

SEXUAL HARASSMENT

The Board of Education is committed to safeguarding the right of all employees within the school district to a work environment that is free from all forms of sexual harassment. Therefore, the Board condemns all unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment or which has the purpose or effect of creating an intimidating, hostile, or offensive working environment. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses.

Any employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that appropriate corrective action may be taken at once. In the absence of a victim's complaint, the Board, upon learning of or having reason to suspect the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the District's collective bargaining agreements and the tenure laws.

A copy of this policy and its accompanying regulation are to be distributed to all supervisory and non-supervisory personnel and posted in appropriate places.

Reference: Civil Rights Act of 1964, Title VII, 42 USC § 2000e-2(a)
Equal Employment Opportunity Commission Policy Guidance (N-915.035)
on Current Issues of Sexual Harassment (effective 10/15/88)
Meritor Savings Bank, FSB v. Vinson, 447 U.S. 57 (1986)

Approved: February 16, 1994

Reviewed: January 17, 2012

SEXUAL HARASSMENT REGULATIONS**Definitions**

Employee shall mean all teaching, administrative and support personnel.

Immediate Supervisor shall mean the person to whom the employee is directly responsible (e.g., department head, building principal).

Procedures

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the next level of management. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions found in the District's collective bargaining agreements.

Consistent with Federal and State law, and all applicable provisions contained in the District's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

- **Informal Complaints**

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If, during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the next appropriate level of management. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that strong corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

- Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of management, (e.g., the Director of Personnel, the District's Business Official, or the Superintendent) for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, (e.g., date and place of incident, description of sexual misconduct, names of any witnesses) and any previous action taken to resolve the matter.

- Investigating a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

- Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to an including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the victim.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's collective bargaining agreements.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the next appropriate level of management (e.g., the School Business Official, the Superintendent, or the Board of Education). The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

- Post-Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint Records

Complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint. Copies should also be filed with the employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Superintendent will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual misconduct.

Issued: February 16, 1994

Reviewed: January 17, 2012

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FORMAL COMPLAINT FORM

Name & Position of Complainant: _____

Date of Complaint: _____

Name of Alleged Sexual Harasser: _____

Date & Place of Incident: _____

Description of Misconduct: _____

Name(s) of Witness(es), if any: _____

Has the incident been reported before? Yes No

If yes, state when and to whom: _____

What was the resolution? _____

Reasons for dissatisfaction: _____

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SEXUAL HARASSMENT
COMPLAINT APPEAL FORM

Name & Position of Complainant: _____

Date of Appeal: _____

Date of Original Complaint: _____

Have there been any prior appeals? Yes No

If yes, state when and to whom: _____

Description of decision being appealed: _____

What is the decision being appealed? _____

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Reviewed: January 17, 2012