

## **AR GBAA-R Sexual Harassment**

*Issued 4/17*

These following procedures are intended to do the following:

- discourage employees from subjecting employees or students of the district to sexual harassment or inappropriate conduct of a sexual nature
- promote a harassment-free work and/or learning environment
- effectively and appropriately address all sexual harassment and inappropriate conduct of a sexual nature found to have occurred or be occurring
- establish on-going education and awareness of the problem of sexual harassment and inappropriate conduct of a sexual nature
- provide information about how to report allegations of sexual harassment and inappropriate conduct of a sexual nature

### **Types of Behavior Which Constitute Sexual Harassment of Employees**

Sexual harassment of employees includes unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which does any of the following:

- is made an employment condition so that submission to such conduct is a term or condition of employment
- has an employment consequence, so that submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual employee
- is an offensive job interference, so that such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment

Sexual harassment may include, but is not limited to, any of the following:

- verbal harassment including epithets, sexually offensive comments, or slurs
- physical harassment or physical interference with movement or work
- visual harassment such as sexually offensive cartoons, drawings, or posters

Sexual harassment is prohibited against members of the opposite sex as well as against members of the same sex.

### **Behavior Prohibited of Administrators/Supervisors**

No administrator/supervisor may condition any offer of employment, employee benefit, or continued employment on an employee's agreement to any of the sexual behavior defined above.

No administrator/supervisor may retaliate against any employee because that employee has opposed a practice prohibited by Title VII of the Civil Rights Act of 1964 and the South Carolina Human Affairs Law or has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by an authorized agency.

No administrator/supervisor will cause or tolerate the creation of a sexually hostile or offensive work environment by any subordinate employee or third party associated with schools who engages in sexual harassment.

No administrator/supervisor will destroy evidence relevant to an investigation of sexual harassment.

### **Types of Behavior Which Constitute Inappropriate Conduct of a Sexual Nature with Students**

Inappropriate conduct of a sexual nature with students includes inappropriate sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Inappropriate conduct of a sexual nature may include, but is not limited to, the following:

- engaging or participating in any dates, sexual activity, or other activity which contains a sexual or romantic
- overture leering at a student's body
- touching, grabbing, and/or pinching
- making comments, gestures, or jokes of a sexual
- nature manipulating clothing in a sexual manner
- displaying sexual pictures or objects

- spreading sexual rumors or commenting about sexual
- behavior teasing and/or bullying in sexual terms
- inflicting sexual assault or abuse
- any other behavior by an employee toward a student that would reasonably cause the student to feel uncomfortable or that would reasonably give the appearance of impropriety or unprofessional conduct, regardless of whether the behavior is overtly sexual and regardless of whether such behavior would constitute a crime

Inappropriate conduct of a sexual nature is prohibited against students of the opposite sex as well as against students of the same sex. Additionally, students are prohibited from directing inappropriate conduct of a sexual nature toward employees, whether of the same sex or opposite sex.

### **Behavior Prohibited of All Employees**

No administrator, supervisor, or any other employee of this district will create a sexually hostile or offensive work environment for any employee by engaging in any sexual harassment.

No administrator, supervisor, or any other employee of this district will create a sexually hostile, offensive, or charged educational environment for any student by engaging in any sexual harassment or inappropriate sexual conduct with a student.

No administrator, supervisor, or any other employee of this district will encourage or assist any individual in performing any act that constitutes sexual harassment or inappropriate sexual conduct against any employee or student.

### **Preventive Action**

The administration will ensure the following on an annual basis:

- Policy GBAA and this administrative rule will be fully referenced in employee handbooks and/or a copy will be provided to each employee.
- Policy GBAA and this administrative rule will be available online at [www.richlandone.org](http://www.richlandone.org), in each school, and at the district office.
- All employees will be informed about the nature of sexual harassment and inappropriate conduct of a sexual nature, the procedures for registering a complaint, and the possible redress that is available.

