BALDWIN COUNTY BOARD OF EDUCATION

SEXUAL HARASSMENT

POLICY TRAINING



Purpose: To Maintain a Learning & Working Environment Free from Sexual Harassment

The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments and facilities.

Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of communication of a sexual nature, and any other gender-based harassment when…

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education;
- submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting that individual's employment or education or other benefits provided by the Board;
- such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or education, or creating an intimidating, hostile or offensive employment or educational environment

Title IX new definitions applicable to employees

Recipients that are subject to both Title VII and Title IX must comply with **both.**

- Under Title IX, sexual harassment means conduct on the basis of sex* that satisfies one or more of the following:
  - Quid pro quo – An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct
  - Hostile environment – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
  - Clery crimes – Sexual assault, dating violence, domestic violence, or stalking [Clery regulatory definition cites omitted]

* Examples of basis of "sex:" (1) biological sex , (2) gender , (3) sex and gender stereotyping, (4) sexual orientation, (5) "sex" as a verb.

The following may constitute sexual harassment, depending on individual circumstances:

- Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions;
- Repeated unwelcome solicitation of sexual activity or sexual contact;
- Unwelcome, inappropriate sexual touching;
- Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats with regard to an individual's employment status or education;

Employee Complaint Resolution Procedure

Reporting – Any employee with reason to believe that he or she has been or is being subjected to any form of sexual harassment should report the matter immediately. Under no circumstances will an employee be required to present the complaint to the person who is the subject of the complaint.

Informal Complaint– An employee may choose to submit a sexual harassment complaint to a supervisor for investigation and resolution at the departmental or local level without resorting to formal complaint procedures. If the supervisor is the subject of the complaint, the complaint may be submitted to the Superintendent for resolution. If the complaint is not resolved informally to the satisfaction of the complaining employee, the employee must contact the Superintendent to initiate formal complaint procedures.

Employee Formal Complaint Procedure

Persons Responsible for Receiving and Investigating Formal Complaints – The **Superintendent** is responsible for receiving and investigating formal complaints regarding sexual harassment. The **Human Resources Director** is an additional official to which formal complaints can be reported. If the Superintendent is unavailable or is the subject of the complaint, the alternate should be contacted regarding the formal complaint.

Complaint form, contents – Formal complaints should be made in writing, signed by the complainant, and fully describe the circumstances surrounding the alleged harassment. Harassment complaints that cannot be made in writing should be memorialized by the Superintendent or designated alternate official.

Employee Formal Complaint Procedure, continued…

Investigation – The Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of the outcome of the investigation.

Review by the Superintendent and the Board – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

Employee Formal Complaint Procedure continued…

Confidentiality – To the extent possible, reports of sexual harassment will be kept confidential; however, complete confidentiality cannot be guaranteed.

Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.

Penalties for Violation – Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

SIGN ACKNOWLEDGEMENT FORM

Under new Title IX regulations, if a student reports sexual harassment to **any** Board employee:

Students will be permitted to report allegations of suspected harassment to **any** Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Title IX Coordinator and his or her direct supervisor. **If** an informal report is made, an administrator, in consultation with the Title IX Coordinator, should take such action as may be required by the new Title IX procedures established under the Student Code of Conduct Title IX Sexual Harassment Complaint Procedures.

If a **formal** report of sexual harassment is made, the employee should immediately notify the Title IX Coordinator in accordance with the Student Code of Conduct Title IX Sexual Harassment Formal Complaint Procedures.

Be aware that in all instances of student reported sexual harassment, a recipient with **actual knowledge** of sexual harassment in an educational program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not **deliberately indifferent.** A recipient is only deliberately indifferent if its response to sexual harassment is unreasonable in light of known circumstances.

Questions?

