

Category: 7000 PERSONNEL	Policy Number: 7435
Policy Title: Sexual Harassment	Effective Date: February 9, 2018
<p>It is the policy of this district to maintain an environment that is free from sexual harassment. Every employee has the right to work in an atmosphere that promotes equal opportunities, free from all forms of discrimination and conduct that could be harassing, coercive, or disruptive. Likewise, every student has the right to attend school and access educational opportunities and benefits, free from all forms of discrimination and conduct that could be harassing, coercive, or disruptive.</p> <p>District employees are:</p> <ol style="list-style-type: none"> 1. Prohibited from sexually harassing other employees, students, or visitors of the district; 2. Required to report to his/her supervisor, the superintendent, or the discrimination compliance officer, sexual harassment of which the employee becomes aware; and 3. Required to take immediate action to discipline and/or report students who engage in conduct which may be reasonably considered to constitute harassment of another student. <p>This policy applies to all conduct on the district's premises and to conduct off the district's premises that has an effect upon an employee's work environment or a student's educational environment.</p> <p>As deemed appropriate, the district will provide training to employees regarding sexual harassment and will take reasonable steps to take remedial action to stop harassment and prevent its recurrence. This policy should be reviewed by each employee on a periodic basis.</p> <p>DEFINITION OF SEXUAL HARASSMENT</p> <p>Sexual harassment is a form of misconduct that includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct of a sexual nature when:</p> <ol style="list-style-type: none"> 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or participation in the educational process; 2. Submission to or rejection of such conduct by an individual is used as a basis for employment or educational decisions affecting the individual; or 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or education, or creating an intimidating, hostile, or offensive work or educational environment. <p>Examples of sexual harassment include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Unwelcome verbal statements of a sexual or abusive nature, including requests or demands for sexual activity, sexual jokes, and obscene comments, etc.; 2. Unwelcome, sexually motivated or inappropriate touching, pinching, or other physical contact; 3. Unwelcome sexual behavior or communications, accompanied by implied or overt threats concerning an individual's employment or education; 4. Unwelcome behavior or communications directed at an individual because of his or her gender; and 5. Stalking or unwelcome sexually motivated attention. <p>REPORTING A COMPLAINT</p> <p>Individuals who believe they are being sexually harassed should firmly and promptly notify the offender that his or her behavior is unwelcome. Additionally, the complainant has the right to file a written complaint. The following steps should be followed when reporting a sexual harassment complaint:</p> <ol style="list-style-type: none"> 1. The individual may report the complaint to his or her supervisor or building administrator. If the supervisor successfully resolves the complaint in an informal manner, a confidential report will be made to the superintendent about the complaint and resolution so that the district may determine if any pattern of sexual harassment by any particular individual exists. If the supervisor is unable to resolve the complaint, the complaint will be referred to the superintendent. <p style="text-align: center;">Snake River School District 52, 103 South 900 West, Blackfoot, Idaho 83221</p>	

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2. If the individual chooses not to report the complaint to his or her supervisor, the individual may report the incident directly to the superintendent. If the complaint in any manner involves the superintendent, the individual should report the complaint to the discrimination compliance officer for this district. The discrimination compliance officer will be designated by the superintendent.

An employee, at any time, may file a sexual discrimination or harassment claim with the Idaho Human Rights Commission (IHRC) and/or the Equal Employment Opportunity Commission (EEOC).

INVESTIGATION OF A SEXUAL HARASSMENT COMPLAINT

1. Any allegation of sexual harassment will be promptly investigated. Unless impracticable, the investigation will begin within five (5) working days of the date the complaint is filed.
2. At the discretion of the superintendent or designee, and after consultation with legal counsel for the district, the alleged offender may be suspended, with pay, pending completion of the investigation and review of the investigation report.
3. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. The complainant and alleged offender will be interviewed, as well as other individuals who may have knowledge regarding the allegations.
4. Complaints will be investigated by the district superintendent, the district’s discrimination compliance officer, or other designee.
5. Issues involving the superintendent will be investigated by a person delegated by the board.
6. Upon completion of the investigation, the investigator will prepare a written report that contains factual findings regarding the allegations and the investigator’s conclusion as to whether or not sexual harassment occurred.
7. If the investigation is inconclusive or it is determined that there has been no unlawful sexual harassment or retaliation, but some potentially problematic conduct is revealed, the superintendent may recommend a corrective action plan to the board and the board may impose such corrective action plan.
8. Promptly after the investigation is concluded, the superintendent and/or the discrimination compliance officer will separately meet with the complainant and the person alleged to have committed the offenses to notify them in person of the findings of the investigation.
9. The complainant and the person alleged to have committed the offenses may submit statements to the superintendent and/or discrimination compliance officer challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
10. Promptly after the superintendent and/or discrimination compliance officer have met with both parties and reviewed any written statements challenging the findings of the investigation, and after consultation with legal counsel for the district, a decision will be made as to what action, if any, should be recommended to the board.

DISCIPLINARY ACTIONS

If the investigator determines that an employee has sexually harassed another employee or a student, filed false allegations of harassment, or retaliated against a complainant or other individual participating in the investigation of a sexual harassment complaint, the superintendent will inform and recommend disciplinary action to the board. The board will impose disciplinary action consistent with the requirements of applicable state law, district policies and/or collective bargaining agreements. Such disciplinary action may include, but is not limited to, dismissal from employment, suspension, and reassignment.

If deemed appropriate, the superintendent or board will refer the complaint to local law enforcement at any time prior to, during, or after the investigation.

RECORDKEEPING

1. Documentation of disciplinary action related to any violation of this policy, including false allegations and retaliatory actions, will be placed in the employee’s personnel file.
2. If there is insufficient evidence to support the allegations, the complaint and investigation report will not be placed in the employee’s personnel file.

