HUMAN RESOURCES

Sexual Harassment Involving Employees

All employees have a right to work in an environment free from sexual harassment of any kind, as provided in Policy 507.01, Sexual Harassment of Employees, and this regulation. The School Board, through its administration, shall provide appropriate staff development on how to recognize and prevent sexual harassment in the workplace.

I. Sexual Harassment Defined

Sexual harassment is unwelcome conduct of a sexual nature, which is defined as follows:

A. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure to engage in sexual activity; touching, pinching, patting or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented “kidding,” “teasing,” and jokes.

B. Verbal, non-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.

For purposes of Policy 507.01, Sexual Harassment of Employees, and this implementing regulation, unwelcome sexual advances, requests for sexual favors, and other verbal, non-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 effecting the harassed employee; or

C. The conduct substantially interferes with an employee’s work performance, or creates an intimidating, hostile or offensive work environment, even if such conduct is not directed at the employee.
II. Prohibitions

A. Quid Pro Quo Harassment is a type of sexual harassment that is perpetrated by an individual with supervisory authority against a subordinate, and is strictly prohibited. It is sexual harassment for an administrator or supervisor to use his/her authority to solicit sexual favors or attention from a subordinate(s) (regardless of subordinate’s sex) when the subordinate’s failure to submit will result in adverse treatment, or when the subordinate’s acquiescence will result in preferential treatment.

B. Harassment that causes a hostile work environment is also strictly prohibited. Hostile work environment harassment occurs when an employee (supervisory, administrative, or otherwise) or student subjects another employee to any unwelcome conduct of a sexual nature, or speech so pervasive, offensive, or abusive that it substantially interferes with an employee’s working conditions.

C. Administrators and supervisors who either engage in sexual harassment, tolerate such conduct by other employees, or fail to correct a hostile work environment, shall be subject to disciplinary action as described below.

D. Intimate relationships between supervisory and subordinate employees are strongly discouraged. Such relationships interfere with the proper performance of school division business. Furthermore, if those in intimate relationships with supervisors receive promotions, those passed over may perceive the promotions as discriminatory. If such a relationship develops, one of the two employees involved must seek a transfer.

III. Employee’s Duty to Report

A complainant who believes he/she has suffered sexual harassment should first tell the offending person that the behavior is improper and unwelcome. In an effort to reach a quick resolution, complaints should first be discussed by the complainant informally with his/her immediate supervisor, or in the case of a candidate for employment, with the building principal/department head as soon as the complainant becomes aware of the alleged sexual harassment. This immediate reporting provides the supervisor with an opportunity to meet separately with the complainant and, if founded or in doubt, to take measures to avoid further harassment. Reports of sexual harassment shall be reported immediately to the appropriate associate superintendent who shall notify the Associate Superintendent for Human Resources and the Department of Risk Management and Security as soon as possible. The supervisor, in consultation with the appropriate associate superintendent, may also attempt to correct the situation through an informal
discussion with the parties or by seeking mediation through the Department of Human Resources.

IV. Complaint Procedure

In the event the complaint is not resolved informally, then a formal complaint shall be filed using the procedures set forth in Regulation 507-1, Complaint Procedures for Claims of Discrimination in Employment.

V. Retaliation and False Charges of Harassment

Whether the complainant proceeds through the informal or formal process in the filing of his/her complaint, retaliation against the complainant for filing the complaint is strictly prohibited. However, false charges of sexual harassment by an employee will result in disciplinary action, up to and including dismissal.

The Associate Superintendent for Human Resources is responsible for implementing and monitoring this regulation.