

**4219.11****SEXUAL HARASSMENT****4319.11**

Note: The United States Supreme Court in Meritor Savings Bank, FSB v. Vinson et al., found that an employer could be held liable in a sexual harassment lawsuit. The bank's complaint procedure required the employee first to report the complaint to his/her supervisor who, in this case, was the accused party. We suggest that districts adopt a sexual harassment policy requiring the immediate supervisor of the offending employee and or personnel officer to receive the complaint.

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and will not be tolerated. This policy prohibits sexual harassment of students or staff by other students, staff, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business.

*(cf. 4119.21 – Code of Ethics)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4117.4 - Dismissal)*

*(cf. 9020 – Standards)*

*(cf. 9271 – Code of Ethics)*

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

1. Submission to the conduct is made either an explicit or implicit condition of employment, status or promotion.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee.
3. The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.
4. Submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee or Board member who feels that he/she is being harassed should immediately report the incident to the immediate supervisor of the accused employee or the appropriate personnel department official, without fear of reprisal. All complaints about behavior that may violate this policy shall be promptly investigated. The personnel department shall be informed of all such complaints and will assist in the investigation and resolution of complaints. An employee making a complaint of sexual harassment shall not be required to resolve the complaint directly with the offending person.

**SEXUAL HARASSMENT** (continued)**4219.11****4319.11**

Note: Ellison v. Brady provides directives to employers responding to sexual harassment claims in order to shield themselves from liability, including taking immediate and appropriate action to address the harassment which entails investigation and discipline calculated to reflect the severity of the conduct, stop the harassment, and deter others from acting in the same manner.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the terms or conditions of employment or the work environment of the complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

The superintendent or designee shall ensure prompt and strict enforcement of Board policy.

*(cf. 1312.3 – Public Complaints Concerning Discrimination)(cf. 1312.1 - Complaints Concerning School Personnel)*

*Legal Reference:*

Meritor Savings Bank, FSB v. Vinson et al.,  
477 U.S. 57 (1986)  
Ellison v. Brady, 924 F.2d 872 (9th Cir. 1991)

**HARASSMENT**

The School Board recognizes that harassment can cause embarrassment, feelings of powerlessness, loss of self-confidence, reduced ability to perform school work, and increased absenteeism or tardiness. The Board shall not tolerate the harassment of any student by any other student or district employee. Any student or employee who is found guilty of harassment shall be subject to disciplinary action.

Harassment means intimidation by threats of or actual physical violence; the creation by whatever means of a climate of hostility or intimidation; or the use of language, conduct, or symbols in such a manner as to convey hatred, contempt, or prejudice or to have the effect of insulting or stigmatizing an individual. Harassment includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status, or disability.

*(cf. 5145.7 Sexual Harassment)*

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4119.11 – Sexual Harassment)*

*(cf. 4119.21 – Code of Ethics)*

To promote an environment free of harassment, the principal or designee shall take appropriate actions such as removing vulgar or offending graffiti, establishing site rules, and providing staff in-service or student instruction and counseling. Principals shall discuss this policy with their employees and shall assure them that they need not endure any form of harassment.

The Board encourages students or staff to immediately report incidences of harassment to the principal or designee. The Superintendent or designee shall promptly investigate each complaint of harassment in a way that ensures the privacy of all parties concerned. In no case shall the student or staff member be required to resolve the complaint directly with the offending person.

Notice of this policy will be circulated to all district schools and departments and incorporated in teacher and student handbooks.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 1312.3 - Complaints Concerning Discrimination)*

*(cf. 4030 - Nondiscrimination in employment)*

*Legal References:*

ALASKA STATUTES

AS 14.18.010 - 14.18.100 Prohibition Against Sex and Race Discrimination

ALASKA ADMINISTRATIVE CODE

4 AAC 06.500 - 4 AAC 06.600 Prohibition of Gender or Race Discrimination

TITLE VI, CIVIL RIGHTS ACT OF 1964

TITLE IX, EDUCATION AMENDMENTS OF 1972

INDIVIDUALS WITH DISABILITIES EDUCATION ACT

AMERICANS WITH DISABILITIES ACT