

CHAPTER 3.00 - SCHOOL ADMINISTRATION

PROHIBITION OF HARASSMENT

3.43

- I. The School Board prohibits harassment against any employee, applicant for employment, student, or student applicant based upon race, color, religion, gender, sexual orientation, age, ethnicity, national origin, marital status, disability, political or religious beliefs, or social and family background. This policy also applies to non-employment volunteers who work subject to the control of school authorities.
- II. The Superintendent shall develop procedures which shall be used by persons alleging harassment.
- III. Harassment includes:
 - A. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.
 - B. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly a term or condition of an individual's employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.
- IV. Sexual Harassment by Students – The School Board desires to maintain an academic environment in which all students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the eradication of discriminatory practices including sexual harassment. Sexual harassment is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the School Board. Sexual harassment's destructive impact wastes human potential, demoralizes students, and perpetuates the tendency toward further unacceptable behavior. For these reasons, the School Board forbids harassment against any student on the basis of gender. The Board will not tolerate harassment activity by any of its students.
 - A. Definition – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature, wherever such harassment occurs on school property or at a school-sponsored event, that is aimed at coercing an unwilling person into a sexual relationship whether or not it involves physical contact, or that substantially interferes with a student's academic

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performance, or creates an intimidating, hostile, or offensive school environment.

Examples of sexual harassment may include but are not limited to the following:

1. Verbal harassment or abuse of a sexual nature;
 2. Repeated remarks to a person with sexual implications;
 3. Continuous unwelcomed and inappropriate physical contact such as patting, pinching, or grabbing;
 4. Suggesting or demanding sexual involvement accompanied by threats;
 5. Repeated display of sexually suggestive objects, pictures, or written materials;
 6. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- B. Specific Prohibition - It is sexual harassment for a student to subject another student or a school employee to any unwelcomed conduct of a sexual nature on school property or at a school-sponsored event. Students who engage in such conduct shall be subject to penalties as described herein.
- C. Procedures – It is the responsibility of all students/parents and/or employees to immediately report in writing any occurrence of alleged harassment to the building principal or the Superintendent. The required Harassment Complaint Form is attached hereto as Exhibit “A.” The complainant may request of the building principal or the Superintendent to make his or her complaint of sexual harassment to an administrator of the same sex as complainant. Further, no complainant alleging sexual harassment shall be required to report the matter to the person who is the subject of the complaint. This policy on harassment shall be communicated to all students/parents and employees through their handbooks, and each student/parent and employee is responsible for familiarizing herself or himself with this Policy. Any questions should be directed to the Superintendent. Complaints should be reported to the building principal or the Superintendent and should be in writing, state the act(s), state the date(s), state the name(s) of witnesses and be signed by the complainant. See Exhibit “A” attached hereto for the required Harassment Complaint Form. Immediate reporting of alleged harassment is required because that is the only way to stop such harassment.

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The Superintendent shall appoint a committee to investigate all harassment complaints. Investigations will be conducted with discretion. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Claims found to be factually supported will be promptly acted upon. No student or employee shall be retaliated against, in any manner, for reporting conduct which is believed to be a violation of this rule or for participating in an investigation of a possible violation of this rule.

In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent's investigative committee shall perform a complete and unbiased investigation, and report its findings to the Superintendent. The Superintendent shall then make a written determination to be submitted to Complainant. Should the complainant disagree with the Superintendent's determination, the complainant must explain in detail the basis for such disagreement in a writing delivered in hand to the Superintendent within ten (10) days of the Superintendent's written determination. Upon timely receiving such a writing, the Superintendent shall schedule a due process hearing before the Board where the Board will consider complainant's disagreement with the Superintendent's determination and make a final decision resolving the matter.

- D. Penalties - A substantiated charge against a student shall subject that student to disciplinary action consistent with the Code of Student Conduct. Any employee who makes false allegations of harassment will be subject to appropriate disciplinary action, up to and including termination. Any student who makes false allegations of harassment will be subject to disciplinary action according to the Code of Student Conduct.

