

**SEXUAL HARASSMENT**

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for any student or employee of the school district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. This policy is equally applicable to sexual harassment between supervisor and workers, between students and employees. This policy shall be in force on and off school district property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. This district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of this district. It is no defense to a claim of sexual harassment that the alleged harasser did not intend to harass.

**I. SEXUAL HARASSMENT DEFINED**

For purposes of this policy, the following definitions shall apply:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by a student or employee will be treated as sexual harassment under this policy.

**Sexual harassment may include but is not limited to:**

1. verbal harassment or abuse;
2. subtle pressure for sexual activity;
3. inappropriate patting, touching or pinching;
4. intentional brushing against a student's or an employee's body;
5. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
7. any sexually motivated unwelcome touching; or
8. sexual violence which is a physical act of aggression that includes sexual acts or sexual purposes.

**II. REPORTING PROCEDURES RE: ALLEGATIONS OF SEXUAL HARASSMENT**

Any person who believes he/she has been the victim of sexual harassment by a student or any employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the allegations immediately to an appropriate school district official as designated by this policy. The district encourages the reporting party or complainant to use the report form available from the principal of each school building or available from the district office.

**In each school building.** The verbal or written report of sexual harassment at the building level may be given to either the building principal or to the superintendent, whose office is located at 804 Willow Street, Upton, WY. The person to whom the report is made shall conduct an investigation to follow up the report or, alternatively, if the report is made to the building principal, the building principal may assign the investigation of the report to the superintendent. Either person to whom a report is made shall notify the principal of the employee alleged to have done the harassment or, in the case of a student, the building principal, and the superintendent of schools immediately upon receiving the report. If the report was given verbally, the person to whom the report is made shall reduce it to written form within 24 hours and forward it to the superintendent. Failure to do so will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the superintendent or, if the complaint involves the superintendent, the complaint shall be filed directly with the chairman of the board of trustees.

**District-Wide.** The school board hereby designates the principal as the district human rights officer to receive reports or complaints of sexual harassment from any individual, employee, or victim of sexual harassment and also from the building principals and/or other persons to whom reports may be made as outlined above. If any person would prefer to report to an individual other than the superintendent, the report may be made to the principal, who shall thereafter notify the superintendent in the same manner as provided for the above. The person to whom the report is made shall conduct an investigation, in the event the report is made to the principal, he may delegate the investigation of the report to appropriate staff to conduct the investigation. In the event of any complaint involving the superintendent, the complaint shall be filed directly with the chairman of the board of trustees.

**Freedom from retaliation.** Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.

**Reporting.** Use of formal reporting forms is encouraged but not mandatory.

This district will respect the confidentiality of the complainant and the individual (s) against whom the complaint is filed as much as possible consistent with the district's legal obligations and the necessity to investigate any/all allegations of sexual harassment. Both the complainant and the alleged harasser are strongly encouraged to keep the matter confidential. The district cannot and will not prevent either from gathering information to support the claim or defend against the claim but would urge both parties to exercise the utmost care and caution in gathering information in order to keep the matter as confidential as possible.

### **III. INVESTIGATIONS OF ALLEGATIONS OF SEXUAL HARASSMENT**

It is the goal of this policy to have a process in place that is sensitive to the needs of the students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an administrative procedure as developed by the superintendent. No retaliation will be taken against individual(s) involved in the investigation process.

### **IV. RECOMMENDATIONS AND ACTION(S) TAKEN**

Upon determination that a complaint is valid, the principal or, in the case of a district complaint, the superintendent, will take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant by either the principal, in the case of a building level complaint or superintendent, in the case of a district level complaint. The report will document whether or not disciplinary action was taken as a result of the complaint. A copy of this report will be placed in either:

- a. the student files of both the complainant and the accused or
- b. the personnel files of both the complainant and the accused.

In inconclusive cases in which no harassment can be proven against the accused or malice established against the accuser, the incident report will remain in the files referred to above in order to fully document the complaint so that any future occurrences may be examined in light of a possible pattern. In inconclusive cases where there are no subsequent reports of similar incidents within five (5) years from the date of the original report, the report, at the sole discretion of the superintendent, may be purged from the file.

#### **V. DISCIPLINARY ACTION**

A substantiated charge against an employee of the district shall subject such employee to disciplinary actions which may result but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, and suspension or expulsion, consistent with the student disciplinary code.