

SEXUAL HARASSMENT POLICY

The District is committed to providing equal employment and educational opportunities and, therefore, forbids discrimination against any employee, student, or applicant for employment on the basis of gender. The District further forbids sexual harassment by any employee or student. This policy also applies to non-employee volunteers whose work is subject to the control of District personnel.

Specific Prohibitions:

A. Administrators and Supervisors:

1. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates or District's patrons when the individual's failure to submit will result in adverse treatment or when the individual's acquiescence will result in preferential treatment.
2. It is sexual harassment for an administrator or supervisor to engage in a sexual relationship with a student.
3. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees or students shall be subject to sanctions, as described below.

B. Non-administrative and Non-supervisory Employees:

1. It is sexual harassment for a non-administrative and/or non-supervisory employee to subject any District employee or patron to any unwelcome conduct of a sexual nature.
2. It is sexual harassment for a non-administrative and/or non-supervisory employee to engage in a sexual relationship with a student.
3. Employees who engage in such conduct shall be subject to sanctions, as described below.

C. Students:

1. It is sexual harassment for a student to subject any District employee, patron, or fellow student to any unwelcome conduct of a sexual nature.
2. Students who engage in such conduct shall be subject to sanctions, as described below.

Adopted:

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General Prohibitions:

A. Unwelcome Conduct of a Sexual Nature:

1. Conduct of a sexual nature may include:
 - a. verbal or physical sexual advances, including subtle pressure for sexual activity, flirtation, advances, and/or propositions of a sexual nature;
 - b. touching, pinching, patting, or brushing against;
 - c. unwarranted displays of sexually suggestive or sexually explicit objects or pictures, including greeting cards, articles, books, magazines, or cartoons;
 - d. sexual assault;
 - e. comments regarding physical or personality characteristics of a sexual nature; and
 - f. sexually-oriented "kidding", "teasing", double meanings, and jokes.
2. Conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, either orally or by his or her conduct, that it is unwelcome.
3. If the person has initially welcomed such conduct by active participation, the person 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.

B. 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:

1. submission to the conduct is made either an explicit or implicit condition of employment or instruction;
2. submission to or rejection of the conduct is used as a basis for an instruction or employment decision affecting the harassed student or employee;
3. the conduct substantially interferes with a student's learning or an employee's work performance;

4. the conduct, either by intent or by effect, creates an intimidating, hostile, or offensive work or learning environment;
5. the conduct is directed toward a student, regardless of the basis, by an adult employee or volunteer; or
6. submission to or rejection of the conduct is used as a basis for providing the District's services or participation in the District's programs.

C. Circumstances of sexual harassment:

Sexual harassment can occur in a variety of circumstances, including, but not limited to, the following:

1. the individual who is sexually harassed, as well as the harasser, may be female or male and does not have to be of the opposite sex from the harasser;
2. the harasser can be the supervisor of the individual who is sexually harassed, an agent of the employer, a supervisor in another area, a coworker, a subordinate, an instructor, or a non-employee;
3. the individual who is sexually harassed does not have to be the specific person to whom the harasser directs the conduct which constitutes sexual harassment but must be a person who was directly affected by the offensive conduct of the harasser; and
4. unlawful sexual harassment may occur without economic injury to or discharge of the individual who is sexually harassed.

D. Consensual Sexual Relationships: As a general practice, it is best for employees to keep their private life private and out of the workplace. Consensual sexual relationships involving employees when one of the employees supervises the other employee are strongly discouraged and may require that the supervisory relationship be terminated.

Report, Investigation, and Sanctions:

- A. Victims of sexual harassment are encouraged to come forward with such claims. This may be done through the complaint procedure outlined in District's Civil Rights Policy.
 1. 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

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report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report shall be made to the next higher level of administration or supervision.

2. Employees, patrons, and students are also urged to report any unwelcome conduct of a sexual nature by supervisors, employees, or students if such conduct interferes with the individual's work performance or creates a hostile or offensive working or learning environment.

- B. 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 shall be investigated. The Superintendent or the Human Resources Director, with the assistance of legal counsel if deemed necessary, has the responsibility of investigating and resolving complaints of sexual harassment. In the event the Superintendent is the subject of the complaint, the Human Resources Director shall investigate the matter.

Investigation of a complaint of sexual harassment shall be conducted as set forth in the District's Civil Rights Policy (BI). Complaints of sexual harassment are subject to the conditions on confidentiality and retaliation as set forth in the District's Civil Rights Policy (BI).

- C. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to, warning, demotion, suspension, or termination subject to applicable procedures and due process requirements. Any student found to have engaged in sexual harassment shall be subject to disciplinary action up to and including suspension or expulsion.