

## POLICY PROHIBITING SEXUAL HARASSMENT

**POLICY STATEMENT:** It is the policy of the District to prohibit sexual harassment of its employees, students and guests of the District by a person and in any form. All employees, students, and guests should be able to enjoy a work and learning environment free from all forms of discrimination, including sexual harassment.

**POLICY:** It is expressly against District policy for any individual (employee, student or guest) to make unwelcome sexual advances or requests for sexual favors, or to engage in any other physical or verbal conduct of a sexual nature toward any other person on school property or at a school activity while not on District property, when

1. Submission to such conduct is made an express or implied condition of employment;
2. Submission to or rejections of such conduct is used as a basis for employment decisions or academic or extracurricular decisions affecting the individual who either submits to or rejects the conduct;
3. Such conduct has the purpose or effect of interfering with the employee's work performance, student's educational performance, or creates an intimidating, hostile or offensive working or education environment.

**SEXUAL HARASSMENT:** Sexual harassment is defined as sexually oriented words and actions which tend to annoy, alarm or be physically or verbally abusive toward another person and which serve no legitimate or valid purpose and regardless of the intent of the person accused of sexually harassing conduct. Not all harassment falls within the definition of sexual harassment (i.e., harassment that is of a sexual nature). Other policies (such as the student conduct policy, the District's nondiscrimination policy, and the Codes of Professional Ethics for Teachers and for Administrators) also prohibit inappropriate conduct and provide a means for addressing inappropriate conduct should it occur.

Sexual harassment is a specific type of harassment and the type of harassment prohibited under this policy. Examples of sexual harassment include, but are not limited to:

1. Unwelcome sexual flirtations, advances or propositions;
2. Verbal comments, jokes, or abuse of a sexual nature;
3. Graphic verbal comments about an individual's body;
4. Sexually degrading words used to describe an individual;
5. Displaying pornographic material;
6. Physical contact or language of a sexually suggestive nature.

**REPORTING SEXUAL HARASSMENT:** Any individual who believes that he or she has been or is being subjected to sexually harassing conduct or has reason to suspect another person has been or being subject to sexual harassment should immediately report it to a school administrator. The report initially may be made verbally or in writing, but if made initially verbally the individual making the complaint will be asked to submit a written complaint or sign an information reporting statement written by the person to whom the report was given. The

written complaint or reporting statement must include the name of the person making the complaint, the person(s) alleged to have sexually harassed the complaining party, the date(s) and nature of the sexual harassment. The District shall investigate all verbal and written reported instances involving sexual harassment.

#### PROCEDURE FOR ADDRESSING COMPLAINTS:

(1) Should an individual come forward with a complaint of sexual harassment, an investigation of the alleged incident(s)/behavior(s) will be initiated. If the allegation involves a student and a District employee, the Department of Social Services and/or legal authorities will be notified. The District's investigation may include, but is not limited to, such things as interviewing individuals with actual or possible knowledge regarding the conduct in question, identifying facts related to the conduct in question, identifying when and over what period of time the conduct is to have occurred, determining whether the conduct affects the employment or learning environment (and if so, in what manner), identifying prior history of a similar nature by any of the individuals involved, and attempting to obtain possible verification and from other employees, students or other individuals.

(2) The person alleged to have sexually harassed another person will be notified in writing that a complaint has been filed pursuant to this policy and that the complaint is being investigated. The name of the person making the complaint will not be disclosed to the person alleged to have sexually harassed the person making the complaint unless upon completion of the investigation there is reasonable cause to suspect that sexual harassment did occur.

(3) Pending the outcome of the investigation and if deemed appropriate, an employee or a student alleged to have sexually harassed another person may be suspended from employment or school and a invitee may be not be allowed on school premises.

(4) Upon reasonable suspicion by the person responsible for the investigation that the allegation may be true, the employee or student accused of sexually harassing conduct shall be notified in writing that reasonable suspicion exists that the complaint may be valid, a statement of the facts supporting the determination that reasonable suspicion exists, and the name of the alleged victim and complaining individual(s).

(5) The District will maintain confidentiality to the maximum extent possible under the circumstances. However, a person reporting sexual harassment must understand that should the administrator investigating the complaint determine there is reasonable cause to suspect that sexual harassment did occur which could result in administrative discipline or a referral to the Board of Education, the person alleged to have sexually harassed another person has the right to know the identify of the person(s) making the complaint.

(6) The employee or student alleged to have sexually harassed another person in violation of this policy shall be afforded an opportunity to respond in writing but is not required to submit a written response.

(7) At the conclusion of the investigation, the administration may up to the extent of administrative authority impose disciplinary action or alternatively refer the matter to the Board of Education. Should the administration impose discipline on an employee or student and not refer the matter to the Board, the employee or student disciplined may file an appeal (grievance) directly with the Board of Education pursuant to the applicable grievance policy.

(8) If the administration refers the matter to the Board of Education the employee or student alleged to have sexually harassed another person a hearing will be held before the Board of Education consistent with due process procedures.

(9) If there is reasonable suspicion to believe that a guest at school or at a school activity on non-school property sexually harassed another person in violation of this policy, the administration may prohibit that person from being on school property or at school activities.

#### BOARD HEARING:

(1) Should the matter be referred by the Administration to the Board, a formal hearing shall be held before the Board in executive session.

(2) At the hearing, the Administration shall present evidence relative to the allegation of sexual harassment and the employee or student accused of violating this policy will have an opportunity to present evidence in his/her defense.

(3) The standards of Due Process shall be adhered to at the Board hearing, including the right of the person accused of violating this policy to have representation and to cross-examine the complaining party.

**BOARD DISCIPLINARY ACTION:** If following the Board hearing the Board determines there has been a violation of this policy prohibiting sexual harassment, Board action may include but is not limited to the following:

(1) if the person found violating this policy is an employee, suspend the employee without pay, and/or not renew or terminate the employment contract, and/or issue a written reprimand (a copy of which would be placed in the employee's file), and/or file a Professional Practices Complaint.

(2) if the person found violating this policy is a student, the Board may suspend or expel the student from any or all school programs, including but not limited to classes, extracurricular activities, or attendance at school activities.

**PROHIBITION AGAINST RETALIATION:** The District strictly prohibits retaliation against any person because he or she has made a reported, testified, assisted, or participated in the investigation of a report of alleged sexual harassment. Retaliation includes, but is not limited to, any form of verbal or physical reprisal or adverse pressure. The person(s) alleged to have sexually harassed another person shall not directly or indirectly (such as through a third person) harass, pressure, or retaliate against any other person because of the complaint being reported and a violation of this provision may lead to separate disciplinary action based on the retaliation. Any person who believes he or she is being subjected to retaliation because of his or her involvement with the sexual harassment complaint should immediately contact a school administrator.

Adopted: October 8, 2007