



# Shonto Governing Board of Education, Inc. Policy Statement

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SUBJECT: Sexual Harassment  
POLICY NUMBER: GBAA  
DATE OF ORIGINAL POLICY: 5/6/03

EFFECTIVE DATE: 5/11/17  
DATE OF NEXT REVIEW: 7/2020  
DATED: 7/7/17

## I. PHILOSOPHY:

The Shonto Preparatory School is committed to maintaining a work and educational environment free from all forms of sexually harassing conduct. We expect all employees, students, parties contracted to perform work for the Shonto Preparatory School, and other members of the school community to conduct themselves in an appropriate manner with respect, dignity, courtesy, and fair treatment for all individuals in the School. Everyone has a responsibility to prevent sexual harassment in the school environment, and if it does occur, to take necessary action to stop it.

There are numerous laws that guide the procedures and due process that the Shonto Preparatory School Committee will follow to implement and enforce this statement, including:

Title VII, Civil Rights Act of 1964, 42 U.S.C. 2000  
Title IX, Education Amendments of 1972, 20 U.S.C. 1681  
A.R.S. 41-1461 et seq.

Therefore, the Governing Board establishes the following policy:

## II. POLICY STATEMENT:

It is the policy of the Shonto Preparatory School that it will maintain a working and learning environment that is safe and non-discriminatory; that sexual harassment of or by any student, employee, agent of the school system, or visitor is prohibited and will not be tolerated; all allegations of sexual harassment shall be investigated; and all substantiated complaints shall result in appropriate action.

## III. EXCEPTIONS TO POLICY:

None

## IV. AMPLIFYING INSTRUCTIONS AND GUIDELINES:

### A. GENERAL DEFINITION OF SEXUAL HARASSMENT

1. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
  - a. Submission to or rejection of such conduct is either explicitly or implicitly



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- a term or condition of an individual's grade, education, or employment or employability;
  - b. Submission to or rejection of such conduct by an individual is used as the basis of grading decisions or employment decisions affecting such individual;
  - c. The conduct has the purpose or effect of unreasonably interfering with a person's work or educational performance or creating an intimidating, hostile, humiliating or sexually offensive working or educational environment.
2. Sexual harassment is concerned with the impact of the behavior, not the intent of the behavior. It is also not gender specific. Also a victim of sexual harassment may be someone who is affected by the conduct, even though the conduct was directed toward another person.

### B. DEFINITION OF "UNWELCOME CONDUCT"

1. Conduct is unwelcome when the student or employee being harassed did not "solicit or invite it" and "regarded the conduct as undesirable or offensive." Mere acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome. For example, a student may decide not to resist sexual advances of another student or may not file a complaint out of fear. Also, the fact that a student or employee willingly participated in conduct on one occasion does not prevent him or her from indicating that the same conduct has become unwelcome on a subsequent occasion.
2. When younger children are involved, it may be necessary to determine the degree to which they recognize that certain sexual conduct is conduct to which they should reasonably object and the degree to which they can or should articulate an objection.

### C. BEHAVIORS THAT CONSTITUTE SEXUAL HARASSMENT

Conduct which is defined as sexual harassment includes, but is not limited to the following:

1. Using one's position or authority, either implicitly or explicitly, to coerce an employee or student into complying with sexual favors;
2. Unwanted sexual advances, touching, fondling, patting, hugging, pinching, kissing, cornering, or brushing;
3. Questions and comments about a person's sexual behavior, sexually oriented jokes, or comments about a person's body or conversations filled with sexual innuendo and double meanings; and
4. Displaying sexually suggestive pictures or objects, leering or ogling in a sexually explicit manner, or gesturing and making lewd motions with



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one's body.

5. Accessing or viewing sexually explicit Internet pages or transmitting sexually explicit e-mail.
6. Physical assaults on another including: rape, sexual battery, molestation, or attempts to commit such acts.
7. Technological tools such as email, social media, instant messaging, text messaging, and SharePoint will be included in any inappropriate communications including pictures/digital images.

