

# THE RISK OBSERVER

FOUNDED 2006 — VOL. CLXI

PROFESSIONAL UNDERWRITERS

DAILY 5 CENTS, SUNDAY 15 CENTS

## Sexual Harassment - Sample Policy

### SUBJECT: POLICY ON SEXUAL HARASSMENT

It is the policy of the \_\_\_\_\_ School District to maintain a learning and working environment that is free from sexual harassment. The school district therefore prohibits any form of sexual harassment in the workplace and school buildings, or at school-sponsored activities and events where staff and/or students are in contact with each other.

It shall be a violation of this policy for any student or employee of the district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy or as prohibited by law.

The school district will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the district.

### DEFINITIONS AND EXAMPLES

- ▶ Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical contact or communication of a sexual nature when:
  - Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
  - 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 education; or
  - That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education environment.

Any sexual harassment as defined herein when perpetrated upon a student or staff member shall be treated as sexual harassment under this policy.

- ▶ Sexual harassment may include but is not limited to:
  - Verbal harassment or abuse of a sexual nature
  - Subtle pressure for sexual activity
  - Inappropriate or unwelcome touching, patting, or pinching of a sexual nature
  - Intentional brushing against a student's or an employee's body
  - Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status
  - Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regards to an individual's employment or educational status
  - Use of sexually or gender degrading words or comments, verbal or written (ex., graffiti)



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- Display in the school, on school grounds, or at school-sponsored events of sexually suggestive pictures
- Leering of a sexual nature
- Spreading of sexual rumors

## **REPORTING PROCEDURES**

Any person who believes that he or she has been the victim of sexual harassment by a student or employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to the appropriate school district official designated in this policy. The school district encourages, but does not require, the reporting party or complainant to use the formal report form available from the principal of each building or available from the district's Central Office

Each school building shall have two persons, one of whom shall be the building principal, designated as the person(s) responsible for receiving oral or written complaints or reports of sexual harassment at the building level. The district Human Rights Officer(s) shall establish guidelines for reporting and handling minor incidents such as first time verbal student-to-student harassment promptly and directly at the building level. They shall be notified immediately of all other complaints or reports of sexual harassment without prior screening or investigation at the building level. Failure to forward any such sexual harassment report or complaint as provided herein shall result in disciplinary action. If the complaint involves either of the two persons responsible for receiving the complaint at the building level, the complaint shall be filed directly with the district's Human Rights Officer(s).

The district Human Rights Officer(s) are authorized to receive reports or complaints of sexual harassment and sexual violence directly from any individual, employee, or victim of sexual harassment or sexual violence and also from the building reporting officers as outlined above. If the complaint involves one of the Human Rights Officers, the complaint shall be filed directly with the superintendent or with the other Human Rights Officer.

The district shall conspicuously post in each building the names, mailing addresses and telephone numbers of the building reporting officers and the district Human Rights Officer(s).

The submission of a complaint or report of sexual harassment shall not affect the individual's future employment, grades, or work assignments, or any other educational activity.

The school district shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the district's legal obligations and the necessity to investigate the allegations, and to take disciplinary action when the conduct has occurred

## **INVESTIGATION AND RECOMMENDATIONS**

The Human Rights Officer(s), by authority of the school district and its Board of Education, shall immediately initiate an investigation upon receipt of a report or complaint alleging sexual harassment. The Human Rights Officer(s) shall notify the Superintendent in writing that he/she is conducting an investigation. Such notification may exclude identifying information. If the Superintendent is the subject



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of the complaint, the Human Rights Officer(s) shall notify the Board of Education. The investigation may be conducted by the Human Rights Officer(s) by a building reporting officer, or by a third party designated by the Human Rights Officers. The investigating party shall provide the Superintendent and the appropriate Human Rights Officer with an interim written report on the status of the investigation within ten (10) working days of the receipt of the complaint.

If a building reporting officer is the subject of the complaint, the investigating party shall be either the Human Rights Officer or a third party designated by the Human Rights Officer.

If the Human Rights Officer is the subject of the complaint, the investigating party shall be either the other Human Rights Officer, the superintendent, or a third party designated by the superintendent.

If the superintendent is the subject of the complaint, the status report shall be submitted to the Board of Education and to the Human Rights Officer(s).

In determining whether the alleged conduct constitutes sexual harassment, the school district shall consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constituted sexual harassment requires a determination based upon all facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods, documents, or interviews deemed pertinent by the investigator.

In addition, the school district may take immediate steps at its discretion, to protect the complainant and/or other students and employees pending completion of an investigation of alleged sexual harassment.

The investigating party shall make a final written report, which shall include a recommendation as to the validity of the complaint, to the superintendent and the Human Rights Officers(s) upon completion of the investigation, but no later than thirty (30) days from the initial receipt of the complaint. If the superintendent is the subject of the complaint, the final report shall be submitted to the Board of Education and the Human Rights Officer(s).

## **SCHOOL DISTRICT ACTION**

Upon receipt of the final written report, the Superintendent or his/her designee shall take appropriate action based upon the results of the investigation. If the Superintendent is the subject of the complaint, such action shall be taken by the Board of Education.

The result of the investigation of each complaint filed under these procedures shall be reported to the complainant and the accused by the superintendent of his/her designee. If the Superintendent is the subject of the complaint, such reports shall be made to the Board of Education. The report shall document any disciplinary action taken as a result of the complaint.



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The district may take disciplinary action against any person found to have maliciously filed a false complaint.

## **REPRISAL PROHIBITED**

The district will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in the investigation, proceeding, or hearing related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

## **RIGHT TO ALTERNATE COMPLAINT PROCEDURES**

These procedures do not deny or limit the right of any individual to pursue other avenues of recourse which may include filing charges with the state Department of Human Rights, the Equal Employment Opportunity Commission, initiating civil action or seeking redress under state criminal statutes and/or federal law.

## **DISCIPLINE**

Any school district action taken pursuant to this policy will be consistent with the requirement of applicable bargaining agreements, state law and school district policies. The school district shall take the disciplinary action it deems necessary and appropriate to end sexual harassment and to prevent its recurrence. Such disciplinary action may include, but is not limited to, the issuance of a warning, reprimand, counseling, suspension, or discharge.

## **DISSEMINATION**

This policy shall be distributed to every employee of the district upon initial employment and the beginning of September every year thereafter.

Information regarding this policy shall be distributed to every student in grades 6-12 annually and reviewed and discussed with students during the first two weeks of September. Students who enroll in the school after the review in September shall receive a copy of the policy upon their initial registration. The student's guidance counselor shall review the policy with the student at that time.

This policy shall be reviewed with and explained to all students in grades K-5 in an age-appropriate fashion.

A summary of the policy shall be published annually in the student handbook and an employee newsletter. The policy will be reviewed annually with parents.

Appropriate training and prevention programs will be provided for employees and students.

**ADOPTED:** \_\_\_\_\_

