

**SEXUAL HARASSMENT**

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Southwest Technology Center 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.

Bad faith use of this policy to harass employees or students shall be considered sexual harassment for purposes of this policy and its attendant procedures.

Each local campus director shall select at the beginning of the school year two (2) Title IX Officers of the opposite sex. Either officer shall have the authority to handle any case involving allegation of sexual harassment referred to him or her without regard to sex of the complainant. Employees chosen by the local directors to be Title IX Officers shall be recommended to the board for final approval.

Possible levels at which sexual harassment may occur:

1. Among peers or co-workers
2. Between supervisors and subordinates
3. Imposed by non-employees on students
4. Imposed by an employee on a student or non-employee

Notice of Policy

The superintendent shall direct local campus directors to make the intent and procedures of this policy and accompanying procedures known to all employees and all students of Southwest Technology Center. The superintendent shall do this by directing appropriate procedures to be followed by the directors.

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; unwelcome sexual flirtation, advances, or propositions; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; sexually-oriented "kidding," "teasing," double meanings, jokes; sexually degrading words used to describe an individual's body; and sexually suggestive objects or pictures in the workplace.
  - 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.

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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.

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

Any employee or student who believes he or she has suffered sexual harassment by any other employee or student, including supervisors and co-workers, may bring the problem to the attention of the Title IX Officer. The complaint is to be made in writing. It is helpful if details of dates, times, places, and witness(es), if any, to the harassment can be provided.

- 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

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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. At all times, confidentiality shall be required of Title IX Officers. The officers shall also caution the complainant, the accused, and any witness(es) to maintain confidentiality. Any writing or other physical evidence connected with any complaint shall be kept locked away by the appropriate officer and shall be made available only to the superintendent, the officer conducting the investigation, the complainant, the accused, and the attorneys involved. If the complainant or the accused is a minor, then the information and any redress requested by the complainant shall be made available also to the minor's parent or guardian. 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. Investigative procedures are as follows:
- A. Meet with the complainant to determine the nature and extent of the alleged incident.
  - B. Keep a thorough, written record of the complaint, including:
    - 1. Name of the complainant
    - 2. The person or persons accused of sexual harassment
    - 3. Date
    - 4. Time
    - 5. Location
    - 6. Description of the incident or incidents
    - 7. Witnesses and their statements
    - 8. Any redress sought by the complainant

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- C. Meet with the person accused of sexual harassment and inform him or her that a complaint of sexual harassment has been made against him or her.
  - D. After gathering all information the Title IX Officer believes relevant from the complainant, the accused, and other witnesses, the Title IX Officer will determine whether or not, in his or her opinion, sexual harassment has taken place.
  - E. After receiving the formal complaint, the Title IX Officer shall submit a written opinion concerning its validity to the local director who then shall submit it to the superintendent within fifteen (15) classroom days.
  - F. The superintendent shall then render a decision as to what action is to be taken, respecting all legal and constitutional rights due both the complainant and the accused.
  - G. Within ten (10) classroom days, an appeal of the superintendent's decision may be made to the board of education, in which event the board may accept, modify, or reject the superintendent's decision.
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 C.F.R. §1604.1, et seq.  
34 C.F.R. part 106  
20 U.S.C. §§1681-1688  
29 U.S.C. §794  
42 U.S.C. §§2000d-2000d-7  
42 U.S.C. §§2000e-2000e-17  
42 U.S.C. §2000e-2

**CROSS-REFERENCE:** Policy DAAB, Grievance Procedures, Sex Discrimination  
Policy DAAB-R, Grievance Procedures, Sex Discrimination, Regulation  
Policy DO, Termination, Certified Teachers  
Policy DO-R, Teacher Termination Procedures

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