

TITLE VII EMPLOYEE SEXUAL HARASSMENT

It is the policy of the City of Baker School Board to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual harassment under federal and state laws, regulations, and guidelines. The City of Baker Parish School Board shall not tolerate sexual harassment by any student, employee, non-employee volunteer, or School Board member toward any individual.

All managerial and supervisory personnel shall be responsible for enforcing City of Baker School Board's sexual harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Incidents of sexual harassment may include verbal harassment such as derogatory comments, jokes, or slurs, or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; and visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks, or gestures. Individuals who experience sexual harassment from co-workers or others should make it clear that such behavior is offensive to them. Harassment may depend not only upon the perpetrator's intention, but also upon how the person who is the target perceives the behavior or is affected by it. Individuals who believe they have been the victim of sexual harassment from co-workers or others should make it clear that such behavior is offensive to them by saying so to the offender.

REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by an employee or non-employee volunteer of the City of Baker School Board, or any person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to the employee's immediate supervisor who, in turn, shall submit it to the Superintendent or his/her designee. If the alleged acts were committed by the employee's immediate supervisor, the complaint should be directed to the human resources manager. If criminal activity is involved, the victim should also report the incident to local law enforcement. The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent or his/her designee.

INVESTIGATION AND RECOMMENDATION

The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment, and take corrective or disciplinary action when the conduct has occurred.

Upon receipt of a report or complaint alleging sexual harassment by an employee or non-employee volunteer, such a complaint shall be immediately investigated by personnel designated by the Superintendent to conduct such investigation utilizing the procedures outlined in policy *F-12.3, Investigations*. In addition, the investigation shall include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Superintendent upon completion of the investigation involving an employee or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or recommended to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

RESULTS OF INVESTIGATION

Upon receipt of a recommendation that a complaint is valid, the Superintendent shall take such action as appropriate based on the results of the investigation, which may include but not be limited to, suspension with or without pay, demotion, or termination.

If, based on the results of the investigation, the claim of sexual harassment is found to be intentionally false, the Superintendent shall take such action as appropriate, which may include but not be limited to, suspension with or without pay, demotion, or termination.

Any employee shall have the right to pursue a claim of sexual harassment under state or federal law, regardless of the outcome of the School Board's investigation.

RETALIATION PROHIBITED

It is strictly forbidden for any employee having authority over another to use any form of retaliation against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation shall include, but not be limited to, intimidation, reprisal, unjust assignments or ridiculing at any time.

NON-HARASSMENT

The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to local law enforcement.

NOTIFICATION/TRAINING

Copies of this policy shall be circulated to all schools and departments of the City of Baker School Board and placed on the School Board's website. Training sessions on the provisions of this policy and the prevention of sexual harassment shall be held in all schools on an annual basis. Training sessions for new non-teaching employees shall be conducted annually. Supervisors and other persons designated to accept or investigate complaints of sexual harassment in the workplace shall receive additional education and training.

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law,

regardless of the outcome of the investigation.

Revised: December, 2018

Revised: March 3, 2020

Revised: August 4, 2020

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§23:301, 23:302, 23:303, 23:332, 23:967, 42:341, 42:342, 42:343, 42:344, 42:345; La. Civil Code, Art. 2315; Board minutes, 3-3-20, 8-4-20.