## D. REPORTING

Anyone who witnesses or is the subject of sexual harassment is encouraged to report such incident(s). Reports should be made and filed in accordance with the procedures set forth in section M of this policy.

- a. Staff or students who witness sexual harassment are required to report the incident to the building administrator or the Director of Human Resources, even if the target of the harassment does not express disapproval or file a complaint. If the building administrator or the Director of Human Resources is the person alleged to have engaged in sexual harassment, the report shall be filed with the Superintendent.
- b. Any employee or student who believes he or she has been the subject of sexual harassment should report the alleged act(s) and/or behavior to the building administrator and/or the Director of Human Resources, at (928) 672-3500. If the building administrator or the Director of Human Resources is the person alleged to have engaged in sexual harassment, the report shall be filed with the Superintendent.
- c. Complaints should be made within 180 days of the occurrence of the alleged harassment. Failure to promptly report sexual harassment pursuant to this policy may jeopardize the school's ability to remedy such harassment and may jeopardize the complainants' rights.
- d. Sexual harassment complaints involving students may constitute child abuse under Arizona's and the Navajo Nation's reporting statutes. The Shonto Preparatory Schools will comply with Arizona and Navajo Nation Law in reporting suspected cases of child abuse to appropriate governmental agencies.
- e. Sexual harassment complaints may be reported to the law enforcement agencies.

## E. INVESTIGATION OF COMPLAINTS

1. All sexual harassment complaints will be investigated promptly and as confidentially as possible.
2. Any individual who is found, after appropriate investigation, to have engaged in sexual harassment will, depending upon the circumstances, be subject to



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disciplinary sanctions up to and including termination of employment, if the individual is an employee, or expulsion, if the individual is a student.

3. 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.
4. It is illegal to subject an individual to any form of coercion, intimidation, retaliation, interference, or discrimination for filing a sexual harassment complaint or cooperating in an investigation. Anyone who engages in such conduct shall be subject to discipline up to and including termination.
5. A complainant whose allegations are found to be dishonest and brought with malicious intent will be subject to disciplinary actions up to and including, termination, for an employee.
6. A complainant whose allegations are found to be dishonest and brought with malicious intent will be subject to disciplinary actions up to and including expulsion for a student.

### F. RANGE OF CONSEQUENCES FOR EMPLOYEE SEXUAL HARASSMENT

Depending upon the severity of the sexual harassment, the range of possible consequences for an employee who is found to have committed sexual harassment may include; but are not limited to:

1. Letter of warning, improvement plan, and sexual harassment training,
2. Letter of reprimand and suspension from duties without pay for 5 days,
3. Letter of reprimand and administrative leave,
4. Administrative review by the Superintendent with recommendation to the Board for any subsequent action up to termination.

### G. STATEMENT OF SCHOOL COMMITTEE POSITION ON EMPLOYEE/STUDENT SEXUAL CONTACT

The Governing Board directs the Administration to terminate the services of any employee who has been found guilty of an intimate sexual relationship with a student, regardless of the consensual nature of such relationship. The Superintendent will contact the AZ Fingerprint Division for any subsequent action.

### H. SEXUAL HARASSMENT PROCEDURE

The procedures for reporting and investigating claims and enforcing this policy shall be fair and equitable. Such procedures shall provide for:

1. Notice of the procedure to students, parents, and employees;



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2. Application of the procedures to complaints alleging harassment by students;
3. Adequate and reliable investigation of complaints by an impartial investigator, including the opportunity to present witnesses, where appropriate;
4. Designated time frames for the major stages of the process;
5. Notice to the parties of the disposition of the complaint, where appropriate;
6. Steps to prevent the recurrence of any harassment and to correct its effect on the complainant and others.

The following complaint procedure applies to all school students and employees, including administrators, teachers and support staff.

### 1. STEP 1

- a. The individual alleging sexual harassment should report the incident to the Director of Human Resources. If said allegations are made to another person, the matter must be immediately directed to the building administrator/supervisor, the Director of Human Resources.
- b. The building administrator will discuss the matter separately with the complainant and include the Director of Human Resources and department supervisor/administrator to discuss the matter with the alleged harasser, informally, in an attempt to resolve the matter.
- c. If the complaint is resolved satisfactorily, the administrator will complete a Harassment Follow-Up Form and forward it and documentation of the incidents to the Director of Human Resources.
- d. If the complaint cannot be informally resolved, the building administrator will conduct an investigation and recommend an appropriate resolution to the Director of Human Resources.
- e. If a satisfactory resolution cannot be achieved within ten (10) school days of receipt of the complaint, or as soon as reasonable under the circumstances, the administrator will refer the complaint to the Director of Human Resources for initiation of Step II.
- f. If the building administrator or supervisor is alleged to be involved in the complaint, the complainant shall have the right to initiate the complaint at Step II.

### 2. STEP II

- a. The Superintendent of Schools shall review the complaint, findings, and recommendations and conduct necessary interviews to take appropriate action within twenty (20) school days of receiving the complaint at Step II, or as soon as reasonable under the circumstances.
- b. If the complaint is resolved satisfactorily, the superintendent will forward all documentation of the complaint, and completed Harassment Follow Up Form to the Director of Human Resources.



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- c. Failure to achieve a satisfactory resolution of the complaint within twenty (20) school days of its receipt at Step II will result in movement of the complaint to Step III.

### 3. STEP III

- a. The Governing Board will determine the final outcome of the complaint through a review of the record and/or necessary interviews.
- b. Appropriate action shall be taken within thirty (30) school days of its receipt at this Step, or as soon as reasonable under the circumstances.

## I. NON-EMPLOYEE SEXUAL HARASSMENT COMPLAINT PROCEDURE

This procedure applies to complaints filed against non-school personnel, including visitors, vendors, contractors and individuals in programs sponsored or supported by the school.

1. All allegations will be directed to the building administrator or supervisor.
2. The building administrator or supervisor will investigate the complaint promptly.
3. Appropriate action will be taken to protect the complainant to include in seeking a temporary restraining order (TRO). The work place will be included specifically in the TRO.
4. Non-school personnel found to have engaged in sexual harassment will be subject to disciplinary sanctions up to and including exclusions from school buildings and/or activities, and termination of contracts and may be reported to appropriate governmental agencies.

## V. DELEGATION OF AUTHORITY:

- a. The Superintendent is responsible for seeing that all school employees adhere to the provisions of this policy.
- b. Administrators are responsible for the implementation and enforcement of this policy in their building/department.
- c. Every school employee shall be asked to review a copy of this policy, sign a document that he/she had done so, and is expected to comply with all provisions.
- d. School employees should report alleged violations of this policy in accordance with the guidelines and procedures which accompany this policy.
- e. All school employees and agents are responsible for reporting alleged violations of sexual harassment in accordance with this policy.
- f. A copy of this policy is to be included in all employee handbooks.
- g. To the extent possible, all contractors, vendors, and other agents of the school will be informed about the sexual harassment policy.





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- h. Building principals and administrators will post the Sexual Harassment Policy in areas frequented by professional and support staff.
- i. Building principals and administrators will provide Sexual Harassment training for all employees at a yearly staff meeting.

## VI. REPORTS:

The Director of Human Resources will maintain the confidential harassment complaint files and notify principals/administrators of repeated offenders.

## VII. FORMS:

Attachment #1 Administrative Guidelines and Procedures  
Attachment #2 Administrative Follow-up Form  
Attachment #3 Employee Harassment Form

## VIII. EXPIRATION:

The policy will be revised as needed to fulfill state and/or federal statutes and will expire three (3) years after its acceptance unless re-approved.

## IX. SIGNATURE BLOCK:

Submitted by: Lemual B. Adson  
Superintendent

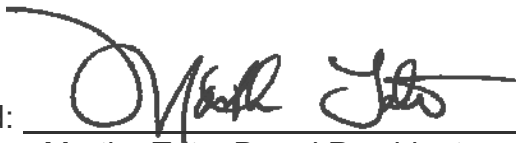
Date: 5/11/17

1<sup>st</sup> Reading: May 11, 2017

2<sup>nd</sup> Reading: June 9, 2017

3<sup>rd</sup> Reading: July 7, 2017

Established: \_\_\_\_\_

  
Martha Tate, Board President  
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### SHONTO PREPARATORY SCHOOL SEXUAL HARASSMENT ADMINISTRATIVE GUIDELINES AND PROCEDURES

#### I. RESPONSIBILITIES

- A. Each employee of the Shonto Preparatory School is responsible for the following:
1. Ensuring that his/her behavior, language, or conduct complies with the Shonto Preparatory School Sexual Harassment Policy.
  2. Taking immediate and appropriate action to stop such harassment and to prevent its recurrence upon observing, overhearing or otherwise becoming aware of such conduct.
  3. Immediately reporting sexual harassment, which he/she observes or has reason to believe occurred to the building principal and/or the Director of Human Resources.
  4. Cooperating in the investigation of alleged sexual harassment by providing any necessary information.
  5. Actively participate in efforts to prevent sexual harassment in the Shonto Preparatory School. Participation includes:
    - a. Creating a positive school climate of respect and decency by clearly communicating behaviors that are accepted and valued within the school.
    - b. Modeling behaviors and attitudes, which resonate decency and respect. The interaction of staff with each other and with students communicates a strong message of what is acceptable behavior in school.
    - c. Assisting students in understanding the impact of their behaviors. It is important that staff intervenes and challenge inappropriate conduct. While communicating that the behavior is unacceptable, the impact of the behavior should be stressed.
- B. Each student in the Shonto Preparatory School is responsible for:
1. Ensuring that his/her behavior, language, and conduct complies with the Sexual Harassment Policy.
  2. Cooperating in the investigation of alleged sexual harassment by providing any necessary information; and
  3. Actively participating in the efforts to prevent sexual harassment in the schools.





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- C. Administrator and Supervisors have the following responsibilities:
1. Distribute the Sexual Harassment Policy to all staff, students and other parties accessing the building;
  2. Communicate the policy, including sanctions for harassment to all employees and students. Issue and discuss the Sexual Harassment Policy with all new employees and at least annually at a staff meeting.
  3. Train all staff members on how to prevent and respond to sexual harassment in the building;
  4. Take all complaints or suspicion of sexual harassment seriously and immediately conduct a thorough investigation;
  5. Take prompt and appropriate action, including disciplinary, to eliminate harassment and prevent it from recurring;
  6. Continually monitor behavior throughout the building;
  7. Post the Sexual Harassment Policy in visible places as a reminder to all employees;
  8. Refer any questions or concerns to the Director of Human Resources;
  9. Model appropriate behavior and set the tone as to what behavior will be tolerated.

## II. INVESTIGATIONS

- A. Take all complaints, claims, or suspicions of sexual harassment seriously.
- B. Keep an open mind. Act in a neutral and professional manner. Determinations should not be based upon appearance, position, or reputation of the people involved.
- C. Investigate promptly. Attempt to begin within 24 hours and end within 10 days, if at all possible.
- D. Be thorough. Interview every individual involved, including all relevant witnesses.
- E. Document all parts of the investigation. Create a separate confidential file accessible only to investigators.
- F. Preserve privacy and avoid defamation. Ask parties not to discuss the investigation except with designated personnel. Restrict all comments to a "need-to-know" basis. Emphasize but do not assure complete confidentiality to all involved.
- G. Inform everyone about the institution's **non-retaliation** policy.
- H. Safeguard documents. Keep pertinent records and documents safe and restrict access to those who have legitimate need to see the information.
- I. All complaints involving students will be communicated to the parent(s)/guardian(s) of the students involved. A written report will be kept of such communication.
- J. Sexual harassment complaints may involve allegations of child abuse and/or sexual battery. These actions are considered felonies and must be reported to the appropriate authorities whenever there is reason to believe such conduct occurred. A written record will be kept of such notification and appropriate action



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will be taken immediately.

## III. TAKING COMPLAINTS

- A. Listen carefully and impartially.
- B. Put aside your personal biases and emotional responses.
- C. Assure the individual that you take his/her complaint seriously.
- D. Protect privacy.
- E. Document everything.

## IV. PROTECTIONS FOR THE ACCUSED

- A. Be advised of the allegations.
- B. Have a complete and timely investigation conducted based on all relevant facts.
- C. Participate in the investigation.
- D. Protection of rights guaranteed by relevant policies, procedures, and laws.
- E. Be free from invasion of privacy including improper search of lockers, desks, computer files, personal property, etc.
- F. Be protected against the communication of investigation results in an inaccurate way.

Be protected from public disclosure of private facts.

## V. FACTS

- A. If No Harassment Is Found:
  - 1. Take a neutral approach
  - 2. Discuss the conclusion with the individuals involved and emphasize that it was based on the evidence presented.
  - 3. Review the Shonto Preparatory School Sexual Harassment Policy with the individuals involved.
  - 4. Discuss the issues of retaliation and reprisal with the individuals.

## VI. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURE

The procedures set forth in this policy apply to the school's internal practices only. They do not alter, modify, extend, or substitute for any rights that the parties may otherwise have.

## VII. TRAINING AND DISSEMINATION

- A. Copies of the Sexual Harassment Policy and Administrative Guidelines and Procedures will be available for all school department employees, School Councils, Parent Teacher Organizations, Student Councils, and other school related affiliations.



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- B. The policy will be included in school handbooks.
- C. Specialized training and resource materials will be available to all school employees.
- D. Principals and/or administrators will provide Sexual Harassment Training for all their employees.
- E. The Director of Human Resources will work with school administrators to provide strategies to implement and enforce all aspects of the Sexual Harassment and its Administrative Guidelines and Procedures in their building or department.

## SHONTO PREPARATORY SCHOOL SEXUAL HARASSMENT COMPLAINT FORM

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

School: \_\_\_\_\_ Department: \_\_\_\_\_

Job Title: \_\_\_\_\_

1. Who was responsible for the harassment?
2. Describe the harassment:
3. Date, time, and place the harassment occurred:
4. Were there others involved with the harassment?
5. If so, who were they? Describe their involvement:
6. List any witnesses to the harassment. Include telephone numbers and addresses, if known.
7. What was your reaction to the harassment?
8. Describe any subsequent incidents:



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9. Indicate what you think can and should be done to solve the problem. Be as specific as possible.

By signing this document, I certify that the information contained herein is correct to the best of my knowledge:

Signature of Complainant: \_\_\_\_\_

Date: \_\_\_\_\_

## SHONTO PREPARATORY SCHOOL ADMINISTRATIVE FOLLOW-UP FORM FOR SEXUAL HARASSMENT

1. Date(s) of Investigation: \_\_\_\_\_

2. What action was taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. Date(s) of follow-up conferences: \_\_\_\_\_

4. Result of the conferences: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Date of final report: \_\_\_\_\_

6. Date of resolution explained to the complainant: \_\_\_\_\_

Signature of Administrator: \_\_\_\_\_

Date: \_\_\_\_\_



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## **Sexual Harassment Employee Acknowledgement**

This is to acknowledge receipt of the Shonto Preparatory School's policy concerning Sexual Harassment. I have carefully read and understand the policy and procedure, contained in the policy concerning Sexual Harassment and acknowledge that it applies to me both in my present capacity and in any future position I may hold with the School. I will comply with all said policies and procedures as set forth in the policy concerning Sexual Harassment. I understand that I should immediately report any sexual harassment.

I understand this will be filed in my Official Personnel Folder.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_