- V. Sexual Harassment by Employees – Definition – Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:
 - A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;

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- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's educational performance, or creating an intimidating, hostile or offensive work or school environment.
- D. Examples of sexual harassment may include, but are not limited to, the following:
 - 1. Verbal harassment or abuse of a sexual nature;
 - 2. Repeated remarks to a person with sexual implications;
 - 3. Continuous unwelcomed and inappropriate physical contact such as patting, pinching, or grabbing;
 - 4. Suggesting or demanding sexual involvement accompanied by threats;
 - 5. Repeated display of sexually suggestive objects, pictures, or written materials;
 - 6. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- E. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- F. Any suspected child abuse shall be reported in accordance with state law.
- G. Specific Prohibition – Sexual harassment in any form is prohibited. All claims of sexual harassment will be subject to prompt and thorough investigation.
 - 1. It is sexual harassment for an administrator or supervisor to use his/her authority to solicit sexual favors or attention from subordinates, including, but not limited to, incidents when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
 - 2. It is sexual harassment for a non-administrator and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to penalties.

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3. It is sexual harassment for a School Board employee to use his or her authority to solicit sexual favors or attention from students. Board employees who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
- H. Procedures – It is the responsibility of any employee or student/parent to immediately report any occurrence of alleged harassment in writing to the building principal or the Superintendent. The required Harassment Complaint Form is attached hereto as Exhibit “A.” The complainant may request of the building principal or the Superintendent to make his or her complaint of sexual harassment to an administrator of the same sex as complainant. Further, no complainant alleging sexual harassment shall be required to report the matter to the person who is the subject of the complaint. This policy on harassment shall be communicated to all employees and students/parents through their handbooks, and each employee and student/parent is responsible for familiarizing herself or himself with this Policy. Any questions should be directed to the Superintendent. Complaints should be reported to the building principal or the Superintendent and should be in writing, state the act(s), state the date(s), state the name(s) of witnesses and be signed by the complainant. See Exhibit “A” attached hereto for the required Harassment Complaint Form. Immediate reporting of alleged harassment is required because that is the only way to stop such harassment.

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In determining whether alleged conduct constitutes harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent’s investigative committee shall perform a complete and unbiased investigation, and report its findings to the Superintendent. The Superintendent shall then make a written determination to be submitted to Complainant. Should the complainant disagree with the Superintendent’s determination, the complainant must explain in detail the basis for such

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disagreement in a writing delivered in hand to the Superintendent within ten (10) days of the Superintendent's written determination. Upon timely receiving such a writing, the Superintendent shall schedule a due process hearing before the Board where the Board will consider complainant's disagreement with the Superintendent's determination and make a final decision resolving the matter.

- I. Penalties – Necessary disciplinary action, up to and including termination, may result if harassment occurs. Any employee who makes false allegations of harassment will be subject to appropriate disciplinary action, up to and including termination. Any student who makes false allegations of harassment will be subject to disciplinary action according to the Code of Student Conduct.

STATUTORY AUTHORITY:

**CODE OF ALABAMA
16-1-30**

LAW(S) IMPLEMENTED:

**CODE OF ALABAMA
16-8-8, 16-11-9, 16-12-3, 26-14-3**

ALABAMA ADMINISTRATIVE PROCEDURE ACT: _____

HISTORY:

**ADOPTED: Dec 16, 2008
REVISION DATE(S): _____
FORMERLY: GBQJ, GCPJ**

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EXHIBIT "A" TO POLICY 3.43

Attachment to: 3.43

HARASSMENT COMPLAINT FORM

Name of Person Registering Complaint Last First MI

Social Security Number:

Position With the Board:

Immediate Supervisor:
If this complaint is against a particular individual or individuals, please name:

When did the Harassment Begin?

List the specific incidents of Harassment
Complained of and the dates each incident
Occurred

Description of Harassment: (Attach additional information if necessary)

Requested Remedy/Solution:

I, (Print Name), hereby swear and affirm under oath and subject to penalty of perjury that the above

statements are true, correct and complete as of this the day of , 2.

(Signature of Complainant)

Received by on this day of , 2.

(Superintendent or Principal)