3. Any funds collected will be deposited in the General Activities Fund and accounted for in accordance with Policy No. 6660.

Issued:

