

## EMPLOYEE SEXUAL HARASSMENT

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

**Definition of Sexual Harassment** - Sexual harassment consists of unwelcome sexual advances requests for sexual favors, and other physical verbal conduct of a sexual nature when:

- a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.;
- b. Submission to or rejection of such conduct by an individual as used as the basis for decisions affecting the individual's employment, or other benefits provided by the Board; or
- c. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of employment or other employment benefits provided by the Board.

**Examples of Prohibited Conduct** - The following are examples of conduct that may constitute sexual harassment depending on individual circumstances:

- a. Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- b. Unwelcome, inappropriate sexual touching;
- c. Repeated unwelcome solicitation of sexual activity or sexual contact;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status.

### **Employee Complaint Resolution Procedure**

- a. **Reporting** - Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.
- b. **Informal Complaint** - An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local

level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent or his/her designee to initiate formal complaint procedures.

### **Formal Complaint Procedure**

**Persons Responsible for Receiving and Investigating Formal Complaints** - The Superintendent or his/her designee is responsible for receiving and investigating formal complaints regarding sexual harassment. The Human Resources Supervisor is an additional official to which formal complaints can be reported. If the Superintendent or his/her designee is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

**Complaint form, contents** - Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or his/her designee.

**Investigation** - The Superintendent or his/her designee will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of the outcome of the investigation.

**Review by the Superintendent and the Board** - A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

**Confidential** - To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

**Retaliation Prohibited** - No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

**Penalties for Violation** - Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.