

FAYETTEVILLE SCHOOL DISTRICT NO. 1

POLICY ON SEXUAL HARASSMENT

The school district recognizes that harassment on the basis of sex is a violation of law, school district policy, and common courtesy. The district is committed to providing a work and learning environment free from sexual harassment, and will not tolerate such conduct on the part of employees, students, non-employees, vendors, Board of Education, or any others having business or other contact with the school district. Sexual harassment when perpetrated on any employee or student by any employee or student will be treated as sexual harassment under this policy.

The Board of Education expects every charge of sexual harassment to be thoroughly investigated.

I. Definitions

Sexual harassment of employees consists of unwelcome sexual advances, requests, or demands for sexual favors, and other verbal or physical conduct of a sexual nature when

- Submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment,
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment of students consists of unwelcome sexual advances, requests or demands for sexual favors, and other verbal or physical conduct of a sexual nature when

- Submission to such conduct is explicitly or implicitly made a term or condition of a student's academic status or advancement,

- Submission to or rejection of such conduct is used as a basis for academic decisions affecting the student, or
- Such conduct has the purpose or effect of interfering with a student's academic performance or of creating an intimidating, hostile, or offensive learning environment.

II. Forms of Sexual Harassment

Forms of sexual harassment shall include, but are not limited to, the following:

- Verbal harassment, including derogatory comments, jokes, requests, or other sexually oriented language.
- Uninvited letters, telephone calls, or materials of a sexual nature.
- Physical harassment, including unnecessary or offensive touching, repeatedly brushing against another person's body, or impeding or blocking movement.
- Visual harassment, including offensive posters, cards, cartoons, graffiti, drawings, or gestures.
- Attempted or actual rape or sexual assault.

III. Confidentiality

The district will respect the confidentiality of the complainant and the individual(s) against whom the complaint has been filed consistent with the district's legal obligations, this policy, the necessity to investigate allegations of harassment, and disciplinary actions when necessary.

All complaints against an employee and all written information generated as a result of the complaint shall be considered personnel records and shall be maintained in the employee's personnel file. The public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

IV. Retaliation

The district will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding or hearing relating to a sexual harassment complainant. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

V. Complaint Procedure

All employees who believe they have been subjected to sexual harassment should follow the Reporting Procedure set forth below.

All students who believe they have been, or the parent(s) of any student who believes a child has been, subjected to sexual harassment are encouraged to follow the Reporting Procedure set forth below.

Any person who believes sexual harassment is occurring is encouraged to immediately inform the person engaging in the behavior that it is offensive and must stop.

VI. Reporting Procedure

Any person who believes he or she has been the victim of sexual harassment by an employee or a student, or any third person with knowledge or belief of conduct which may constitute sexual harassment, should immediately reporting the offensive conduct or communication to the harassing person's immediate supervisor or school principal. All initial complaints will be investigated and resolved at the lowest possible administrative level.

If the complaint involves the school principal or immediate supervisor, the complaint shall be filed with the Equity Compliance Coordinator.

It is recommended, but not required, that all complaints under this policy be made in writing on report forms provided by the school district in which:

- The offensive conduct or communication is described in as much detail as possible;
- Dates on which such conduct or communication was made are set forth;

- The name of the person accused or engaging in the harassing behavior is stated; and
- The name of the complainant, and if the report is made by a parent, the name of the parent(s) is stated.

The school principal or immediate supervisor will:

- If a verbal complaint is made, reduce the complaint to writing and make a written record of related information.
- Immediately notify the person accused of engaging in the harassing behavior that a complaint has been made and provide a copy of the complaint to them;
- Investigate the complaint or designate a person qualified to conduct the investigation. If the person making the complaint prefers that the report be made to a person of the same gender, the immediate supervisor or school principal will make the accommodations necessary.
- Reply to both parties in writing within seven (7) working days of the complaint, stating the status or resolution of the complaint.

Results of the initial complaint and investigation shall be forwarded to the Equity Compliance Coordinator.

If the resolution of the initial complaint and subsequent action by either party does not remedy the environment, the initial investigator shall report the behavior and/or additional behavior to the Equity Compliance Coordinator.

Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grade, or work assignments.

VII. Investigative Procedure

The initial investigation and the complaint shall be handled as a personnel matter or student disciplinary matter in order to provide as much protection and privacy to the complainant and the accused as is permissible under state and federal law.

- Upon receipt of a complaint under this policy, the Equity Compliance Coordinator will investigate or designate an administrator to conduct the investigation.
- The Equity Compliance Coordinator will give written notice to all necessary parties involved that the complaint is being investigated.
- Within ten (10) days of receipt of a complaint, the Equity Compliance Coordinator will make a written report to all necessary parties of the investigator's findings and recommendations.
- Action, if warranted, against any employee or student will be in compliance with all policies and laws. The Equity Compliance Coordinator will make extraordinary efforts to protect the rights, privileges, and reputations of all employees and students concerned.

VIII. Violations and Discipline

Violations of this policy by employees could lead to such disciplinary action as the district deems necessary and appropriate, including, but not limited to, warnings, reprimands, demotions, reassignments, transfers, probation, suspension, termination, and nonrenewal.

Any discipline of an employee except suspension, termination, or nonrenewal of the contract including, but not limited to, warnings, reprimands, reassignments, transfers, and probation shall be subject to appeal procedures under Policy No. 4102 (Grievance Policy) provided that decisions made concerning an open or closed hearing before the school board shall be made in accordance with Arkansas Code Annotated 6-17-208, as amended.

Violations of this policy by students could lead to such disciplinary action as the district deems necessary and appropriate, including, but not limited to, warnings, reprimands, deprivation of privileges, probation, corporal punishment, suspension, alternative school placement, and expulsion.

Adopted: 8-26-93