

Personnel

General Personnel Policies

Sexual Harassment and Bullying

The Board of Education acknowledges and is firmly committed to compliance with all regulations, requirements and responsibilities defined by state and federal law regarding sexual harassment. The Board has developed the following guidelines for the benefit of all of its employees. It is essential that all employees be aware of and comply with these guidelines. The Board strongly disapproves of sexual or other harassment of employees and students, and will appropriately discipline any employee whose conduct violates this policy.

Sexual harassment is a form of misconduct which undermines the integrity of the District's employment and academic relationships. All employees and students must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which therefore interferes with the working or learning effectiveness of its victims and their peers. Individuals who experience sexual harassment should make it clear that such behavior is offensive to them and may process a complaint pursuant to this policy. Sexual harassment may or may not include actions such as:

- Sex oriented verbal "kidding" or abuse
- Overt pressure for sexual activity
- Sexual contact as defined by statutes
- Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment or academic status
- Foul or obscene language or gestures
- The display of obscene printed or other visual material
- Sexual comments of a provocative or suggestive nature
- Jokes or innuendoes intended for or directed at an employee or student

Sexual harassment is a prohibited action when it results in discrimination for or against an employee or student on the basis of conduct not related to their working or learning performance. Such practices would include any job related or academic action that is based upon an individual's acceptance of, resistance to, or refusal of sexual overtures. This form of sexual harassment may be more difficult for employees or students to cope with when individuals offer or threaten to use the power of their position to control, influence or affect the career, salary, or job of another employee or academic status of a student in exchange for sexual favors. Individuals who instigate this type of harassment are subject to disciplinary action, including suspension, demotion, or discharge.

It is possible for sexual harassment to occur at various levels: between co-workers, supervisors and subordinates, employees and students, or non-employees and employees and/or students. This policy does not pertain to complaints by students against other students. (See Policy relating to Student Sexual Harassment). In fulfilling our obligation to maintain a positive and productive working and learning environment, the District will make every effort to halt any harassment of which it becomes aware by

calling attention to this policy or by more direct disciplinary action, if necessary.

Bullying includes, but is not limited to, physical intimidation or assault, extortion, oral or written threat, teasing, name-calling, put-downs, threatening looks, false rumors, false accusations, retaliation for reporting harassment or bullying, and similar activities.

All employees are responsible for ensuring that harassment and bullying do not occur and for reporting alleged harassment or bullying. An employee who believes he/she has been subjected to harassment or bullying by anyone, including supervisors, co-workers, students, or Board members, shall immediately report it in accordance with the District's employment and harassment discrimination complaint procedures. Any employee who is aware of harassment/bullying, whether or not that employee is a victim of same, also has an obligation to report it. All reports regarding employee harassment or bullying shall be taken seriously, treated fairly and promptly and thoroughly investigated. Identities of the parties involved shall be kept confidential to the extent possible, consistent with legal requirements and District policy.

No one shall attempt to restrain, interfere with, coerce, or take reprisal action against a complainant or witnesses during or after the presentation, process, and resolution of a complaint.

Any employee who violates this policy is subject to disciplinary action up to and including discharge. Disciplinary action against an employee shall be in accordance with applicable state and federal law, administrative rules and District policy. In addition, supervisory employees who fail to respond to harassment or bullying complaints or to act on their knowledge of violation of this policy will likewise be subject to disciplinary action, up to and including discharge.

This policy and related complaint procedures shall be published annually and distributed to all staff. District staff will be required to sign an acknowledgement of receipt of the policy and procedure on an annual basis. Training shall be conducted annually on this policy for all staff in the District.

Sexual Harassment Complaint Procedure

The Director of Human Resources/designee and the District Superintendent are designated as the complaint officers and are responsible for coordinating state and federal laws and regulations concerning sexual harassment.

- Step 1 Any complaint shall be presented in writing or orally to the Director of Human Resources /designee, or, if the complaint involves the Director of Human Resources /designee, to the District Superintendent. If a complaint is submitted in writing, it should include the specific nature of the harassment and corresponding dates and also include the name, address and phone number of the complainant.
- Step 2 The complaint officer who receives the complaint shall thoroughly investigate the complaint, notify the person who has been accused of harassment, and permit a response to the allegation and arrange a private meeting to discuss the complaint with all concerned parties within a reasonable time period after receipt of the written complaint, if deemed necessary. The complaint officer shall give a written decision to the complainant and the accused as soon as the investigation of the written complaint is

completed.

Step 3 If the complainant or the accused is not satisfied with the answer of the complaint officer, he or she may submit a written appeal to the Superintendent/designee indicating the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within ten (10) working days after receipt of the complaint officer's decision. The Superintendent or designee may arrange a private meeting with the complainant and/or the accused, at a mutually agreeable time to discuss the appeal. The Superintendent or designee shall give a written answer to the complainant's appeal within ten (10) working days.

Step 4 If the complainant or the accused is not satisfied with the answer, a complaint with the Board of Education may be filed within ten (10) working days after receipt of the Step 3 answer. The Board of Education shall, within twenty (20) working days, conduct a hearing in executive session at which the complainant shall be given an opportunity to present the complaint, and the accused may respond. The Board shall give a written decision to the complaint within ten (10) working days following completion of the hearing.

The number of formal complaints shall be reported out annually to the Board of Education. No specific information regarding the underlying facts of a complaint or any personally identifiable information will be disclosed. Confidentiality of all parties shall be maintained.

Supervisory Personnel

All supervisory personnel are responsible for documenting, in writing, and reporting all complaints of harassment to the Director of Human Resources/designee. Pending the outcome of the investigation, supervisory personnel are responsible for taking any immediate action necessary to prevent the recurrence of the harassing conduct, including taking any action necessary to limit the contact between the affected employees.

If the investigation confirms that the harassing conduct did occur, and that disciplinary action is appropriate, the supervisor is authorized to immediately implement such disciplinary action.

Legal Reference:

- 111.31 – Declaration of fair employment policy**
- 111.32(13) – Definition of sexual harassment in employment**
- 111.321 – Prohibited bases for discrimination**
- 111.322 – Discriminatory actions prohibited**
- 111.36 – Sex discrimination prohibited in employment, including sexual harassment**
- 118.20 – Teacher/administrator discrimination prohibited**
- 120.13(1) – School board power to set rules of conduct and order**
- 947.0125 – Unlawful use of electronic communications**
- 947.013 – Harassment prohibited**

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