

# Storey County School District Policy Manual

Adopted: 21 April 1993

**Section:** Foundations & Basic Commitments

Revised: 10-23-02

6-03-03

**Title:** ILLEGAL Harassment

Previous Policy Number: ACAA

*Presented as below to School Board for Review on 9-27-2000 & 1/10/01 & 2/14/01,4/22/03,  
5/13/03, 6/3/03*

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## ILLEGAL HARASSMENT POLICY

### Policy

It is the District's policy to prohibit sexual harassment and harassment of employees or students because of race, color, religion, age, sexual orientation, national origin, disability, and any other basis made unlawful by any applicable law, ordinance, or regulation. This policy applies to all persons involved in the District and prohibits such harassment by any employee, including supervisors, co-workers, or students, and any vendor or other service provider at the District's facilities.

### Conduct

Conduct that is determined to be illegal harassment, including sexual harassment, is inappropriate, offensive, and will not be tolerated by the District. Examples of harassment include, but are not necessarily limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual displays such as derogatory posters, photography, cartoons, drawings, or gestures.
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work directed at an individual because of the individual's gender or any other protected basis.
- Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.
- Threats, demands, or requests for sexual favors from students in return for grades or any other special benefit.
- Any form of sexual relations with students
- Retaliations for opposing, reporting, or threatening to report harassment, or for participating in a harassment investigation, proceeding, or hearing.

Employees may have a claim of prohibited harassment even if they have not lost their job or suffered some other tangible employment action. Prohibited harassment that impairs an employee's working ability or directly impacts his/her emotional well being at work violates this policy and will not be tolerated. When determining if illegal harassment has occurred, the District will utilize the "reasonable person" standard. This standard considers if the behavior or conduct in question would be offensive to a "reasonable person."

### Employee Responsibilities

Employees who believe they are being harassed because of their gender or other protected basis, as well as those who believe they have witnessed another employee or student being harassed, are strongly urged to bring the situation to the attention of the District's administration. If you believe you are being harassed, take action immediately by:

1. Identifying the offensive behavior to the harasser and requesting that it stop.  
Note: You are NOT required to talk directly to the harasser or to your administrator/supervisor if you feel uncomfortable in doing so. It is critical, however, that you contact one of the individuals listed below if you believe you are being harassed or have witnessed what you believe to be harassment of or by another employee or student.
2. Reporting the conduct as soon as possible to an administrator or supervisor with whom you feel you can talk about the problem, or to the District's Equal Employment Opportunity Officer. (The name and telephone numbers of these individuals are provided on posters placed on bulletin boards at District sites.)

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3. When the complaint is against the Superintendent who is the Equal Employment Opportunity Officer for Storey County Schools, the complaint should be taken to a site administrator. The Superintendent may designate an independent person to handle the complaint resolution process.

### **Administrator/Supervisor/Teacher Responsibilities**

Administrators, supervisors, and teachers shall immediately report all complaints or allegations of harassment or observations of such conduct to the Equal Opportunity Officer regardless of how they learned of the suspected incident. Administrators, supervisors, and teachers shall take timely and reasonable affirmative action to protect employees and students from instances of harassment. Failure to perform responsibilities under this procedure will be subject to discipline, up to and including termination. All complaints will be investigated and resolved. A written complaint will be answered in writing. Appeals, if desired, may be made to the Board of Trustees. Such appeals will be considered in closed sessions.

### **Investigation**

All complaints or allegations of illegal sexual harassment will be promptly investigated. All investigations will be confidential. Information obtained will be released only on a need to know basis or as required by law. The individual filing the written complaint, as well as the individual against whom the complaint was made, will be made aware of the final determination. All employees and students questioned as part of the investigation will be expected not to discuss the matter with others, with the exception of providing information to regulatory agencies. The District treats all complaints or allegations of harassment seriously and all employees and students are expected to be candid and truthful during the investigation process. If evidence arises that a participant in the investigation has made intentionally false statements, the employee or student will be disciplined, up to and including termination or expulsion.

If it is determined that illegal harassment has occurred, the District will take remedial action commensurate with the severity of the offense. This remedial action may include, but is not limited to, verbal and/or written reprimands, counseling, transfers, suspension without pay, and/or termination. Action will also be taken to defer any future harassment.

### **Training**

All employees will participate in a training session on the prevention of illegal harassment and be given a copy of the District's policy.

### **Prohibition Against Retaliation**

The District will not tolerate any retaliation by the administration or any other employee or student against an employee or student who exercises his/her rights under this policy. Any employee who believes she/he is being retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint should immediately notify the Equal Employment Opportunity Officer.