

TITLE VII EMPLOYEE SEXUAL HARASSMENT

It is the policy of the Claiborne Parish School Board to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual harassment under federal and state laws and regulations. The Claiborne Parish School Board shall not tolerate sexual harassment by any student, employee, non-employee volunteer, or School Board member toward any individual.

All administrative and supervisory personnel shall be responsible for enforcing Claiborne Parish School Board's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

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 working environment.

Examples of behavior which would constitute sexual harassment include, but are not limited to, verbal harassment such as derogatory comments, jokes, slurs or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; attempted or sexual rape or sexual assault; visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks or gestures; displaying sexually suggestive objects in the workplace or school settings; and *quid pro pro* sexual harassment, such as demanding sexual favors accompanied by implied or overt promises or threats concerning an individual's employment. .

Harassment may depend not only upon the perpetrator's intention, but also upon how the person who is the target perceives the behavior or is affected by it. Individuals who believe they have been the victim of sexual harassment from co-workers or others should

make it clear that such behavior is offensive to them by saying so the offender.

REPORTING PROCEDURE

Any employee who believes he or she has been the victim of sexual harassment, or any person with knowledge or belief of conduct which may constitute sexual harassment, should report the alleged acts immediately to his/her immediate supervisor or building administrator who, in turn, shall promptly prepare a written report and forward it to the Superintendent. If the alleged acts were committed by the employee's immediate supervisor or building administrator, the complaint should be made directly to the Superintendent. Employees or applicants for employment may also report allegations of sexual harassment to the Director of Human Resources.

If criminal activity is involved, the victim should also report the incident to local law enforcement.

INVESTIGATION AND RECOMMENDATION

The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment, and take corrective or disciplinary action when appropriate.

Upon receipt of a report or complaint alleging sexual harassment, such a complaint shall be immediately investigated by personnel designated by the Superintendent to conduct such investigation utilizing the procedures outlined in policy *GAMC, Investigations*. The complainant and the individual(s) against whom the complaint is filed shall participate in the investigation, including personal interviews. The investigation process may also include personal interviews with others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, employee personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexually related conduct, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Superintendent upon completion of the investigation. The report may include a finding that the complaint was unfounded, advise that the complaint was informally resolved, or include a recommendation to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

RESULTS OF INVESTIGATION

Upon receipt of the report by the Superintendent, he/she shall take such action as appropriate based on the results of the investigation, which may include, but shall not be limited to, disciplinary action consisting of suspension without pay, demotion, or termination.

If, based on the results of the investigation, it is determined that the claim of sexual harassment was intentionally false, the Superintendent shall take such action against the complainant as appropriate, which may include, but shall not be limited to, disciplinary action consisting of suspension without pay, demotion, or termination.

The results of the investigation of each complaint under these procedures shall be reported in writing to the complainant and the alleged harasser by the Superintendent or his/her designee.

Any employee shall have the right to pursue a claim of sexual harassment under state or federal law, regardless of the outcome of the School Board's investigation.

RETALIATION PROHIBITED

Retaliation against any person who reports alleged sexual harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint shall be prohibited. Any employee who retaliates against any such person shall be subject to disciplinary action. *Retaliation* includes, but shall not be limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

NON-HARASSMENT

The School Board recognizes that not every advance or conduct of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary action as described above.

NOTIFICATION/TRAINING

Copies of this policy shall be circulated to all schools and departments of the Claiborne Parish School Board and placed on the School Board's website. All employees shall receive training on the provisions of this policy and the prevention of sexual harassment on an annual basis. Supervisors and other persons designated to accept or investigate complaints of sexual harassment shall receive additional education and training.

STUDENT-ON-STUDENT SEXUAL MISCONDUCT OR HARASSMENT

Handling of complaints of student-on-student sexual misconduct or sexual harassment are governed by *Policy JAAA, Title IX Sexual Harassment* or *JCEA, Student Sexual Misconduct*.

Revised: December, 2018
Revised: February 6, 2020

Revised: August 6, 2020

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:301, 23:302, 23:303, 23:332, 23:967, 42:341, 42:342, 42:343, 42:344, 42:345; La. Civil Code, Art. 2315; Board minutes, 2-6-20, 8-6-20.