

Storey County School District
Policy Manual

Section: Students

Title: Sexual Harassment

Adopted: 21 April 1993

Revised:

New Policy Number: JBA

Presented as below to School Board for Review on

SEXUAL HARASSMENT POLICY

POLICY: It is the policy of Storey County School District to maintain a learning and working environment that is free from sexual harassment. Sexual Harassment is a form of discrimination under Title IX of the Education Amendments of 1972 and is prohibited by both federal and state law. It shall be a violation of this policy for all persons associated with Storey County School District, including, but not necessarily limited to, the Board, administration, staff and students to harass another employee or student through conduct or communication of a sexual nature as defined in section ~~B~~ below. It shall also be a violation of this policy for a student to harass other students or employees through conduct or communication of a sexual nature. Storey County School District will not tolerate any form of sexual harassment.

DEFINITIONS: Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when made by an employee to a student or another employee, a student to another student or a student to an employee, where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. Submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's educational or work performance, or creating and intimidating, hostile or offensive employment or educational environment.

Sexual Harassment may include, but is not limited to:

1. Suggestive or obscene letters, notes, invitations, derogatory comments, slurs, jokes, epithets, assault, touching, impeding or blocking movement, leering or gestures, display of sexually suggestive objects, pictures or cartoons.
2. Continuing to express a sexual interest after being informed that the interest is unwelcome.
3. Implying or withholding support for an appointment, promotion or change of assignment; suggesting a poor evaluation will be prepared. Within the educational environment, implying or actually withholding grades earned or deserved; suggesting that a poor performance report will be prepared; or suggesting that a college application or scholarship recommendation will be denied.
4. Coercive sexual behavior used to control or influence, or affect the career, salary and/or work environment of another employee within the work environment, engaging in coercive sexual behavior used to control or influence, or affect the educational opportunities, grades and/or learning environment of a student.
5. Offering favors or educational or employment benefits such as grades or promotions, favorable evaluations or assignments, duties, recommendations, reclassifications, etc. in exchange for sexual favors.

PROCEDURES: Any person who alleges sexual harassment by an employee or student in the school district may complain directly to his/her immediate supervisor or site administrator or the District Superintendent. Victims need not report to or through his/her supervisor if the supervisor is the alleged harasser. Upon receiving a sexual harassment report employees or students shall be informed of their rights and every effort shall be made to assist the person in securing their rights.

Rights of individuals under this policy:

1. The right to work or learn in an environment free of sexual harassment.
2. The right to a full, impartial and prompt investigation by the district's legal counsel.

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3. The right to review all relevant information developed and discovered during the course of any investigation and inquiry into the matter.
 4. The right to be free from any retaliation for filing a complaint or providing witness testimony to an incident(s) of sexual harassment.
 5. Where sexual harassment exists, the right to an expedient and effective remedy to a hostile work environment.
 6. The right to file a formal complaint even if no tangible loss has occurred.
 7. The right to a timely decision from the district after full consideration of all relevant facts and circumstances.
 8. The right to appeal any decision within thirty (30) days to the appropriate state or federal agencies.

REVIEW PROCEDURE

RESPONSIBILITY

ACTION

Complainant

Submits complaint to supervisor or superintendent

District Legal Counsel

Conducts informal investigation

1. Obtains and reviews complainant's statement to determine basis(es) for the complaint and to gain an understanding of the issues presented.
2. Reviews statement, evidence and documents currently available in order to become acquainted with the facts of the complaint and to assist in planning the investigation.
3. Determines scope of inquiry.
4. Opens and organizes investigative file.
5. Determines potential witness(es) and evidence to gather.
6. Determines additional or clarifying information needed.
7. Conducts interview(s).
8. Gathers supporting documentation and evidence.
9. Analyzes the information.
10. Makes a determination of findings.
11. Prepares a report of the findings.
12. Determines/recommends appropriate remedy, if harassment is probable.

School District

Takes corrective action.

SANCTIONS: A substantiated charge against a staff member shall result in disciplinary action, up to and including termination.

A substantiated charge against a student shall result in disciplinary action, up to and including suspension and expulsion, consistent with the student discipline code.

NOTIFICATION: Notice of this policy will be circulated to all schools and departments of the Storey County School District. It will be included on an annual basis in staff handbooks. It will be distributed to parents on an annual basis.