

P1115 SEXUAL HARASSMENT OF EMPLOYEES

BOARD POLICY:

USD 259 will not tolerate or permit sexual harassment of an employee by another employee, student, or others. Violation of this policy shall result in disciplinary action against any employee or student involved, including possible termination of the employee and expulsion of the student. Others who violate this policy may be prohibited from being on school property and/or attending school activities, and as appropriate, shall be reported to local law enforcement authorities for appropriate action. Supervisors who fail to follow the policy or fail to investigate complaints shall also be disciplined. Harassment based on sex, gender identity, or sexual orientation will be considered sexual harassment for purposes of this policy.

Administrative Implemental Procedures:

1. The Board of Education adopts the Equal Employment Opportunity Commission's definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Please note that conduct which has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment may be "sexual harassment" whether or not the person engaging in the conduct intends to create that effect.

By way of example, but not as an exhaustive illustration, the following conduct by supervisory or non-supervisory personnel can constitute sexual harassment: threatening or insinuating that an employee's submission to or rejection of sexual advances will in any way influence any personal decision regarding that employee's employment, evaluation, wages, advancement, or assigned duties; flirtation, joking, teasing; advances, propositions; continual or repeated verbal abuse of a sexual nature; graphic words of a sexual nature used to describe an individual; lewd, risqué or obscene language; ribald or gender-targeted jokes or cartoons; the display in the work place of sexually suggestive objects or pictures; and, intentional, nonconsensual touching of a sexual nature.

2. Persons who believe they have been subjected to sexual harassment should report the problem to their immediate supervisor.
3. If an employee's immediate supervisor is the subject of the sexual harassment complaint, or for some other reason the employee is uncomfortable discussing the problem with their immediate supervisor, the employee may bypass the supervisor and report the alleged harassment directly to the Chief Human Resources Officer or designee. Complaints against the Superintendent shall be directed to the Board of Education President or another member of the Board. Board of Education members receiving such complaints may determine to consult

Board of Education Legal Counsel and/or report such complaints to appropriate law enforcement agencies.

4. All employees have a duty to report sexual harassment regardless of whether they are a victim or a witness.
5. Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any adverse reflection on the complainant nor will it affect the accused person's employment, compensation, or work assignment, except as reasonably necessary to eliminate the possibility of similar complaints, until an investigation is conducted and a determination is made that it is more probable than not that improper conduct occurred.
6. All complaints will be promptly and thoroughly investigated.
7. If a determination is made that the accused employee, or other person complained against, acted improperly, appropriate action, up to and including termination, shall be taken which is reasonably calculated to end the harassment.
8. Every reasonable effort will be made to keep the specifics of the complaint confidential, consistent with a thorough investigation and appropriate remedial action.
9. False complaints will result in discipline, up to and including termination, or other discipline of the person making the false accusation.
10. This policy shall apply to protect the employee while the employee is performing their duties as an employee of the district.
11. This policy shall be interpreted and administered in a manner consistent with BOE Policy 0400 – Non-Discrimination Statement.

Administrative Responsibility: Human Resources

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