

## Policy GBAA Sexual Harassment

Issued 4/17

The chief human resources officer is the district's sexual harassment compliance officer. All allegations will be reported to the sexual harassment compliance officer. The superintendent may designate other individuals to be trained for the purpose of investigating complaints that are governed by this policy.

It is the board's expectation that all personnel conduct themselves in a professional manner and respect other district employees, students, parents/legal guardians, and third parties at all times. In this regard, the board prohibits sexual harassment, all forms of sexual discrimination, and other inappropriate conduct of a sexual nature. The district prohibits discrimination because of race, religion, color, handicap, sex, sexual orientation, gender identification, age, lineage, or national origin, as required by applicable state and federal law. Reporting is mandatory, and the administration must be notified of a complaint or violation.

All employees, including supervisory level employees, must avoid any action or conduct which could be viewed as sexual harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a telephone, cell phone, computer, Blackberry, or other telecommunication device, and includes text messaging and instant messaging.

Sexual harassment of employees consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under any of the following circumstances:

- submission to such conduct is made either expressly or impliedly a condition of employment
- submission to or rejection of such conduct by an individual is used as the basis for any employment decisions affecting the individual
- such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment

Any employee who believes he/she has been subjected to sexual harassment is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. Any employee who believes that he/she witnessed inappropriate conduct of a sexual nature toward an employee or a student must immediately report such a situation to his/her immediate supervisor or principal except for situations where the employee would be required to first report allegations of harassment or inappropriate conduct of a sexual nature to his/her immediate supervisor. In such cases, the employee will file the complaint with the district's compliance officer. All allegations will be investigated promptly and confidentially.

Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form. Any employee, including a supervisory level employee, who is found to have engaged in sexual harassment or inappropriate conduct of a sexual nature with another employee, will be subject to disciplinary action, up to and including termination and all other appropriate steps will be taken to correct or rectify the situation.

All employees must avoid any action toward or conduct with a student which could be viewed as sexually inappropriate. Inappropriate conduct of a sexual nature will not be tolerated at any time. Inappropriate conduct of a sexual nature with a student occurs when an employee does any of the following:

- makes a sexually suggestive advance toward a student
- makes a request for a sexual favor from a student
- engages in a relationship of a sexual nature with a student

Any employee who believes another employee or a student has directed inappropriate conduct of a sexual nature toward him/her is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. Any employee who has knowledge that an employee or a student has directed inappropriate conduct of a sexual nature towards another employee or student should also file a complaint. All allegations will be investigated promptly. Employees who file a complaint of inappropriate conduct of a sexual nature by another employee or a student will not be subject to retaliation or reprisal in any form. Any employee or student who is found to have directed inappropriate conduct of a sexual nature towards an employee will be subject to disciplinary action, up to and including a recommendation of dismissal or expulsion and all other appropriate steps will be taken to correct or rectify the situation.

Adopted 9/24/03; Revised 2/28/06, 2/24/09, 4/25/17

## Legal References:

### Federal Law:

Title VII of the Civil Rights Act of 1964, [42U.S.C.A.Section2000e](#), *et seq.* - Prohibits discrimination in employment based on race, color, national origin, religion, or sex.

Title IX of the Education Amendments of 1972, [20U.S.C.A.Sections1681-86](#) - Prohibits discrimination on the basis of sex.

### S.C. Code, 1976, as amended:

[Section1-13](#)-10, *et seq.* - Prohibits discrimination on the basis of race, religion, color, sex, age, national origin, or disability.

### Federal Cases

[Jackson v. Birmingham Board of Education](#), 544 U.S. 167 (2005).

[Burlington Northern and Santa Fe Railway v. White](#), 548 U.S. 53 (2006).

## **Richland County School District One**