

STATEMENT OF POLICY

SUBJECT: Sexual Harassment

Cache County School District is committed to providing an environment free from illegal harassment and other forms of discrimination based upon sex, race, color, ethnic background, national origin, religion, creed, age, citizenship, disability, and/or veteran status. It is the belief of the Cache County School District that an environment free from discrimination and harassment is a necessary part of a healthy learning and working atmosphere.

Discrimination, harassment and retaliation are prohibited by Title IV, VI, and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. Employment discrimination is also prohibited by the Utah Anti-Discrimination Act, UCA 34A-5.

Cache County School District is committed to eliminating illegal discrimination through education and administrative support.

I. Introduction

A. Sexual harassment is against the law and a violation of this policy. It is the policy of the Cache County Board of Education to provide an educational, employment, and business environment free from sexual harassment as defined below. It shall be a violation of this policy for any officer, employee, contractor, agent, or student of the Cache County School District to engage in sexual harassment as defined below. This policy applies to the Cache County School District and all programs and employees of the Cache County Board of Education.

II. Educational Environment

A. Within the educational environment, sexual harassment is prohibited between students, between employees and students, between non-employees and students, between employees and employees, and between employees and other persons.

III. Work Environment

A. Within the work environment sexual harassment is prohibited between supervisors, between supervisors and employees, between employees, between

students, between students and employees, and between employees and other persons.

IV. Definition of Sexual Harassment

A. Definition "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of any individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or creating an intimidating, hostile, or offensive work or educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

B. Specific Examples: For the purpose of further clarification, sexual harassment includes but is not limited to:

1. Making unsolicited written, verbal, physical, and/or visual contact with sexual overtones (written examples include, but are not limited to: suggestive or obscene letters, notes, and invitations. Verbal examples include, but are not limited to:
 - a. Derogatory comments, slurs, jokes, and epithets.
 - b. Physical examples include, but are not limited to: assault, touching, impeding or blocking movement.
 - c. Visual examples include, but are not limited to: leering, gestures, partial or total nudity, display of sexually suggestive objects of pictures, cartoons, or dress standards for students or employees.)
2. Continuing to express sexual interest after being informed that the interest is unwelcome.
3. Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, within the work environment either implying or actually withholding support for an appointment, promotion, or change of assignment, suggesting a poor performance report will be prepared, or suggesting probation will be failed. For example, within the educational environment either implying or actually withholding grades earned or deserved, suggesting a poor performance evaluation will be prepared, or suggesting a scholarship recommendation or college application will be denied.
4. Within the work environment, engaging in implicit or explicit coercive sexual behavior that is used to control, influence, or affect the career,

salary, and/or work environment of another employee. Within the educational environment, engaging in implicit or explicit coercive sexual behavior that is used to control, influence, or affect the educational opportunities, grades and/or learning environment of a student.

5. Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

6. The viewing, printing, or transmission of any obscene, pornographic, or other material of a harassing or sexual nature on a computer.

V. Complaint Procedures

A. Informal Resolution:

1. Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment should directly inform the persons engaging in such conduct that such conduct is offensive and must stop.

2. Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment shall inform the School Principal or Superintendent so that she/he may take remedial action.

B. Formal Complaints:

1. Complaints brought by students – an aggrieved student may file a written complaint with the principal. The principals shall forward a copy of the complaint to the Superintendent.

2. Complaints brought by employees or other individuals – an employee or other individual may file a written complaint with the Superintendent.

3. The informal resolution procedures set forth in paragraph A above are not a precondition to the filing of a complaint.

4. Persons filing a complaint need not file a complaint with a person who they feel is sexually harassing them. In such case, the complaint should be filed with that person's superior (i.e., Principal, Superintendent, School Board).

C. Investigation:

1. As soon as the Superintendent receives the complaint, the Superintendent or the Superintendent's designee shall conduct an investigation.

2. The investigation shall include interviewing any other victims of the conduct that the employer has reason to believe may exist.

3. The person investigating the complaint shall complete the investigation and make a determination within fifteen (15) days from the date that the written complaint is received.

D. Determination:

1. The person investigating the matter will prepare a written factual report and a written determination. Even if the investigation is inconclusive, the

factual report shall be prepared setting forth the allegations and available information regarding the matter, as well as the disposition of the matter and any corrective action taken.

2. The determination of the Superintendent or the Superintendent's designee should be communicated to the complaining employee or student, the alleged harasser, and where appropriate to others directly involved.

3. In appropriate cases, the Superintendent will initiate disciplinary action against the harasser, which is commensurate with the severity of the offense, and sufficient to put a stop to the harassment. Where appropriate, the complaining employee or student will be told of the disciplinary action taken.

E. Further Harassment:

1. The Superintendent will ensure that no harassment of the complaining employee or student occurs in the future and that no retaliation against the complaining employee occurs as a result of the filing of the complaint.

VI. Confidentiality

A. A complaint and the results of the investigation shall be confidential to the extent reasonably possible under the investigation process. Witnesses and those interviewed shall be informed of the confidential nature of the issues and the investigation and shall be informed that it will be a violation of this policy to disclose the complaint or the nature of the investigation to others.

VII. Retaliation is Prohibited

A. The initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect such person's future business dealing with the district, his or her employment, compensation or work assignments, or, in the case of students, grades, class selection, or other matters pertaining to the complainant's status as a student of any district program.

Persons retaliating against the complainant will be disciplined as set forth below:

VIII. Penalties for Sexual Harassment

A. Penalties for sexual harassment include:

1. For students – suspension or expulsion, or other appropriate discipline.

2. For employees – suspension or dismissal, or other appropriate discipline.

3. These penalties also apply to any person who retaliates against a person for filing a sexual harassment complaint.

4. Should disciplinary action be taken against a student, or an employee under this policy, the disciplinary action shall follow the due process procedures required for such disciplinary action, and the student or employee shall have the appeal rights provided for the action taken. Employee dismissals will follow standard employee dismissal procedures. Student expulsions will follow standard student expulsion procedures.

IX. Notice Upon Adoption

- A. A copy of this sexual harassment policy shall:
 - 1. Be displayed in a prominent location at each school site.
 - 2. Appear in any school or district publication that sets forth the school or district's comprehensive rules, regulations, procedures, and standards of conduct.

X. Where to Obtain Further Information:

- A. You may obtain copies of these rules and procedures for reporting charges of sexual harassment and for pursuing available remedies from the Cache County School District Office:
 - 1. Telephone:435-752-3925
 - 2. Address:Cache County School District
 - 3. 2063 North 1200 East
 - 4. North Logan, Utah 84341

Nothing in this policy shall prohibit a person from filing an employment discrimination claim directly with the Utah Anti-Discrimination and Labor Division, 160 East 300 South, Salt Lake City, Utah 84116.

Cross References

Utah Anti-Discrimination Act, UCA 34A-5