

Sexual Harassment/Sexual Intimidation in the Workplace

It is the policy of Lakeland School District to maintain a learning and working environment that is free from sexual harassment, and it is the specific purpose of this Policy to prohibit sexual harassment. Sexual harassment is illegal and against the policies of Lakeland School District #272.

According to the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including unwanted touching, verbal comments, sexual name calling, gestures, jokes, profanity, and spreading of sexual rumors.

It shall be a violation of this policy for any member of the District staff to harass a student or another employee through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students through conduct or communications of a sexual nature as defined below. The Board of Trustees will not tolerate, condone or allow sexual harassment of students or employees and encourages the reporting of any incidence of sexual harassment. The Board of Trustees and the Administration encourage the proper reporting of any incident of sexual harassment. In addition, Principals and Supervisors are expected to take appropriate steps to make all employees aware of the contents of this policy.

Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or other employee or when made by any student to another student or staff member constitutes sexual harassment when:

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment status;
- B. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual's employment or education; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive academic or employment environment.

Sexual harassment, as defined above, may include but is not limited to the following:

- A. Verbal: sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits, or sexual advances or propositions, repeated remarks to a person with sexual or demeaning implications;
- B. Non-verbal: making suggestive or insulting noises, leering, whistling, or making obscene gestures;
- C. Physical: unwelcome touching, pinching, brushing the body, coercing sexual intercourse or assault;
- D. Other: pressure for sexual activity, suggesting or demanding sexual involvement accompanied by implied or explicit threats or promises of preferential treatment concerning one's grades, job, or otherwise; the unwelcome display of sexually suggestive graffiti, objects, or pictures.
- E. Retaliating or discriminating against staff or students for complaining about sexual harassment is prohibited.

Reporting Procedures

Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop. Any person who believes he or she has been the victim of sexual harassment by a student or an employee of Lakeland School District, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate School District official on the report form available from the principal of each building or available from the School District office.

- A. In Each School Building. The building principal or work site supervisor is the person responsible for receiving reports of sexual harassment at the building level. Upon receipt of a report, the principal or supervisor must notify the District Superintendent immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Superintendent. If the complaint involves the building principal or central office staff, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed directly with the Chairman of the Board.
- B. District-Wide. The School Board hereby designates the Superintendent to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above.
- C. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

Investigation.

By authority of the School District, the Superintendent, upon receipt of a written complaint alleging sexual harassment, shall immediately authorize an investigation as to the time, dates, places, circumstances surrounding the allegations and any parties involved or knowledgeable about such allegations. This investigation may be conducted by School District officials or by a third party designated by the School District. In determining whether alleged conduct constitutes sexual harassment, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. Once authorized by the Superintendent, the school officials or their designee will take immediate steps to: (1) Protect the grievant from further harassment; (2) Discuss the matter with and obtain a statement from the accused and his representative, if any; (3) Obtain signed statements of witnesses; (4) Prepare a report of the investigation; (5) report to the board in executive session.

Confidentiality Due to the damage that could result to the career and reputation of any person falsely or in bad faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion towards, the accused as well as the complainant. Only those persons responsible for investigating and enforcing this policy will have access to confidential communications. In addition, all persons involved are prohibited from discussing the matter with co-workers and/or other persons not directly involved in resolving the matter.

Following an investigation, the District will communicate with the complainant to provide reassurance that appropriate action has been taken and to allow for any further expression of concern.

A substantiated charge against a staff member in the District shall subject such staff member to disciplinary action up to and including discharge.

A substantiated charge against a student in the School District shall subject that student to disciplinary action up to and including suspension or expulsion, consistent with the Student Discipline Code.

A staff member or student found by the District to have made false accusations of sexual harassment will be subject to appropriate disciplinary sanctions including discharge as relates to a staff member, or suspension or expulsion as relates to a student.

Conclusion:

The Board of Trustees recognizes that the issue of whether or not sexual harassment has occurred requires a factual determination based upon all of the evidence received. The District also recognizes that false accusations of sexual harassment can have serious effects on innocent men, women, and children. The District requires that all employees and students continue to act in a

responsible and professional manner, to establish a pleasant working environment free of discrimination.

The Board of Trustees has developed this policy to ensure that all of its students and employees can operate in an atmosphere that is conducive to the provision of a meaningful educational program. The District will make every effort to insure that all of its students and personnel are familiar with this policy and that its students know that any complaint received will be thoroughly investigated and appropriately resolved.

Cross Reference: 5250 Complaint Resolution Process

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. §
1604.11
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.
I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on: April 14, 2008

Revised on:

Prior District Policy Article II, Policy Y.