

## DEFINITIONS, REPORTING AND INVESTIGATION OF SEXUAL HARASSMENT REGULATION

Sexual harassment can occur staff-to-student, student-to-student, staff-to-staff, and student-to-staff (male-to-male, female-to-female, female-to-male, and male-to-female). Sexually harassing behaviors may include, but are not limited to:

1. **Verbal harassment or abuse:** derogatory comments, slurs, jokes, epithets, sexually suggestive slang.
2. **Pressure for sexual activity:** continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
3. **Unwelcome touching or sexually offensive pranks:** bra-snapping, skirt "flip-ups," pulling down someone's pants/skirt, and pinching.
4. **Unwelcome nonverbal activities:** leers, stares, gestures, blocking movement, display of sexually suggestive objects, pictures, or cartoons.
5. **Suggesting or demanding sexual involvement** as a means to control, influence, or affect the career, salary and/or work environment of another employee or to affect the educational opportunities, grades, honors, programs or activities available to students at or through the school.

An employee or student who has initially welcomed verbal or physical conduct or communication of a sexual nature by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

### Reporting Sexual Harassment

Any person who believes he/she has been the victim of sexual harassment by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school district official as designated in 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 superintendent's office.

Students who feel that they have been subjected to sexual harassment are encouraged to report the incident(s) to an appropriate teacher or administrator. If the student's immediate teacher or administrator is the alleged offender, the report should be made to the next level of administration or to any responsible adult.

School district employees who feel they have been subjected to sexual harassment should report the incident(s) to the site administrator, or to the superintendent if the site administrator is the harasser. Sexual Harassment Report Form (Regulation 2) must be completed as part of the documentation necessary to resolve the claim.

School employees and third parties are responsible for reporting alleged violations of the school district's policy.

**DEFINITIONS, REPORTING AND INVESTIGATION OF  
SEXUAL HARASSMENT, REGULATION (Cont.)****Investigating Sexual Harassment**

In determining whether conduct constitutes sexual harassment, the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. Relationships between the parties involved and the context in which the alleged incident occurred will be a part of the investigation. The superintendent is delegated the authority and the responsibility of investigating and resolving complaints of sexual harassment. The superintendent may designate others to assist in the investigative process. If a third party is designated to investigate an alleged incident, a written report of the status of the investigation shall be submitted within ten working days to the superintendent.

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.

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

**Consequences of Sexual Harassment**

Any employee found to have engaged in sexual harassment of students shall be subject to sanctions including, but not limited to, verbal warning, written reprimand, mandatory harassment training, transfer, suspension, or termination of employment subject to applicable procedural and due process requirements.

Any student found to have engaged in sexual harassment while involved in a school activity shall be subject to disciplinary action which may include, but not be limited to, verbal and/or written warning or reprimand, counseling, mandatory harassment training, community service or suspension, consistent with the student discipline code.

Any school district action taken pursuant to this policy will be consistent with other district policies. The board of education will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and prevent its recurrence.

**Application**

This policy applies to all students, employees (including administrators, teachers, and support staff) and third parties of this school district. Third parties are any individual who enters the school premises who is not a student or an employee. This includes visitors, parents, contractors, consultants and vendors.

It applies to students and employees in connection with all academic, educational, extra-curricular, athletic, and other programs of the school, whether they take place in the facilities of the school, on a school bus, at a class or training program sponsored by the school.

**DEFINITIONS, REPORTING AND INVESTIGATION OF  
SEXUAL HARASSMENT, REGULATION (Cont.)****Prohibition of Retaliation**

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

**Non-Harassment**

The board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties, and the bringing of such a false accusation is, and will be treated as, a disciplinary offense.

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Amber-Pocasset 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.
  - C. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed 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

**DEFINITIONS, REPORTING AND INVESTIGATION OF  
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- 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.

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.

**DEFINITIONS, REPORTING AND INVESTIGATION OF  
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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, 42 U.S.C. 2000e. et seq.**  
**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**