

SEXUAL HARASSMENT

It is the policy of the Central Community 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 School Board shall not tolerate sexual harassment by any student, employee, non-employee volunteer, or School Board member toward any individual.

All administrative and supervisory personnel shall be responsible for enforcing the 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 shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Incidents of sexual harassment may include, but are not limited to, verbal harassment such as derogatory comments, jokes, 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. Harassment depends 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 the offender.

REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual harassment by an employee or anyone affiliated with the Central Community School Board, or any third

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 of his/her designees. If the alleged acts were committed by the employee's immediate supervisor, the complaint should be directed to the Superintendent.

If the alleged acts were committed by the Superintendent, then the complaint should be submitted to the School Board President. If the complaint is against a School Board member, then the complaint should be submitted to the Superintendent. If criminal activity is involved, the victim should also report the incident to ~~the police~~ [local law enforcement](#). The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent.

The initial complaint of sexual harassment may be either verbal or written. It is recommended that the person taking the complaint completes the *Initial Incident Report* form (Form CCSS: CI) and submit it to the Superintendent for further review.

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, the Superintendent shall authorize an investigation by School Board employees, including at least one administrator, or a third party selected by the Superintendent. In conjunction with the provisions of policy *F-11.3, Investigations*, the investigation may 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. Such investigation shall proceed expeditiously, thoroughly, and professionally.

[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 which shall review the findings and render a discussion within thirty (30) days after completion of the investigation. The report may include a finding that the complaint was unfounded, informally resolved, or a recommendation to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

If the report of sexual harassment is not acted upon within a reasonable period of time after the initial report, the claimant shall contact that individual to determine what has transpired since the report was made. If the claimant is not satisfied with the response, he/she shall report the complaint and the actions of the initial receiver to the Superintendent.

ACTIONS RESULTS OF INVESTIGATION

Upon receipt of a recommendation ~~that the complaint which has not been informally resolved is valid involving an employee or non-employee volunteer, the Superintendent shall take such action as appropriate based on the results of the investigation~~ of a valid complaint, appropriate action shall be taken based on the results of the investigation, which shall be consistent with requirements of applicable statutes and School Board policies, including warning, transfer, suspension or immediate termination, to end sexual harassment and prevent its recurrence.

~~2. The result of the investigation of each complaint filed under these procedures involving an employee or non-employee volunteer shall be reported in writing to the complainant and the alleged harasser by the Superintendent. The report shall document any action taken as a result of the complaint.~~

RETALIATION PROHIBITED

The School Board shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. *Retaliation* includes, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

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 may 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 ~~the police~~ [local law enforcement](#).

DISCIPLINE

~~Any action taken pursuant to this policy shall be consistent with requirements of applicable statutes and School Board policies. The School Board and Superintendent shall take such disciplinary action for employees and non-employee volunteers it deems necessary and appropriate, including warning, transfer, suspension or immediate discharge to end sexual harassment and prevent its recurrence.~~

NOTIFICATION/TRAINING

Notice of this policy shall be circulated to all schools and departments of the Central Community School Board and referenced in teacher handbooks. Training sessions on 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.

Revised: December, 2018

Ref: 20 USC 1681 (*Title IX of the Education Amendments of 1972*); 42 USC 2000e (*Civil Rights - Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex - Sexual Harassment*); 34 CFR 100.6 et seq. (*Title VI of the Civil Rights Act of 1964*); La. Rev. Stat. Ann. ' '14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:301, 23:302, 23:303, 23:332, [42:431, 42:432, 42:343, 42:344](#); La. Civil Code, Article 2315.