

HARASSMENT

Board Policy

The *sexual harassment or harassment as a form of discrimination* of any employee, student, or other recipient of the services of this agency is absolutely forbidden.

Purpose

This policy is provided as a guide for maintaining a harassment-free atmosphere in the workplace.

1. The conduct prohibited will include epithets, slurs, negative stereotyping, threatening, intimidating or hostile acts, physical acts of an unwanted nature, written or graphic material that denigrates or shows hostility or aversion.
2. The standard to be used in determining if harassment has occurred will be whether a reasonable person in a similar action would find the conduct intimidating, hostile or abusive.

Definitions

Sexual harassment. According to the Equal Employment Opportunity Commission, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, or (4) the individual subjected to such conduct has stated to the person exhibiting such behavior that such conduct is unwelcome. (Additionally, the Equal Employment Opportunity Commission states that a person who is qualified for but denied an employment benefit because of another's submission to sexual harassment may be protected by Title VII of the 1964 Civil Rights Act.)

Harassment as a form of discrimination. This is defined as an act with regard to race, color, religion, gender, national origin, age, or disability which creates an intimidating, hostile, or offensive environment that unreasonably interferes with employees' work performance or students' ability to learn or that otherwise adversely affects employees' or students' opportunities.

Implied termination. Creating a hostile working environment. An individual being made

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subject to conditions so offensive or intolerable as to cause that individual to resign from their position.

Known facts. The things that actually happened to an individual. This does not include hearsay information. Information that an individual is witness to would be included.

Management authority. Immediate supervisor (director, principal, superintendent, school board Chairman) or the district's attorney.

Designated agency official. Current district counsel.

Procedures

1. Because prevention is the best tool for the elimination of harassment, this policy will be disseminated to all employees of the district. Principals, directors and supervisors are expected to take appropriate steps to make all departmental employees aware of this policy.
2. The individual subjected to harassment must inform the person harassing him/her that this is harassment and it is not welcome.
3. Any employee receiving harassment will be expected to report the matter through the most confidential and direct means possible to preserve the morale and discipline in the work unit. Steps include:
 - a. Making a statement of known facts in writing to the most appropriate management authority or designated agency official. Attachment A, Harassment Form, may be used.
 - b. Avoiding discussing the matter with co-workers and persons not directly responsible for investigating the matter.
4. Due to damage to the career and reputation of any person falsely or in bad faith accused of harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion toward, the accused as well as the complainant. Only those persons responsible for investigating and enforcing civil rights matters will have access to confidential communications.
5. Shelley School District has designated its current district counsel as the official responsible for receiving and investigating complaints of harassment. Any employee who is made aware of an alleged incident of harassment shall take action to bring the matter to the attention of the most appropriate management authority who shall, in turn, take immediate action pursuant to this policy.

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- a. Employees who believe they are being subjected to illegal harassment are encouraged to file complaints through the district's grievance procedure. Due to the sensitivities associated with this subject, some individuals or steps normally taken in the grievance procedure may be bypassed if the complainant feels it is necessary to do so.
 - 1) If an employee so chooses, he/she may bypass the district procedure entirely and file a discrimination claim directly with the Idaho Human Rights Commission and/or the Equal Employment Opportunity Commission (EEOC).
 - 2) Applicants of employment and service recipients may file harassment charges in letter form with the designated agency official or may file with the Idaho Human Rights Commission and/or EEOC.

6. When an allegation of harassment is made of any employee, the designated official will take immediate steps to:
 - a. Obtain a statement of grievance from the complainant regarding the times, dates, places, and circumstances surrounding the allegations;
 - b. Discuss the matter with the accused;
 - c. Obtain statements of witnesses or possible witnesses, if any;
 - d. Prepare a report of the investigation and submit it to the highest management authority in the agency.

7. Based on the report, management shall take immediate and appropriate corrective action. In determining whether conduct constitutes harassment, the management will look at the record as a whole and at the totality of the circumstances, such as the nature of the alleged discrimination or sexual advances and the context in which they occurred. The determination of the legality of a particular action will be made from the facts, on a case-by-case basis.
 - a. If there appears to be no foundation to the allegation:
 - 1) No record shall be made of the allegation in either the accused's or accuser's personnel records.
 - 2) A reiteration of the policy against harassment may be appropriate.
 - 3) Bad faith allegations or use of this policy for unintended purposes may result in disciplinary action against the accuser.
 - b. If a foundation for the allegation exists:
 - 1) Disciplinary action against the offending employee will follow. The disciplinary action will be commensurate with the scope and severity of the occurrence, and may include, but is not limited to, demotion, suspension, dismissal, probation, warnings or reprimands.
 - 2) Every effort shall be made to provide appropriate relief for the victim.

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8. Protection Against Retaliation - The district, its employees, and its students will not in any way retaliate against a student or employee who makes a report of harassment.
 - a. Retaliation will be considered to be a violation of this policy and should be reported immediately.
 - b. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary action provided for harassment offenders.
 - c. Those persons who assist students or employees who believe they have been subjected to harassment or who assist or participate in an investigation of harassment also are protected from retaliation under this policy.

9. No implied termination. Individuals participating in harassment charges or the investigation of such charges in compliance with this policy shall not be subject to implied termination.

Revised April 18, 1996

Attachment A

**SHELLEY SCHOOL DISTRICT NO. 60
HARASSMENT REPORT FORM**

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Name of person you believe harassed you _____

List any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, comments, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)

This complaint is filed based on my honest belief that I have been harassed by _____
_____. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

(Received by)

(Date)