BP-4119.11(a)
BP-4219.11(a)
BP-4319.11(a)

ALL PERSONNEL – SEXUAL HARASSMENT

**Note: The United States Supreme Court in Meritor Saving Bank, FSB v. Vinson, et. al., found that an employer could be held liable in a sexual harassment lawsuit. The bank's complaint procedure required the employee to first report the complaint to his/her supervisor who, in this case, was the accused party. AASB suggests that districts adopt a sexual harassment policy requiring the immediate supervisors of the offending employee and/or personnel officer to the receive the complaint.*

The School Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, School Board members, or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors, or others engaged in district business.

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

1. Submission to the conduct is made either an explicit or implicit condition of employment, status, or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs, or other available activities.

An employee or School Board member who feels that he/she is being harassed should immediately report the incident to the immediate supervisor of the accused employee or the appropriate personnel department official, without fear of reprisal. All complaints about behavior that may violate this policy shall be promptly investigated. The personnel department shall be informed of all such complaints and will assist in the investigation and resolution of complaints. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

**Note: Ellison v. Brady provides directives to employers responding to sexual harassment claims to shield themselves from liability, including taking immediate and appropriate action to address the harassment which entails investigation and discipline calculated to reflect the severity of the conduct, stop the harassment, and deter others from acting in the same manner.*

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant.

BP-4119.11(b)
BP-4219.11(b)
BP-4319.11(b)

ALL PERSONNEL – SEXUAL HARASSMENT

There shall be no retaliation by the district against any person who, in good faith reports, files a complaint, or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the School Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence, and address negative consequences.

Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or designee or School Board.

The Superintendent shall ensure prompt and strict enforcement of School Board policy.

Legal References:

Meritor Savings Bank, FSB v. Vinson, et. al., 477 U.S. 57 (1986)
Ellison v. Brady; 924 F.2d 872 (9th Cir. 1991)

Adopted using the AASB Sample Policy: September 21, 2026