

# HARASSMENT AND SEXUAL HARASSMENT

Code **GBAA-R** Issued **3/05**

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These procedures are intended to do the following.

- Discourage employees and third parties associated with schools from subjecting employees of the district to sexual harassment.
- Promote a harassment-free work environment.
- Effectively and appropriately address all sexual harassment found to have occurred or be occurring.
- Establish ongoing education and awareness of the problem of sexual harassment.
- Provide information about how to report allegations of sexual harassment.

## **Types of behavior which constitute sexual harassment**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature which meets the following criteria.

- is made an employment condition so that submission to such conduct is a term or condition of employment
- has an employment consequence, so that submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual employee
- is an offensive job interference, so that such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment

Sexual harassment may include, but is not limited to: verbal harassment, including epithets, sexually offensive comments or slurs; physical harassment, physical interference with movement or work; or visual harassment, such as sexually offensive cartoons, drawings, or posters. Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

## **Behavior prohibited of administrators/supervisors**

No administrator or supervisor may condition any offer of employment, employee benefit or continued employment on an employee's acquiescence to any of the sexual behavior defined above.

No administrator or supervisor may retaliate against any employee because that employee has opposed a practice prohibited by Title VII of the Civil Rights Act of 1964 and the South Carolina Human Affairs Law, or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized agency.

No administrator or supervisor will cause or tolerate the creation of a sexually hostile or offensive work environment by any subordinate employee or third party associated with schools who engages in sexual harassment.

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No administrator or supervisor will destroy evidence relevant to an investigation of sexual harassment.

### **Behavior prohibited of all employees**

No administrator, supervisor or any other employee of this district and/or third parties associated with schools, will create a sexually hostile or offensive work environment for any employee by engaging in any sexual harassment.

No administrator, supervisor or any other employee of this district and/or third parties associated with schools, will assist any individual in doing any act which constitutes sexual harassment against any employee.

### **Preventive action**

Periodically, the district will ensure the following.

- Policy GBAA and this administrative rule are fully referenced in employee handbooks and a copy is provided to all employees. It will also be available in each school's media center and the district office.
- All employees are informed about the nature of sexual harassment, the procedures for registering a complaint and the possible redress which is available.
- Designated administrators and designated sexual harassment contact persons are informed of the district's sexual harassment procedures and understand how to implement them. (For example, they should be made aware of the kinds of acts that constitute sexual harassment, the district's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in harassment, the procedures for reporting incidents of sexual harassment and the procedures for conducting a sexual harassment investigation.)
- The district office makes available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of sexual harassment with these entities.

The district will designate a Title IX Coordinator. The name, address and business telephone number of the coordinator will be disseminated throughout the district.

### **Reporting and response procedures**

Any employee who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with his/her immediate supervisor or principal (except for situations covered in the following paragraph). (See GBAA-E which may be used to file a complaint.)

Under no circumstances will an employee be required to first report allegations of harassment to his/her immediate supervisor if that person is the individual who is accused of the harassment. In such cases, the employee will file the complaint with the district Title IX Coordinator.

All administrators/supervisors will initiate an investigation of any incident of alleged sexual harassment reported to or observed by them. The district will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sexual harassment allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.

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All administrators/supervisors will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the Title IX Coordinator and/or superintendent. The employee who brought the sexual harassment allegation will be informed that appropriate actions were taken and will be advised as to how to report any subsequent problems.

If an employee is determined to have sexually harassed another employee, the administrator/supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination.

All administrators/supervisors will follow up periodically on any incident of sexual harassment they were involved in investigating to determine whether the employee has been subjected to any further sexual harassment since the corrective action was taken.

No administrator/supervisor of this district will retaliate in any way against an employee who has provided information as a witness to or victim of an incident of sexual harassment.

### **Additional obligations of all employees**

All employees will report to their immediate supervisor any conduct on the part of non-employees, such as sales representatives or service vendors, which is believed to constitute sexual harassment.

All employees will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by an appropriate state or federal agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee of this district will take any action to discourage any other employee from reporting alleged sexual harassment. However, any person who intentionally provides false information in connection with a report or investigation of sexual harassment may be subject to disciplinary action.

No employee of this district will retaliate in any way against another employee who has provided information regarding an incident of sexual harassment.

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