

SEXUAL HARASSMENT

I. THE POLICY

- A. It is the policy of the Metropolitan School District of Steuben County to maintain a learning and working environment that is free from sexual harassment.
- B. It shall be a violation of this policy for any employee of the Metropolitan School District of Steuben County to harass another employee or student through unwelcome conduct or communications of a sexual nature as defined in Section II. The use of the term "employee" also includes non-employees and volunteers who work subject to the control of school authorities.

II. DEFINITIONS OF HARASSMENT

A. Types of Sexual Harassment

Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.” [129C.F.R. 1604.11] Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, or when made by any employee to another employee.

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment;
4. Denial of an employment or educational opportunity of others occurs directly because an employee submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;
5. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

B. Unwelcome Conduct of a Sexual Nature

1. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
2. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
3. In the situation involving sexual harassment by an adult of an elementary student, un-welcomeness of the harassment is to be presumed and is not a factor to be considered.
4. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

C. Examples of Sexual Harassment

Sexual harassment may include but is not limited to the following:

1. Verbal harassment or abuse.
2. Repeated remarks to a person with sexual or demeaning implications.
3. Unwelcome touching.
4. Pressure for sexual activity.
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, promotion, and/or salary increase.

D. Specific Prohibitions

1. Administrators and Supervisors
 - (a) It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
 - (b) Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary actions, as described below.

2. Non-administrative and Non-supervisory Employees

- (a) It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

II. COMPLAINT PROCEDURES

- A. Any person who alleges sexual harassment by any employee in the school corporation may use the complaint procedure explained below or may complain directly to his or her building principal, assistant superintendent or the Title IX complaint designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.
- B. The right of confidentiality, both of the complainant and of the accused, will be respected consistent with the school corporation's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

C. Reporting Sexual Harassment

All reports of sexual harassment shall be handled in the following manner:

- (a) Reports must be in writing on forms supplied by the Corporation (if a verbal complaint is made, the school official should file a written report);
- (b) Reports must name the person(s) charged with sexual harassment and state the facts;
- (c) Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the assistant superintendent, or the Title IX Coordinator, of all filed reports;
- (d) The building principal who receives a report shall thoroughly investigate the alleged sexual harassment;
- (e) The report and the results of the investigation will be presented to the superintendent. The superintendent shall review the report and make a recommendation to the Board of School Trustees of any action s/he deems appropriate.
- (f) The Board of Trustees may consider the report and the superintendent's recommendation in executive session. The Board may take any action it deems

appropriate. The alleged victim's name will not be released to the public unless required by law.

III. SANCTIONS FOR MISCONDUCT

- A. A substantiated charge against an employee in the school corporation shall subject such employee to disciplinary action including but not limited to reassignment, suspension, or discharge.
- B. A substantiated charge against a student in the school corporation shall subject that student to disciplinary action including suspension and/or expulsion consistent with Indiana law.

IV. FALSE REPORTING

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and Indiana law.

V. TRAINING

The Superintendent and/or designee will establish training for building administrators in identifying conduct that can constitute sexual harassment.

Adopted: June 13, 2006

Reviewed: July 18, 2017