



## Policy 5240 – Sexual Harassment/Intimidation in the Workplace

According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors.

The District shall do everything in its power to provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by State and federal law. In addition, principals and supervisors are expected to take appropriate steps to make all employees aware of the contents of this policy. A copy of this policy will be given to all employees.

District employees shall not make sexual advances or request sexual favors or engage in any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating", "hostile", or "offensive" include, but are not limited to, conduct which has the effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in light of all of the circumstances.

Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should address the matter as described in Policy 3085 and Procedure 3085P. An individual with a complaint alleging a violation of this policy which does not fall within the scope of Policy 3085 and Procedure 3085P shall follow the Uniform Grievance Procedure.

### Investigation

If an allegation of sexual harassment is found to not fall within the scope of Policy 3085 and



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Procedure 3085, but still claims conduct which violates this policy, the **HR Director or designee designated school officials** will take immediate steps to:

1. Protect the grievant from further harassment;
2. Discuss the matter with and obtain a statement from the accused and his or her representative, if any;
3. Obtain signed statements of witnesses; and
4. Prepare a report of the investigation.

Confidentiality

Due to the damage that could result to the career and reputation of any person accused falsely or in bad faith of sexual harassment, all investigations and hearings surrounding such matters will be designed, to the maximum extent possible, to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications, unless otherwise required by Policy 3085 or Procedure 3085P. In addition, all persons involved in an allegation which falls within the scope of this policy, and not within the scope of 3085 or 3085P are prohibited from discussing the matter with coworkers and/or other persons not directly involved in resolving the matter.

A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Legal References:

<b>Legal References</b>	<b>Description</b>
20 USC §§ 1681 - 1682	Title IX of the Education Amendments of 1972
29 CFR § 1604.11	Sexual harassment
42 USC §§ 2000(e), et seq.	Title VII of Civil Rights Act of 1964 (Equal Opportunity Employment)
IC § 67-5909	Commission on Human Rights - Acts Prohibited

<b>Other References</b>	<b>Description</b>
ISBA Policy Services	<a href="https://www.idsba.org/member-services/policy/">https://www.idsba.org/member-services/policy/</a>

<b>Cross References</b>	
<b>Code</b>	<b>Description</b>
3085	<u><a href="#">Sexual Harassment, Discrimination, and Retaliation Policy</a></u>
3085-P(1)	<u><a href="#">Sexual Harassment, Discrimination, and Retaliation Policy - Title IX</a></u>



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<b>Code</b>	<b>Description</b>
	<u>Sexual Harassment Grievance Procedure, Requirements, and Definitions</u>
3085-F(1)	<u>Sexual Harassment, Discrimination, and Retaliation Policy - Notice of Investigation &amp; Allegation Template</u>
3085-F(2)	<u>Sexual Harassment, Discrimination, and Retaliation Policy - Reporting Form for Students</u>
4120	<u>Uniform Grievance Procedure</u>
4120-F(1)	<u>Uniform Grievance Procedure</u>
5275	<u>Adult Sexual Misconduct</u>
5500	<u>Personnel Records</u>
5500-P(1)	<u>Personnel Records - Procedures for Releasing Personnel Records to Hiring School Districts</u>

Adopted:

Revised:

Reviewed: