

## **SEXUAL DISCRIMINATION AND HARASSMENT**

It is the district's policy that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee of the school district may sexually harass another. Any employee will be subject to disciplinary action including possible termination or expulsion for violation of this policy.

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is any unwelcome sexual advance(s), requests for favors and/or other verbal, physical and/or visual contact of a sexual nature when:

1. submission is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or of creating an intimidating, hostile, or offensive employment.

### **EFFECT OF SEXUAL HARASSMENT**

1. The effect of the behavior on the victim, regardless of the intent of the accused, determines whether or not harassment has occurred.
2. Sexual harassment may, among other things, affect the victim in the following ways:
  - a. work performance may decline;
  - b. the employee may attempt to avoid work or location(s); and/or
  - c. emotional distress may become evident.

## CREATION OF A HOSTILE ENVIRONMENT

An "intimidating, hostile, or offensive employment means an environment in which:

1. unwelcome, sexually-oriented jokes, innuendoes, obscenities, pictures/posters, leering, or any action with sexual connotation makes an employee feel uncomfortable; or
2. any aggressive, harassing behavior in the work place that affects working, whether or not sexual in connotation, and is directed toward an individual because of his/her sex.

## EXAMPLES OF SEXUAL HARASSMENT

1. Persistent requests for dates or other social activity when such requests are refused.
2. Grabbing, touching, or brushing another person when that person verbally or physically objects, or grabbing, touching, or brushing another who may not be mature enough to voice objection to the harasser, when the conduct is directed toward an individual because of his/her sex.
3. Displaying sexually suggestive objects, pictures, cartoons, or posters where others may see them.
4. Circulating sexually suggestive letters, notes, or other such written material.
5. Offering or implying special treatment in employment in hope of, or in exchange for, sexual favors.
6. Physical conduct such as pushing, impeding, or blocking movement because of the sex of the victim.
7. Hazing or daring to perform unsafe work tasks because of the sex of the victim.
8. Unwelcome, persistent leering or staring at another person because of his/her sex.
9. Making lewd or offensive sexually oriented comments or suggestions.

## REPORTING INCIDENTS OF SEXUAL HARASSMENT

1. Employees who believe they have been or are being sexually harassed should discuss the situation with a school employee, or their principal, or the district Title IX Coordinator. Any employee who receives complaints of employee sexual harassment should take the following steps:
  - a. Listen to and carefully discuss the student(s) complaints.
    1. Obtain as much detail as possible about the described incident or incidence.
    2. Assure the employee that you are concerned about what may be happening to them.
    3. Do not pass judgment, AT ANY TIME, as to the accuracy of the accusations unless you were a witness to them. (If you were a witness, you may be asked to tell what you saw or heard, but only to proper authorities.)
    4. Determine if the employee wants you to report his/her complaint to a counselor, principal, or other authority. This should be done together at the possible time.  
appropriate  
earliest
    5. Should the employee prefer not to discuss the complaint with anyone else, make a written record of your conversation including date, time, name of employee and accused, and a description of the incident(s) as described to you. Then, without disclosing identities, discuss the situation with your administrator and the Title IX Coordinator.
  - b. Discussion and decision making with proper authorities:
    1. The administrator and Title IX Coordinator, depending upon the severity of the situation, will decide what action to take after considering the following:
      - a. whether or not the accusations include possible criminal activity such as molestation or sexual battery or similar contact.
      - b. whether or not similar or other accusations of harassment have been made against the accused.

2. If there is strong belief that the matter needs to be further pursued, the person receiving the complaint should re-contact the accuser(s) and request that he/she allow the person receiving the complaint to reveal the identities of the parties involved to the Title IX Coordinator. At the least, obtain permission for the Title IX Coordinator to have a discussion with the employee.

c. Confidentiality:

Because of legal requirements, do not discuss the complaint with the accused or with any person other than proper authorities who have a direct need to know!

2. Employees who believe they have been or are being sexually harassed should inform the individual that his/her behavior is unwelcome, offensive, or inappropriate. Should the behavior continue
- a. discuss the incident(s) with your immediate supervisor or that person's immediate supervisor;
  - b. keep record of the discussion and the incidents leading up to the discussion. Include dates, times, places, witnesses, and notes or letters or other materials the accused may have generated; and
  - c. contact the district Title IX Coordinator.
3. Any person who witnesses sexual harassments behavior inflicted upon another should report it to proper school authorities.
4. In all cases, complainants are permitted and encouraged to have a friend, parent, or guardian, or advisor present with them during any stage of the complaint.

#### INVESTIGATION AND ACTION PROCEDURE

1. After receiving a verbal or written report or formal grievance, which ever may occur, first, the Title IX Coordinator or his or her designee shall conduct an investigation and make written recommendation within fourteen (14) working days to the superintendent.
2. In conducting the investigation, the Title IX Coordinator will consider
  - a. what is the relationship between the accused and the accuser;

- b. the exact nature of the alleged harassment;
  - c. how frequently the behavior occurred;
  - d. was the behavior directed at one or more persons;
  - e. how was the behavior reported;
  - f. were there witnesses;
  - g. have other complaints been brought against the same person; and
  - h. would the behavior have been offensive to any reasonable employee.
3. To answer the above items the Title IX Coordinator will
- a. discuss the complaint separately with both the accused and the accuser;
  - b. interview any and all witness to the incidence;
  - c. interview others who may have been victims of the accused;
  - d. interview coworkers of the accuser to determine if other witnesses exist and to determine if work has declined since the incidence;
  - e. interview others to whom the victim may have related the events;
  - f. interview principal or other supervisors to determine if there is an awareness of this or any other similar incidence; and
  - g. consider the facts of the allegation, case law, state and federal laws and regulations, and this policy in consultation with the district's attorney.
4. The Title IX Coordinator will then make a recommendation to the superintendent as to the
- a. validity of the charges and
  - b. what action, if any, should be taken to resolve the complaint.

Action may, but shall not be required to, include progressive discipline up to and including termination, suspension and/or counseling or other rehabilitation effort.

5. Upon receipt of a recommendation from the Title IX Coordinator including that the alleged harassment did occur, the superintendent may take action based on the recommendation of the coordinator or may conduct a further investigation of the charges and within fourteen (14) days make a decision on further proceedings.
6. Pending completion of any investigation, the superintendent may take any action necessary to protect the alleged victim, other employees, consistent with requirements of applicable regulations and statutes up to and including suspension of the accused.
7. If a formal Title IX grievance is filed that procedure will govern.

#### PROHIBITION AGAINST RETALIATION

The district strictly prohibits retaliation against any employee because he or she has made a report of alleged sexual harassment, or against any employee who has testified, assisted, or participated in the investigation of a report. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or adverse pressure, including the accused discussing the allegations directly with the accuser except where such discussion has been arranged and facilitated by the Title IX Coordinator. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against the offender.

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