

Sexual Harassment

GBAA/ACM

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for all persons associated with this school system, including but not necessarily limited to, the Board, the administration, the certified staff, the classified staff, and the students to harass another person of the school district through conduct or communication of a sexual nature as defined by this policy. This policy shall be in force on and off school district property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. This district will investigate all complaints, formal or informal, verbal or written, of sexual harassment and discipline anyone who sexually harasses another. It is no defense to claim of sexual harassment that the alleged harasser did not intend to harass.

I. Sexual Harassment Defined

For purposes of this policy, the following definitions shall apply:

- Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. 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
 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any member of the school community by another will be treated as sexual harassment under this policy.

- Sexual harassment may include but is not limited to:
 1. verbal harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting, touching or pinching;
 4. intentional brushing against another's body;
 5. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 6. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
 7. any sexually motivated unwelcome touching; or
 8. sexual violence which is a physical act of aggression that includes sexual act or sexual purpose.

II. Reporting Procedures Re: Allegations of Sexual Harassment

Any person who believes (s)he has been the victim of sexual harassment by a member of the school community, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the allegations immediately to an appropriate school district official as designated by this policy. The district encourages the reporting party or complainant to use the report form available from the principal of each school building or available from the district office.

- In each school building. The building principal will be the person responsible for receiving verbal or written reports of sexual harassment at the building level and for conducting an investigation to follow up these reports. Upon receipt of a report, the principal must notify the superintendent immediately. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the superintendent. Failure to do so will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the superintendent.
- District-wide. The school board hereby designates the superintendent as CCSD#1 Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee, or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the superintendent, the complaint shall be filed directly with the Chairman of the CCSD#1 School Board.
- Freedom from retaliation. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.
- Reporting. Use of formal reporting forms is encouraged but not mandatory.

This district will 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 any/all allegations of sexual harassment.

III. Investigations of Allegations of Sexual Harassment

It is the goal of this policy to have a process in place that is sensitive to the needs of all persons associated with this school system as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an administrative procedure as developed by the superintendent. No retaliation will be taken against individual(s) involved in the investigation process.

IV. Recommendations and Action(s) Taken

Upon determination that a complaint is valid, the principal or, in the case of a district complaint, the superintendent, will take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant by either the principal, in the case of a building level complaint or superintendent, in the case of a district level complaint. The report will document whether or not disciplinary action was taken as a result of the complaint. A copy of this report will be placed in either:

- a. the student files of both the complainant and the accused, or
- b. the personnel files of both the complainant and the accused.

In inconclusive cases in which no harassment can be proven against the accused or malice established against the accuser, the incident will be recorded in either the student or personnel files of both the complainant and the accused with the complaint fully documented so that any future occurrences may be examined in light of a possible pattern. If no future incidents are reported within a period of a year, the files will be purged.

V. Disciplinary Actions

A substantiated charge against any member of the school community other than a student shall subject such individual to disciplinary actions which may result, but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, and suspension or expulsion, consistent with the student disciplinary code.

Legal References: Title VII, Section 703, Civil Rights Act of 1964 as amended
45 Federal Regulation 74676
64 Federal Regulation 58334

Revision: November 18, 1986
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