Administrators and designated sexual harassment contact persons are expected to be knowledgeable of the district's procedures regarding sexual harassment and inappropriate conduct and should know how to address and/or investigate complaints. For example, they should be made aware of the kinds of acts that constitute sexual harassment and inappropriate conduct of a sexual nature, the district's commitment to eliminating and preventing sexual harassment and inappropriate conduct of a sexual nature in the schools, the penalties for engaging in harassment or inappropriate conduct of a sexual nature, the procedures for reporting incidents of sexual harassment and inappropriate conduct of a sexual nature, and the procedures for conducting a sexual harassment or inappropriate conduct of a sexual nature investigation.

The district office will make available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of sexual harassment with these entities.

The name, address, and business telephone number of the district's sexual harassment compliance officer will be disseminated throughout the system.

### **Reporting and Response Procedures**

Any employee who believes that he/she has been the object of sexual harassment or inappropriate conduct of a sexual nature is encouraged to file a complaint with his/her immediate supervisor or principal except for situations covered below. (See attached complaint form which may be used to file a complaint.)

Any employee who believes that he/she has 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 covered below.

Under no circumstances will an employee be required to first report allegations of harassment or inappropriate conduct of a sexual nature to his/her immediate supervisor if that person is the individual who is accused of the harassment or inappropriate conduct. In such cases, the employee will file the complaint with the district's sexual harassment compliance officer.

All administrators/supervisors/contact persons will initiate an investigation of any incident of alleged sexual harassment or inappropriate conduct of a sexual nature reported to them or observed by them in consultation with the district's sexual

harassment compliance officer. The administration will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sexual harassment or inappropriate conduct of a sexual nature allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.

All administrators/supervisors will report to the district's sexual harassment compliance officer and/or superintendent in writing the results of any investigation of sexual harassment or inappropriate conduct of a sexual nature, including corrective or disciplinary action taken. The employee or student who brought the sexual harassment or inappropriate conduct of a sexual nature allegation will be informed that appropriate actions were taken and will be advised as to how to report any subsequent problems.

If an employee is determined to have sexually harassed another employee or engaged in inappropriate conduct of a sexual nature with a student, the administration will take whatever disciplinary action is warranted, up to and including termination from employment. If a student is found to have directed inappropriate conduct of a sexual nature toward an employee, the student will be subject to disciplinary action.

All administrators/supervisors will follow up periodically on any incident of sexual harassment or inappropriate conduct of a sexual nature they were involved in investigating to determine whether the employee or student has been subjected to any further sexual harassment or inappropriate sexual conduct since the corrective action was taken.

No administrator/supervisor of this district will retaliate in any way against an employee or student who has provided information as a witness to or victim of an incident of sexual harassment or inappropriate conduct of a sexual nature.

### **Additional Obligations of All Employees**

All employees will report to their immediate supervisor any conduct on the part of non-employees, such as sales representatives or service vendors, which is believed to constitute sexual harassment or inappropriate conduct of a sexual nature.

Any employee who has received information in his/her professional capacity which gives him/her reason to believe that a child under the age of 18 has been or may be sexually abused by an employee or third party must report such a situation. The employee must make the report to either a law enforcement agency in Richland County or to the Richland County Department of Social Services. If such a report is made, the employee must also advise either his/her principal or the district's sexual harassment compliance officer.

All employees will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment or inappropriate conduct of a sexual nature conducted by the district or by an appropriate state or federal agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee of this district will take any action to discourage any other employee or student from reporting alleged sexual harassment or inappropriate conduct of a sexual nature. Any person who intentionally provides false information in connection with a report or investigation of sexual harassment or inappropriate conduct of a sexual nature will be subject to disciplinary action.

No employee will retaliate in any way against an employee or student who has provided information regarding an incident of sexual harassment or inappropriate conduct of a sexual nature.

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**Richland County School District One**