

## SECTION IX. GENERAL POLICY STATEMENTS

### E. Sexual Harassment

Sexual harassment is an unlawful form of discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991, Title IX of the Education Amendment of 1972, and Code of Alabama. Some forms of sexual harassment may amount to criminal conduct and result in criminal penalties. By issuing a single comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all Mobile County Public School System employees and students are provided with a work and learning environment that is free of sexual harassment. The Board of School Commissioners of Mobile County does not condone or tolerate any form of sexual harassment of, or by, staff (including non-employee volunteers) or students and is committed to the creation and maintenance of a learning and work environment in which all individuals who participate in school programs and activities can function in an atmosphere free from all forms of sexual harassment.

It is the intention of Mobile County Public School System to take all necessary action to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly and effectively.

Consequently, all Mobile County Public School System administrative and supervisory staff in schools, offices, and other facilities must be aware of and responsible for effectively implementing the sexual harassment policy. If a complaint involves employees, resolution procedures established in Grievance Policy GAE should be implemented with the understanding that if the immediate supervisor is the one involved, the employee would go to Step II. If the complaint involves only students, the investigation will follow the procedures laid out in the *Student Code of Conduct*.

Malicious or frivolous complaints of sexual harassment are prohibited and subject to disciplinary action.

Retaliation of any kind is strictly prohibited against any person who has filed a report of sexual harassment, testified as a witness, assisted, or participated in any manner in any investigation or proceeding under this policy.

Reporting of sexual harassment, or participation in a sexual harassment investigation, must not affect the individual's status or future grades, assignments, employment, etc.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

- When submission to unwelcome sexual advances, performance of sexual favors or other inappropriate conduct of a sexual nature is made an explicit or implicit condition of employment, instruction, or participation in other school activities.
- When submission to or rejection of unwelcome sexual advances, performance of sexual favors, or other inappropriate conduct of a sexual nature is used as the basis for making personnel or academic decisions.

- When unwelcome sexual advances, performance of sexual favors, or other inappropriate conduct of a sexual nature unreasonably interferes with an individual's work and/or academic performance or creates an intimidating, hostile, or offensive work or learning environment.

**NOTATION:** Sexual harassment is determined only by looking at the record as a whole and evaluating each situation on a case-by-case basis.

## **SECTION XVIII. GRIEVANCE PROCEDURE FOR TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.**

### Notification of Title IX Grievance Procedure

It is the policy of the Mobile County Public Schools not to discriminate on the basis of sex in its educational programs, activities, or employment as required by Title IX of the 1972 Education Amendments. Students are protected from sex discrimination in the following areas:

Students may not be discriminated against on the basis of sex in:

- Admission to most schools
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests, and practices
- Vocational education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations, and benefits
- Treatment as a married and/or pregnant student
- Housing
- Financial assistance
- Health services
- School-sponsored extracurricular activities
- Most other aid, benefits, or services

If you believe that you have been discriminated against on the basis of sex, you may make a claim that your rights have been denied. This claim or grievance may be filed with the Title IX Coordinator, Bryan Hack, 1 Magnum Pass, P.O. Box 180069, Mobile, AL 36618 – (251) 221-4543.