

Descriptor Term: SEXUAL HARASSMENT

Descriptor Code: GAC

Rescinds: GBRAB

Board Approved: 6/26/2006

Previously Approved: 11/02/1998

The policy of the Board of Trustees forbids discrimination against any student, employee or applicant for employment on the basis of sex. The Board, in accordance with Title II of the 1964 Civil Rights Act as amended in 1972, Section 703, will not tolerate sexual harassment activity by or of any of its employees. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities.

I. General Prohibitions

A. Unwelcome Conduct of a Sexual Nature

1. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually oriented "kidding," "teasing," double entendres, and jokes.
2. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed student, employee, or applicant has indicated, by his or her conduct, that it is unwelcome.
3. All verbal or physical conduct of a sexual nature by an employee directed to any student is deemed unwelcome, regardless of any apparent consent thereto by the student.
4. An employee or applicant 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.

B. Sexual Harassment

For the purposes 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.
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee.
3. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.
4. Directed at a student.

II. 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 (including students) when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
2. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

B. Non-administrative and Non-supervisory Employees

It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee or a student to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

III. Reporting, Investigation, and Sanctions

A. It is the express policy of the Board of Trustees to encourage victims of a sexual harassment to come forward with such claims. This may be done through the Employee Grievance Resolution Procedure.

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 report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision.
2. 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.
3. Students are encouraged to report any incidents of sexual misconduct to a teacher or administrator.
4. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

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 will be investigated. The Superintendent has the responsibility of investigating and resolving complaints of sexual harassment.

C. 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 requirements.

IV. Sexual Misconduct Prohibited

A. If any person eighteen (18) years or older who is employed by any public or private school district in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true. §97-5-24 (1994)

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- B. If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. §97-29-3 (1980)
- V. Harassment Prohibited
- A. The District affirms employee protection provided under Title VII, and therefore “shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another’s work performance or which creates an intimidating, offensive, or hostile environment.”
 - B. Further, the District prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

Legal Reference: Mississippi Code 1972, as cited