

**B-38**  
**SEXUAL HARASSMENT: EMPLOYEE**

(Also SEXUAL HARASSMENT: STUDENT E-10.5)

The Board of Education is committed to providing a positive productive learning and working environment, free from discrimination on the basis of sex, including sexual harassment. Sexual harassment shall not be tolerated in the School District. Sexual harassment of employees or students of the District by Board members, administrators, certificated and support personnel, students, vendors, and any others having business or other contact with the School District is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Kansas Acts Against Discrimination. All forms of sexual harassment are prohibited at school, on school property and at all school-sponsored activities, programs or events. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Sexual harassment is unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or when made by any student to another student when: (1) submission to such conduct is made, explicitly or implicitly, a term or condition of the individual's education; (2) submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting that individual; or (3) such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive academic environment.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include, but is not limited to: verbal harassment or abuse; pressure for sexual activity; repeated remarks to a person, with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades, participation in extra-curricular activities, etc.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. The district will promptly investigate all complaints of sexual harassment and take prompt corrective action to end the harassment.

**Any student who believes that he or she has been subjected to sexual harassment should discuss the alleged harassment with the building Principal, another administrator, the Guidance Counselor, or another certified staff member. Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building Principal. If the building Principal is the alleged harasser, the complaint shall be reported to the District Compliance Coordinator. The building Principal or District Compliance Coordinator shall discuss the complaint with the student to determine if it can be resolved. If the matter is not resolved to the satisfaction of the student in this meeting, the student may initiate a formal complaint under the district's discrimination complaint procedure Board Policy B12.1.**

**Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable student conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct.**

**If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence.**

**An employee who witnesses an act of sexual harassment shall report the incident to the building Principal. Employees who fail to report complaints or incidents of sexual harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.**

**When a complaint contains evidence of criminal activity or child abuse, the building Coordinator or district Coordinator shall report such conduct to the appropriate law enforcement or DCF authorities.**

**To the extent possible, confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.**

**The filing of a complaint or otherwise reporting sexual harassment shall not reflect upon the individual's status or grades. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving a sexual harassment complaint is prohibited. Any person who retaliates is subject to**

**immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.**

**False or malicious complaints of sexual harassment may result in corrective or disciplinary action against the complainant.**

**A summary of this policy shall be posted in each district facility and shall be published in student handbooks and on the district's website as directed by the district Compliance Coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.**