Sexual Harassment

Section 1. General. It is the policy of East Allen County Schools to maintain a learning and working environment that is free from sexual harassment.

It shall be a violation of this policy for any employee of East Allen County Schools to harass another employee or student through conduct or communications of a sexual nature, as defined in Section I, Item B of Regulation 4113. It shall also be a violation of this policy for a student to harass an employee or another student through conduct or communication of a sexual nature, as defined in Section I, Item B of Policy 4113. The use of term “employee” also includes non-employees and volunteers who work subject to the control of school authorities.

Section 2. Definitions.

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

   A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education;

   B. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;

   C. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;

   D. Denial of an employment or educational opportunity occurs directly because an employee or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;

   E. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

A. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.

B. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed person had indicated, by his or her conduct or verbal objection, that it is unwelcome.

C. A person who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

Section 3. Examples of Sexual Harassment. Sexual harassment, as set forth in Section I.A, may include but is not limited to the following:

1. Verbal harassment or abuse.
2. Repeated remarks to a person with sexual or demeaning implications.
4. Pressure for sexual activity.
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one’s grades, job, promotion, and/or salary increase.
6. Unsolicited and unwelcome verbal comments, jokes, physical gestures or actions of a sexual nature.
7. Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters.
8. The explicit or implicit promise of preferential treatment with regard to an individual in exchange for sexual favors or sexual activity.
9. The use of an employee’s or applicant’s submission to or rejection of sexual conduct as the basis for making, influencing or affecting an employment decision that impacts upon the terms and conditions of the individual’s employment; and
10. Engaging in sexual conduct in the work place, such as verbal comments, jokes, physical gestures, or displaying sexually explicit photographs or
objects that a reasonable person may find interferes with the performance of work.

Section 4. Specific Prohibitions

1. Administrators and Supervisors

A. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate’s failure to submit will result in adverse treatment, or when the subordinate’s acquiescence will result in preferential treatment.

B. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees or students shall be subject to disciplinary actions as described below.

2. Non-administrative and Non-supervisory Employees

A. It is sexual harassment for a non-administrative and non-supervisory employee to subject another employee or a student to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

Section 5. Responsibility

1. Management Responsibility

All supervisors and management employees are responsible for:

A. Knowing the policy and guidelines on sexual harassment and informing employees that sexual harassment is prohibited and that East Allen County Schools will promptly investigate alleged incidents of sexual harassment and take appropriate corrective action.

B. Immediately reporting all alleged incidents of sexual harassment to the Executive Director of Employee Relations.

C. Rejecting an employee’s or applicant’s offer or promise of sexual favors made in anticipation of or in exchange for some personnel action and advising the employee that such an exchange violates policy and will not be condoned.
D. Exhibiting a model of the behavior expected of all employees.

2. Employee Responsibility

A. Any employee who believes that a violation of the corporation's sexual harassment policy has occurred is encouraged and has the responsibility to address and/or report the alleged violation immediately and in a manner consistent with the guidelines herein. The report will result in prompt investigation of the alleged sexual harassment. There will be no adverse action taken against any employee or student who in good faith reports incidents of sexual harassment.

B. Given the nature of this type of discrimination and the serious effects it can have on the person harassed and the accused, the East Allen County Schools will treat alleged violations of this policy seriously and confidentially, to the extent possible, and expects that all will treat alleged violations in the same responsible manner.

Section 6. Complaint Procedures

1. Any person who alleges sexual harassment by any employee or student in the school corporation may use the complaint procedure explained below in Section III.C or may complain directly to his or her immediate supervisor, building principal, or the Title IX complaint designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual’s status, nor will it affect future employment, grades, or work assignments.

2. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school corporation’s legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Section 7. Reporting Sexual Harassment. A report indicating sexual harassment by a student shall, for that student, follow the investigation and due process procedures contained in the Guide to Students and Parents, Due Process Procedures and Limitations. All other reports of sexual harassment shall be handled in the following manner:

1. Reports must be in writing on forms supplied by the corporation. (If a verbal complaint is made, the school official should file a written report.)

2. Reports must name the person(s) charged with sexual harassment and state the facts.
3. Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the Executive Director of Employee Relations of all filed reports.

4. The building principal who received a report shall thoroughly investigate the alleged sexual harassment. An investigation must be initiated within fourteen (14) working days. The investigation will include:

   A. Interview of complainant;
   B. Interview of alleged offender;
   C. Interview of witnesses;
   D. Such other interviews as are deemed necessary by the investigator.

   All interviewee's testimony will be put in writing.

5. The report and the results of the investigation will be presented to the Executive Director of Employee Relations, who may then conduct whatever additional investigation is deemed appropriate.

   If the investigation shows no discriminatory practice, then the Executive Director of Employee Relations will so advise the complainant and provide counsel regarding further interactions between the complainant and the alleged offender.

6. If the investigation shows discriminatory practices or the possibility thereof, then it will be turned over to the Superintendent within twenty-one (21) working days from initiation of the first investigation.

7. Upon receipt of a case under this policy, the Superintendent will review the investigation file and gather any additional data within fourteen (14) working days of receipt of the supervisory investigation. The Superintendent may utilize the corporation attorney for further investigation.

   If there is sufficient evidence that the accused is responsible for discriminatory behavior, such will be considered insubordination and disciplinary action against the offender will be instituted without further notice.

8. Settlements of the action and interviewee’s testimony will be recorded in the personnel files of both the complainant and the offender when such settlement results from a determination that such discriminatory behavior occurred. However, if the investigation shows no discriminatory practice, all records generated under this procedure shall be placed into a file
maintained by the Executive Director of Employee Relations and labeled “Sexual Harassment.”

Section 8.  **Sanctions for Misconduct.** A substantiated charge against an employee in the school corporation shall subject such employee to disciplinary action, including but not limited to reassignment, suspension, or discharge.

A substantiated charge against a student in the school corporation shall subject that student to disciplinary action consistent with the *Guide to Students and Parents, Student Conduct Code.*

Section 9.  **False Reporting.** Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and the *Student Conduct Code.*