

ANTI-HARASSMENT POLICY

(DISCRIMINATION/HARASSMENT POLICY)

_____ policy against sex discrimination and harassment is applicable to discrimination and harassment on all bases protected by law, such as age, race, color, religion, national origin, (sexual orientation), disability or (veteran status.)

_____ prohibits sexual harassment of its employees and students. It is a violation of this district policy and of federal /state law for any employee or students to sexually harass another employee or a student through such conduct or to condone such conduct by any employee, student, or third party. A violation of this policy may result in disciplinary action up to and including dismissal or other action as appropriate.

Definitions

Sex discrimination--An illegal practice of treating males and females in different ways because of prejudice against their respective sex. A person(s) treats one sex less favorably and/or inequitably than the other in sports, dress codes, conduct disciplinary measures, etc. There is unequal access to all programs, services, courses, etc. Examples: Females are paid less than males for the same job. Teachers do not allow males to wear earrings in the lab but do allow girls to do so.

Sexual harassment--A form of sex discrimination that includes any unwelcome sexual advances, request for sexual favors, or verbal or physical conduct of a sexual nature. The unwanted sexual or gender-based behavior occurs when one person has formal or informal power over the other.

Quid pro quo--A form of sexual harassment when someone gives or withholds something in exchange for something else(i.e., this for that; if this, then that). Typically, the harasser requires sexual favors from the victim, rewarding the victim in some way. The harasser may also retaliate against the victim for refusing sexual favors. *Examples:* A supervisor withholds the promotion of a subordinate employee because the employee refused to sleep with the supervisor. A teacher raises a student's grade to an A after the student received sexual advances from the teacher.

Hostile environment--A form of sexual harassment when a victim is subjected to unwelcome repeated sexual comments, innuendoes, or touching, which creates an intimidating or offensive place for employees to work or students to go to school to the point that the individuals is adversely effective on the job, in class, etc. Examples: Graffiti with sexual innuendo's is found in the locker rooms. Some boys whistled, panted, and ogled as a girl walked by.

Unwelcome--A way of determining whether conduct is sexual harassment. It means the conduct was not wanted or willingly permitted. Although the victim may "voluntarily" submit to sexual advances or intercourse, the behavior may still be considered unwelcome.

Example: A student is afraid to refuse a teacher fondling him or her, allowing the fondling to occur.

No supervisor shall threaten or insinuate, either explicitly or implicitly that an employee's refusal to submit to sexual advances will adversely affect the employee with regard to such employment conditions as hiring, termination, promotion, wages or a significant change in

benefits, or that an employee's acceptance of sexual advances will positively affect an employee/student with respect to such employment educational conditions. This policy confirms that submission to unwanted advances will never constitute an actual condition of employment or educational rewards. Any representation to the contrary is not to be relied upon. Immediate reporting of such unwanted advances is mandatory.

Unwelcome sexually connotative speech or conduct in the educational workplace, setting or course of employment that could be construed as harassing, whether committed by supervisors or non-supervisory personnel, is also prohibited. It is important to remember that any unwelcome verbal or physical conduct of a sexual nature may be viewed as sexual harassment if such conduct has the purpose or effect of unreasonably interfering with an individual's job performance or creating an intimidating, hostile or offensive work or learning environment. This may include such things as: verbal abuse of a sexual nature, commenting about an individual's body in a sexually offensive manner sexually degrading words used to describe an individual, sexually suggestive anecdotes, jokes or remarks or the displaying of sexually suggestive objects or pictures. It is important to remember that inappropriate or unprofessional remarks or conduct may be reason for intervention and discipline whether or not they are actually harassing.

No school employee shall cause a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or that the employee will make any educational decision based on whether or not the student submits to unwelcome sexual conduct. All employees are also prohibited from using any sexually connotative speech or conduct that could be construed as sexual harassment of a student. Any verbal or physical conduct of a sexual nature including, but not limited to the examples above may be viewed as sexual harassment if such conduct has the purpose or effect of unreasonably interfering with a student's ability to participate in or benefit from an educational program or activity or creates an intimidating threatening or abusive educational environment. Any inappropriate or unprofessional remarks or conduct may be reason for intervention and discipline whether or not they are actually harassing.

The above-mentioned conduct is also prohibited among students, and an employee's failure to respond to possible sexual harassment among students is subject to the same intervention and discipline.

Sexual harassment by any employee or student is prohibited, regardless of the gender of the harasser or victim.

It is everyone's responsibility to maintain a discrimination and harassment-free work and educational atmosphere. This includes freedom from harassment not only by employees and students, but also by other persons whom the district compliance coordinator employees and students encounter in the course of their employment and education provided that District is made aware of such harassment.

Compliance Officer **(Title IX and Section 504 Coordinator)**

Employees who have a complaint or concern about possible sexual harassment of any employee or student in connection with incidents they have experienced or of which they are aware are required to report such complaint or concern immediately to the Districts Compliance Officer. **Although an employee may choose to discuss the complaint or concern with his/her supervisor**, a report to a teacher, supervisor, principal or peer does not fulfill this reporting requirement. **Principals & Supervisors should not conduct investigations.** The District Compliance Officer is prepared to receive complaints about behavior that is perceived as unprofessional or inappropriate regardless of whether the behavior constitutes unlawful harassment.

Students and parents who have a complaint or concern about possible sexual harassment of any student in connection with incidents they have experienced or of which they are aware are required to report such complaint or concern immediately to the District Compliance Officer (Title IX-Section 504 Coordinator) **Although students and parents may choose to discuss the concern or complaint with a teacher, administrator, or peer**, a report to a teacher, school administrator or peer does not fulfill this reporting requirement, **nor should those people conduct investigations**. The District compliance Coordinator is prepared to receive complaints about behavior that is perceived as unprofessional or inappropriate regardless of whether the behavior constitutes unlawful harassment.

When an alleged victim (employee, student or parent/guardians of student) reports a claim of sexual harassment to The District Compliance Officer (Title IX Coordinator) an investigation will be conducted and, where appropriate, prompt corrective action will be taken. Such action may range from counseling to termination of employees or counseling to suspension of students depending upon the severity of the behavior and/or the number of repeated offenses. **False accusations of sexual harassment or any type of harassment may result in the same range of corrective action.** Investigation results will be communicated to all applicable parties in conference or in writing.

Retaliation against an employee or student because of a report under this policy or because an employee or student has participated in an investigation under this policy is prohibited and will not be tolerated. Employees and students are required under this policy to timely report allegations of retaliation to the District Compliance Coordinator. Complaints of retaliation will be investigated and where appropriate, may lead to disciplinary action up to and including dismissal.

The Superintendent or a designee shall develop programs for all staff to review this policy and describe what constitutes prohibited conduct. Administrators and supervisors shall also attend programs about maintaining district-wide compliance with the policy addressing claims of sexual discrimination, harassment and professional accountability.

The District Compliance Officer may be contacted @

Name

Address

Phone

Time

—