

## **SEXUAL HARASSMENT**

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Asher Board of Education will not tolerate sexual harassment by any of its employees. This policy applies to non-employee volunteers whose work is subject to the control of school personnel.

### **General Prohibitions**

#### **1. Unwelcome Conduct of a Sexual Nature**

- A. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
- B. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.

#### **2. Sexual Harassment**

For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

- A. Submission to the conduct is made either an explicit or implicit condition of employment;
- B. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- C. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

### **Specific Prohibitions**

#### **1. Administrators and Supervisors**

- A. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- B. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

**SEXUAL HARASSMENT (Cont.)****2. Non-administrative and Non-supervisory Employees**

It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

**Report, Investigation, and Sanctions**

1. It is the express policy of the board of education to encourage victims of sexual harassment to come forward with such claims. This may be done through the Employee Grievance policy.
  - A. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision, unless it is the superintendent who is the alleged offender. In which case, the complaint shall be referred to the board president.
  - B. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
  - C. Confidentiality will be maintained; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.

**REFERENCE: Title VII of the Civil Rights Act of 1964****29 CFR §1604.1, et seq.****34 CFR Part 106****20 USC §§1681-1688****29 USC §794****42 USC §§2000d-2000d-7****42 USC §§2000e-2000e-17****42 USC §2000e-2**

**SEXUAL HARASSMENT REPORT FORM**

TO: Asher Board of Education

FROM: \_\_\_\_\_ (Grievant's full name)

Grievant's relationship to the school district:

\_\_\_\_\_ Student  
classification \_\_\_\_\_  
\_\_\_\_\_ Employee  
job title \_\_\_\_\_

\_\_\_\_\_ Vendor  
\_\_\_\_\_ Volunteer

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Name(s) and title(s) of the individual(s) you believe sexually harassed you: \_\_\_\_\_

Date, time, place, and location of incident(s): \_\_\_\_\_

Please use reverse of this form or attach additional sheets if necessary.

Please list any witness(es) to the above-described incident(s): \_\_\_\_\_

I certify that I have completed this report to the best of my ability. The information I have provided is a true and accurate account which is correct and complete to the best of my knowledge and belief.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(If under 18, parent must sign as well.)

This report was received by: \_\_\_\_\_