

TITLE VII EMPLOYEE SEXUAL HARASSMENT OR OTHER FORMS OF HARASSMENT

The Jefferson Parish School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the School Board's commitment to equal opportunities and the prohibition of discriminatory practices. The School Board's prohibition against discriminatory practices includes prohibitions against sexual harassment or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer, or visitor. The School Board shall not tolerate sexual harassment or any other form of illegal harassment by/of its employees, students, volunteers, or agents.

The prohibition against discrimination, including sexual and other forms of harassment, shall also apply to non-employee volunteers who work subject to the control of school authorities and to all vendors or service providers who have access to School Board facilities.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Types of conduct that are prohibited and that may constitute sexual harassment include, but are not limited to:

1. graphic verbal comments about an individual's body or appearance.

2. sexual jokes, notes, stories, drawings, pictures, or gestures.
3. sexual slurs, leering, threats, abusive words, derogatory comments, or sexually degrading descriptions.
4. unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including, but not limited to, repeated unwelcome requests for dates.
5. spreading sexual rumors.
6. touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
7. cornering or blocking normal movements.
8. displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

DEFINITIONS OF OTHER FORMS OF PROHIBITED HARASSMENT

Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law and that:

1. has the purpose or effect of, creating an intimidating, hostile, or offensive work or academic environment.
2. has the purpose or effect of interfering with an individual's work or academic performance.
3. otherwise adversely affects an individual's employment or academic performance.

Examples of prohibited actions that may constitute harassment include the following:

1. Epithets, slurs, or negative stereotyping
2. Threatening, intimidating, or hostile acts, such as stalking
3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or district office premises or circulated in the workplace or academic environment.

RETALIATION PROHIBITED

Any act of retaliation against an individual who files a complaint alleging a violation of the district's policy on non-discrimination and/or sexual or other illegal harassment or who participates in the investigation of a discrimination complaint is prohibited.

Retaliation may include, but is not limited to, any form of intimidation, reprisal, or harassment based upon participation in the investigation or filing of a complaint of discrimination.

PROCEDURE FOR FILING A COMPLAINT OF DISCRIMINATION, SEXUAL HARASSMENT OR OTHER FORM OF ILLEGAL HARASSMENT

1. Filing Complaints

- A. Any person who believes that he or she has been discriminated against or placed in a hostile environment based on gender, marital status, sexual orientation, race, national origin, religion, age, or disability by an employee, volunteer, agent, or student of the school system should immediately file a written complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
- B. The complaint should be filed with the school principal or building administrator. Complaints filed with the principal or building administrator shall be forwarded to the Human Resources Department within five (5) working days of the filing of the complaint. If the complaint is against the principal or building administrator, the complaint may be filed directly with the Human Resources Department.
- C. If the complaint is against an individual employed in the Human Resources Department, including the Chief of Human Resources, the complaint may be filed with the Superintendent or his/her designee. If the complaint is against the Superintendent or a member of the School Board, the complaint may be filed with the School Board attorney.

2. Processing Complaints

- A. Complaints filed against persons other than the Superintendent or member of the School Board shall be processed as follows:
 - 1) Upon receipt of the written complaint by the Human Resources Department, the District shall initiate an investigation of the

allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation and make a recommendation to Superintendent or his/her designee as to whether or not there is reasonable cause to believe a violation of the school district's policy on non-discrimination and/or sexual or other harassment. Copies of documents, evidence, and witness statements that were considered in the investigation shall be included with the summary and recommendation.

- 2) If the complaint is against an individual employed in the Human Resources Department, including the Chief of Human Resources, the Superintendent or his/her designee shall appoint someone to investigate, who shall conduct an investigation in the manner set forth in (1) above.
- 3) The investigation, summary, relevant documents, witness statements, and recommendation should be completed and forwarded to the Superintendent or his/her designee within thirty (30) days. The Superintendent or designee shall review the investigation summary, evidence and recommendation, and determine whether there is reasonable cause to believe a discriminatory practice occurred.
- 4) If the Superintendent or designee determines there is reasonable cause to believe a violation of the nondiscrimination or sexual harassment policy occurred, he or she shall cause a special conference to be held notifying the accused of the accusations against him or her, at which time the accused may respond to the accusations. At the conference, the Superintendent or his/her designee may direct further investigation if necessary, based on the response of the accused, or may make a decision on whether or not personnel action is necessary.
- 5) A final decision shall be made at a School Board meeting whether to uphold, revise, or deny the recommendation of the Superintendent or designee.
- 6) The accused shall have all rights to appeal the decision of the School Board, provided under the law.

B. Complaints filed against School Board members or against the

Superintendent:

- 1) Complaints against School Board members or the Superintendent shall be filed with the School Board attorney. The School Board attorney shall appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
- 2) The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed and documents and other evidence to be reviewed relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge that the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall then prepare a written summary of his or her investigation and a recommendation to the School Board attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.
- 3) If reasonable cause is recommended by the investigator against School Board member or the Superintendent, the recommendation shall be forwarded to the Attorney General's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Attorney General's office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official.
- 4) A finding of no reasonable cause by the outside investigator, which will be reviewed and confirmed by the School Board attorney, shall be final.

3. Penalties for Confirmed Discrimination or Harassment

A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions, including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.

SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment of a student may constitute sexual

abuse under the Louisiana Children's Code. In such situations, School Board personnel shall comply with Article 609 (A) of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services.

DISCIPLINE

Any action taken pursuant to this policy shall be consistent with requirements of applicable statutes and School Board policies. The School Board and Superintendent shall take such disciplinary action for employees and non-employee volunteers deemed necessary and appropriate, including warning, transfer, suspension, or immediate discharge to end sexual harassment and prevent its recurrence, all in compliance with applicable statutory provisions.

NOTIFICATION/TRAINING

Copies of this policy shall be circulated to all schools and departments of the Jefferson Parish School Board and placed on the School Board's website. Training sessions on the provisions of this policy and the prevention of sexual harassment shall be held in all schools on an annual basis. Training sessions for new non-teaching employees shall be conducted annually. Supervisors and other persons designated to accept or investigate complaints of sexual harassment in the workplace shall receive additional education and training.

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

Revised: June, 2021

Ref: 42 USC 2000e et seq. (Civil Rights Act of 1964); 29 CFR 1604.11 (Equal Employment Opportunities Act); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 17:81; La. Civil Code, Art. 2315; Board minutes, 6-2-03.