

POLICY

Personnel & Negotiations

SEXUAL HARASSMENT POLICY FOR EMPLOYEES

It is the policy of this School District to prohibit sexual harassment and gender discrimination in the workplace. To that end, all officers, supervisory personnel and employees of the School District shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions

Sexual Harassment is defined as discrimination against a person of a different or the same sex because of their sex, in the nature of quid pro quo sexual harassment or that which creates a sexually hostile work environment.

Quid pro quo sexual harassment is that which threatens the loss of employment or a change in working conditions, including, promotion, demotion, work assignment, extra-earnings opportunities and extra assignments based upon submission to demands for sexual favors.

Sexual harassment that creates a hostile work environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile work environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender.

Procedure

Any employee who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, supervisor, business invitee, student or by another employee is encouraged to address the matter with any District Title VII Officer, who shall promptly conduct an intake interview and explain the following options for resolution:

- (1) registering an informal complaint verbally or in writing; or
- (2) registering a formal complaint verbally or in writing; or
- (3) engaging in mediation to arrive at a resolution of the matter; or

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- (4) placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title VII Officer shall be authorized to proceed with a matter raised under paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title VII Officer will also explain that the complaining employee shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints

An informal complaint will be promptly reviewed by an intake Title VII Officer, who shall issue a written report to the Superintendent of Schools within seven (7) calendar days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title VII investigator as if it had been filed as a formal complaint.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title VII Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, that may include:

- (1) a finding that this policy has not been violated; or
- (2) a finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

Alternates

The Board shall appoint more than one Title VII Officer and several designated Title VII formal complaint investigators. Complainant will have a choice of which Title VII Officer to approach regarding a Title VII complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

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Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

Confidentiality

The District's Title VII Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Consequences

Any officer, supervisor or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Training

The District shall provide appropriate training to supervisory and other staff regarding awareness of and sensitivity to issues involving sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

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Distribution of Policy

A copy of this policy and its accompanying regulations shall be distributed to all personnel annually, as well as new hires, and posted in appropriate places in the District.

Adopted: July 2003

Revised/Adopted: November 29, 2006