



SEXUAL HARASSMENT

Defining sexual harassment is not always easy. Every individual sees it from their own vantage point and actions are interpreted in light of the unique experiences, ideals, and values of that individual.

What may seem light hearted joking to one, may be offensive to another.

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Sexual harassment is unwelcome conduct which is sexual in nature or relates to the sex or gender of the harassed person. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX.

Sexual harassment of an employee can alter the conditions of employment and create an abusive working environment on the basis of sex and is, therefore, a form of sex discrimination prohibited by Title VII of the Civil Rights Act.

The District has in place both a *Student Sexual Harassment Policy* and an *Employee Sexual Harassment Policy*. **It is a violation of these policies for any employee or student to harass any other student or employee.** These policies are available on the District website at www.davis.k12.ut.us, or by contacting the policy office at 402-5109

TYPES OF SEXUAL HARASSMENT

Although the behavior must be sexual in nature or gender based, it need not be intended to result in sexual gratification. Rather it is often intended to insult, deride, or degrade and often occurs in the context of a relationship where one person has formal or informal power over the other. Formal power would include a supervisor over an employee or a faculty member over a student. Informal power could be one peer over another.

There are two types of sexual harassment:

Quid pro quo - meaning something given or withheld in exchange for something else (this for that). These threats or promises may be explicit or implicit and usually occur where someone has formal power over another.

Hostile environment - while harder to define, is far more common. It is severe, pervasive, and objectively offensive behavior that has the purpose or effect of unreasonably interfering with the employee's or student's work or school performance, or that creates an intimidating, hostile, or abusive work or school environment.

Examples of sexually harassing behavior are:

- Threats or bribes for unwanted sexual activity.
- Sexist or stereotypical comments about a gender.
- Displaying pictures, calendars, cartoons of a sexual nature.
- Shouting obscenities.
- Mooning, snapping bra straps.
- Teasing about sexuality, breasts, or genitals.
- Telling someone what sexual behaviors the speaker would like to engage in with that person.

A more complete list of examples can be found in the District's written policies.

IT'S A MATTER OF RESPECT

Creating a climate where sexual harassment isn't tolerated to begin with will help prevent it from occurring.

- Be a role model. You set the tone as to what behavior will be tolerated.
- Do not allow sexist, stereotypical, or sexual remarks.
- Periodically remind students of the policy and the school's commitment to preventing and stopping sexual harassment.
- Don't hesitate to intervene when you see harassment happening. Let the harasser know that the behavior is inappropriate and that continuing such behavior could result in disciplinary action.
- Encourage fellow employees and students to report harassment as soon as possible so that problems can be dealt with promptly and effectively with minimal disruption.

Harassing behavior, if ignored or not reported, is likely to continue and become worse, rather than go away.

If you are aware of student to student harassment, you are required by policy to report it to your administrator even if the student does not complain. The Supreme Court has held that schools can be liable for student to student harassment if they know sexual harassment is occurring and do nothing to stop it.

The lack of a strong, immediate response by a staff member who is aware of harassment may be perceived by a student as approval of the activity or as an indication that the student deserves the harassment.

The simple test to determine if behavior may be sexual harassment is to ask these questions:

Would I behave in this way if my partner (parent) was present?

Would I be comfortable reading about my behavior in the local or school newspaper?

COMPLAINT PROCEDURES

When an employee or student feels **they have been subjected to sexual harassment**, complainants first are encouraged to verbalize disapproval of the action to the harasser.

Complainants should **document the occurrence**, noting such information as time, date, place, what was said, witnesses, and other relevant circumstances surrounding the event.

If complainant feels he/she cannot discuss the concerns with the harasser, **or harassment does not stop, the complainant should inform their immediate supervisor**. Students should report to their principal or his/her designee.

The initial **investigation**, including interviewing of victims, witnesses and alleged harassers, is the responsibility of the building administrator.

Confidentiality will be protected to the extent practical under the law and under the necessities of investigating the complaint.

Retaliation against anyone who files a complaint, testifies, or assists in an investigation, is prohibited by District policy and may result in further disciplinary action.



It is the District's intent to afford students and employees affected by sexual harassment avenues for filing complaints which are free from bias, collusion, intimidation, or reprisal.