

SEXUAL HARASSMENT

The East Baton Rouge Parish School Board recognizes that harassment on the basis of sex is a violation of state and federal law. The School Board specifically prohibits any student, employee, non-employee volunteer, or Board member of the East Baton Rouge Parish School Board from harassing a student, an employee or non-employee volunteer through conduct or communication of a sexual nature as defined by this policy.

The School Board, through the Superintendent of Schools or designee shall act to investigate all complaints, either formal or informal, verbal or written of sexual harassment and to discipline any student, employee or non-employee volunteer who is found to have sexually harassed a student, employee, or non-employee volunteer of the School Board.

DEFINITION

- A. *Sexual harassment* shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, of promotion, or of a student's education; or
 2. Submission to or rejection of such conduct or communication is used as a factor in decisions affecting an individual's employment or promotion or a student's education including any aid, benefits, services or treatment; or
 3. Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or education, or creating an intimidating, hostile or offensive working or education environment.
- B. *Sexual harassment* may include but is not limited to:
1. verbal harassment or abuse;
 2. uninvited letters, telephone calls, or materials of a sexual nature;
 3. inappropriate and uninvited leaning over, cornering, patting or pinching;
 4. uninvited sexually suggestive looks or gestures;
 5. intentional brushing against a student's or an employee's body;
 6. uninvited pressure for dates;
 7. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment, promotion, or educational status;
 8. uninvited sexual teasing, jokes, remarks, or questions;
 9. demanding sexual favors accompanied by implied or overt promises of

- preferential treatment with regard to an individual's employment, promotion or educational status;
10. any sexually motivated unwelcome touching; or
 11. attempted or actual rape or sexual assault.

REPORTING PROCEDURES

Any employee who believes he or she has been the victim of sexual harassment by a student, an employee or non employee volunteer of the East Baton Rouge Parish School Board, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate school Board employee as herein designated. If criminal activity is involved, a victim should also report the incident to the police. The School Board encourages the reporting party or complainant to use the report form available in the administrative office of each building or available at the School Board's central office receptionist.

A. IN EACH SCHOOL BUILDING

The building principal is to designate the administrators to receive oral or written reports of sexual harassment at the school building level. The principal, assistant principal, and counselor shall be designated and others if necessary to provide both male and female representatives. Students are encouraged to make reports to a counselor. Upon receipt of a report involving an employee or non-employee volunteer, the administrator or counselor must notify the Associate Superintendent for Human Resources and the principal. A written report will be forwarded simultaneously to the Associate Superintendent for Human Resources. If the report was given verbally, the administrator or counselor shall reduce it to written form within twenty-four (24) hours and forward it to the Associate Superintendent for Human Resources. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. Complaints may also be filed directly with the Associate Superintendent for Human Resources.

B. OTHER SITES

The persons designated by the Superintendent at each administrative, support or maintenance site are responsible for receiving oral or written reports. Upon receipt of a report the designated person shall follow the procedure outlined in paragraph A above and notify the Associate Superintendent for Human Resources.

C. SYSTEM WIDE

The East Baton Rouge Parish School Board shall designate the Associate Superintendent for Human Resources to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building administrators or designated persons as outlined above.

If the complaint involves the Associate Superintendent for Human Resources, the complaint shall be filed directly with the Superintendent.

D. NOTICE OF POLICY

Each principal or other person in charge of a building or site owned or operated by the East Baton Rouge Parish school Board shall conspicuously post in each building or site the names of the persons designated to receive complaints and the name of the Associate Superintendent for Human Resources, including a mailing address and telephone number, together with a copy of this policy.

- E. Submission of a complaint or report of sexual harassment will not affect the individual's future employment, promotion, grades, or work assignments.
- F. Use of formal reporting forms is not mandatory.

The School Board will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment and take corrective or disciplinary action when the conduct has occurred.

INVESTIGATION AND RECOMMENDATION

- A. The School Board shall authorize the Associate Superintendent for Human Resources, upon receipt of a report or complaint alleging sexual harassment by an employee or non-employee volunteer, to immediately authorize an investigation. This investigation may be conducted by School Board employees or by a third party designated by the Associate Superintendent of Human Resources. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Associate Superintendent for Human Resources.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator or the Associate Superintendent for Human Resources.
- C. In determining whether alleged conduct constitutes sexual harassment, the Associate Superintendent for Human Resources should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.
- D. The Associate Superintendent for Human Resources may utilize informal

procedures to handle complaints when appropriate.

- E. The School Board's Associate Superintendent for Human Resources shall make a report to the Superintendent upon completion of the investigation involving an employee or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or a recommendation to the Superintendent for disciplinary action.

ACTIONS

- A. Upon receipt of a determination that a complaint involving a student, an employee or non-employee volunteers is valid and which has not been informally resolved, the Superintendent shall take such action as appropriate based on the results of the investigation.
- B. The results of the investigation of each complaint filed under these procedures shall be reported in writing to the complainant and the alleged harasser by the Associate Superintendent for Human Resources. The report will document any action taken as a result of the complaint.

RETALIATION PROHIBITED

The School Board shall discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

NON-HARASSMENT

The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the Board's grievance policy, filing charges with the Equal Employment Opportunity Commission, the Office for Civil Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with Article 609(A) of the Louisiana Children's Code and L.R.S. 15:542.2 and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services and to the appropriate local law enforcement agency. Also, activity of a criminal nature should be reported by the victim to the police.

DISCIPLINE

Any action taken pursuant to this policy will be consistent with the requirements of applicable statutes and School Board policies. The School Board and Superintendent shall take such disciplinary action against students, employees and non-employee volunteers it deems necessary and appropriate, including warning, transfer, suspension, expulsion or immediate discharge to end sexual harassment and prevent its recurrence.

PREVENTION

Prevention is the best tool for the elimination of sexual harassment. The Superintendent shall provide for additional training of supervisory personnel, principals, assistant principals and counselors by means of workshops and in-service programs. All supervisors shall provide training and information to all employees concerning this policy and its implementation. Principals shall include appropriate programs for students at the start of each school year and as necessary.

STUDENT ON STUDENT HARASSMENT

Handling of complaints of student-on-student harassment is governed by Policy JCEA.

Ref: 42 U.S.C. 2000e et seq.(Civil Rights Act of 1964); 29 CFR '1604.11 (Equal Employment Opportunities Act); La. Rev. Stat. Ann. ' '17:81, 23:331 et. seq.; La. Civil Code, '2315.