

EMPLOYEE STANDARDS OF CONDUCT:
SEXUAL HARASSMENT/SEXUAL ABUSE

DHC
(LOCAL)

STATEMENT OF
POLICY

Sexual harassment is a form of sex discrimination that violates both federal and state law. The policy of the District is to maintain a learning and working environment that is free from sexual harassment. The District prohibits any form of sexual harassment. It shall be a violation of this policy for any student or employee of the District to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. The District shall act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment, and to discipline any student or employee who sexually harasses a student or employee of the District.

SEXUAL
HARASSMENT
DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or communications 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 student or employee shall be treated as sexual harassment under this policy.

By way of example, sexual harassment may include but is not limited to:

1. Verbal harassment or abuse
2. Subtle pressure for sexual activity
3. Inappropriate patting or pinching
4. Intentional brushing against a student's or an employee's body
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; **and/or**
7. Any unwelcome sexually motivated touching.

**SEXUAL
HARASSMENT/
ABUSE BY
EMPLOYEES**

District employees are prohibited from sexually harassing or sexually abusing students [See FNCJ (LEGAL) and (LOCAL) and DHC (LEGAL)]. Romantic and/or sexual relationships between students and employees are prohibited.

**REPORTING
PROCEDURES**

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the District, or any third person with knowledge or belief of conduct that may constitute sexual harassment should report the alleged act immediately to an appropriate 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 building or available from the administrative offices of the District. **[See DHC (EXHIBIT C)]**

Any District employee who receives information about sexual harassment or sexual abuse of a student that may reasonably be characterized as known or suspected child abuse or neglect shall make the reports to appropriate authorities, as required by law. **[See FFG(LEGAL)]**

INVESTIGATIONS

Any allegations of sexual harassment or sexual abuse of students shall be investigated and addressed.

In considering and investigating allegations that an employee has sexually harassed or sexually abused a student [see DHC (LEGAL)], the investigation shall proceed from the presumption that the employee's conduct was unwelcome.

[See also FNCJ(LOCAL), which contains the complaint procedure for students alleging sexual harassment or sexual abuse by an employee or by another student]

IN EACH SCHOOL BUILDING

The building principal is the person responsible for receiving oral or written reports of sexual harassment at each school building. In any other facility of the District, the administrative head of said facility shall be the person responsible for receiving oral or written reports of sexual harassment for that facility. Upon receipt of a report, the principal or administrative head must notify the Title IX Coordinator and Superintendent immediately without screening or investigating the report. A written report shall be forwarded ~~simultaneously~~ to the Superintendent and Title IX coordinator. If the report was given verbally, the building principal or administrative head shall reduce it to written form within 24 hours and forward it to the Superintendent and Title IX Coordinator. Failure to forward any sexual harassment report or complaint as provided herein shall result in disciplinary action. If the complaint involves the building principal or administrative head, the complaint shall be filed directly with the Title IX Coordinator who shall immediately notify the Superintendent.

DISTRICTWIDE

The Title IX Coordinator shall receive reports or complaints of sexual harassment from any individual, student, employee, or victim of sexual harassment and also from the building principals or administrative heads as outlined above. If the complaint involves the Title IX Coordinator, the complaint shall be filed directly with the Superintendent. The District shall conspicuously post the name of the Title IX Coordinator, including a mailing address and telephone number.

Submission of a complaint or report of sexual harassment shall not affect the individual's future employment, grades, or work assignments.

The use of formal reporting forms is not mandatory.

CONFIDENTIALITY

The District shall 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 allegations of harassment and

take disciplinary action when the conduct has occurred.

INVESTIGATION
AND
RECOMMENDATION

By authority of the District, the Title IX Coordinator, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by District officials or by a third party designated by the District. The investigating party shall provide a written report of the status of the investigation within 30 calendar days to ~~the Superintendent and~~ the Title IX coordinator.

In determining whether alleged conduct constitutes sexual harassment, the District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students, and employees pending completion of an investigation of alleged sexual harassment.

The Title IX Coordinator shall make a **written** report to the Superintendent upon completion of the investigation.

SCHOOL DISTRICT
ACTION

Upon receipt of a recommendation that the complaint is valid, the District shall take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed under these procedures shall be reported in writing to the complainant **or to the parents of the complainant if the complaint involves a student** by the District to the extent allowed by law.

REPRISAL

The District shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

RIGHT TO
ALTERNATIVE

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing

COMPLAINT
PROCEDURES

charges with the appropriate state or federal officials, initiating civil action, or seeking redress under state or federal law, or initiating grievances. [See ~~Board policies~~ DGBA(LEGAL) and (LOCAL), FNG(LOCAL)].

SEXUAL
HARASSMENT
SEXUAL ABUSE

Nothing in this policy shall prevent or excuse the reporting of any conduct that may constitute child abuse to the appropriate officials. [See ~~Board policies~~ FFG(LEGAL) and (LOCAL)].

COMMUNICATION
OF POLICY
AGAINST SEXUAL
HARASSMENT

It shall be the responsibility of the administration to communicate the existence of this policy to all school employees and students. Such communications shall include but not necessarily be limited to:

1. The publishing annually in a newspaper of general circulation in the county, of a statement of the existence of this policy, and the name and address of the party to whom any complaints should be addressed.
2. Annual publication and distribution in all employee and student handbooks, of a statement of the existence of this policy, and the name and address of the party to whom any complaint should be addressed.

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