

SEXUAL HARASSMENT PROCEDURE

PURPOSE

U. S. Department of Education, Office of Civil Rights, requires school districts to have a sexual harassment grievance process. The Bay-Arenac ISD compliance officer shall coordinate federal regulation and initiate School Board policy.

APPLICATION

This procedure shall apply to all administrators regardless of their location.

DEFINITION

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of an intimidating nature; particularly when submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or education.

Examples of Sexual Harassment

- Φ Quid Pro Quo:
Tangible job/education benefits are granted or withheld based on submission or rejection of unwelcome requests or conduct based on sex. Examples include:
 - Φ pressure for sexual activity
 - Φ suggestions or demands of sexual involvement accompanied by implicit or explicit threat.

- Φ Hostile Work Environment
Conduct which has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile or offensive educational environment. Examples include:
 - Φ verbal harassment or abuse of a sexual nature,
 - Φ repeated remarks with sexual or demeaning implications,
 - Φ unwelcome touching of a sexual nature,
 - Φ sexual name calling, gestures, jokes, and spreading sexual rumors.

RESPONSIBILITIES

The Bay-Arenac ISD will conduct a confidential complaint review without reprisal or retaliation. All complaints are investigated through the following process:

Step 1 Complaint is presented orally or in writing to the compliance officer and include:

- Φ nature of harassment and corresponding incident dates,
- Φ name, address, and phone number of complainant,
- Φ oral reports shall be reduced to writing.

Step 2 Compliance officer shall investigate by:

- Φ notify accused of harassment charges; permitting the person to respond to allegations,
- Φ arrange a meeting for parties involved within ten (10) working days after complaint filed,
- Φ provide a written response to complainant and accused with fifteen (15) working days,
- Φ forward to Superintendent copy of response, with recommendations for action.

Step 3 If the complainant or the complained about person is not satisfied with Step 2:

- Φ an appeal can be made directly to the district Superintendent within ten (10) working days,
- Φ within twenty (20) working days, the Superintendent shall conduct a hearing for the complainant to present case,
- Φ both parties may present evidence, call and question witnesses, and be represented by counsel,
- Φ the hearing shall be open or closed; at the discretion of the person complained against,
- Φ the Superintendent shall provide a written response to complainant and accused within fifteen (15) days of hearing.

Step 4 Administration shall proceed to implement responsive actions according to:

- Φ board of education policies,
- Φ applicable employee agreement,
- Φ constitutional and statutory provisions affecting such actions.

Possible corrective actions include:

- Φ counseling for both victim and harasser,
- Φ warning and/or discipline for harasser,
- Φ separating harasser from victim,
- Φ formal sanctions as specified by contract and/or board policy.

Failure to Report

Professional staff has the responsibility to report sexual harassment.

CONSEQUENCES

The Student:

Progressive discipline process specifying behaviors and consequences, which may include suspension or expulsion.

The Employee:

Discipline ranging from verbal reprimand up to and including termination of employment.

RIGHTS

Students and Staff:

“Every student has the right to a safe learning environment. Every student has the right to be treated with respect. Every student has the right to attend a school that is free of discrimination.”

School/Staff:

“Every school district is responsible for providing a safe learning and working environment for students and staff. Every school has the right and the responsibility to establish a code of conduct for students and staff.”

DISTRIBUTION

This procedure is to be communicated to all administrators and bargaining unit representatives via the appropriate organizational chain of command.