

SEXUAL DISCRIMINATION AND HARASSMENT

Code **GBAA** Issued **12/01**

Purpose: To establish the board's vision for a working environment free of sexual harassment.

Sexual harassment (staff)

The center will not tolerate or condone sexual harassment in the workplace. The board considers sexual harassment to be a major offense that may result in disciplinary action or dismissal of the offending employee.

Unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, constitutes sexual harassment under the following circumstances.

- The harasser requires the employee to submit to the conduct as an explicit or implicit condition of employment, status or promotion.
- The harasser uses the employee's submission to, or rejection of, the conduct as a basis for an employment decision.
- The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- The employee's submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee who feels that he/she is being harassed should immediately report such incident to the immediate supervisor of the accused employee or the appropriate personnel department official. Nothing in district policy requires the employee alleging sexual harassment to present the matter to the person who is the subject of the complaint.

The district will promptly and thoroughly investigate all complaints of sexual harassment. All complaints will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information about it. The district prohibits retaliation or reprisal in any form against an employee who has filed a complaint of sexual harassment.

Sexual harassment (students)

Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent or pervasive so that it does the following.

- adversely affects a student's education
- creates a hostile or abusive educational environment

A one-time incident must be severe to rise to the level of harassment.

The center prohibits sexual harassment of students by center employees, other students or third parties. All students and employees must avoid any action or conduct that could be viewed as sexual harassment.

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Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when the following occurs.

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as the basis for any decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive school environment.

Any student who feels he/she has been subjected to sexual harassment is encouraged to file a complaint in accordance with administrative rule JI-R. All allegations will be investigated promptly and confidentially. The center prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.

Any employee or student who is found to have engaged in sexual harassment will be subject to disciplinary action, up to and including termination in the case of an employee, or expulsion in the case of a student. The center will take all other appropriate steps to correct or rectify the situation.

Adopted 12/18/01

Legal references:

A. Federal statutes:

1. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex by any educational program or activity receiving federal funds.