

## SEXUAL HARASSMENT

The Sevier County Board of Education is committed to safeguarding the right of students and employees within the Sevier County School System to learn and work in an environment free from all forms of sexual harassment. It is the policy of the Board to maintain a learning and working environment that is free from sexual harassment. The Board prohibits any and all forms of sexual harassment. It shall be a violation of this policy for any student or employee to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

### SEXUAL HARASSMENT DEFINED

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment; any sexual harassment as defined when perpetrated on any student or employee by any other student or employee will be treated as sexual harassment under this policy.

Sexual harassment may include but is not limited to:

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Intentional brushing against a student's or an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational; and/or
7. Any sexually motivated unwelcome touching.

Any person who believes he/she has been the victim of sexual harassment by a student or an employee of the school system, or any third person with knowledge and belief of conduct which may constitute sexual harassment should report the alleged act immediately to an appropriate system official as designated by this policy. The Board encourages the reporting party or complainant to use the report form available from the principal of each school or available from the Central Office.

The school principal is the person responsible for receiving oral or written reports of sexual harassment at the school level. Upon receipt of a report, the principal must notify the Director of Student and Employee Relations (DSER) immediately without screening or investigating the report. A written report will be forwarded simultaneously to DSER. If the report was given verbally, the principal shall reduce it to written form with twenty four (24) hours and forward it to DSER. Failure to forward any sexual harassment report or complaint as provided herein with result in disciplinary action. If the complaint involves the school principal, the complaint will be filed directly with DSER.

The Sevier County Board of Education will designate an individual(s) to serve as the DSER for the system. If the complaint involves DSER, the complaint will be filed directly with the superintendent. The superintendent will conspicuously post the name of the Director of Student and Employee Relations, including a mailing address and telephone number.

Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades, or work assignments.

Use of formal reporting forms is not mandatory.

The 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 Board's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

By the authority of the Board, the Director of Student and Employee Relations, upon receipt of a report or complaint alleging sexual harassment, will immediately authorize an investigation. This investigation may be conducted by system officials or by a third party designated by the Board. The investigating party will provide a written report of the status of the investigation within ten (10) working days to the superintendent and DSER.

In determining whether alleged conduct constitutes sexual harassment, the Board should consider surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

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.

In addition, the Board may take immediate steps, at its discretion, to protect the complainant, students, and/or employees pending completion of an investigation of alleged sexual harassment.

The Director of Student and Employee Relations will make a report to the superintendent upon completion of the investigation.

Upon receipt of a recommendation that the complaint is valid, the Board will take such action as appropriate based on the results of the investigation.

The Board will 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.

The 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.

False accusations of sexual harassment can have a serious detrimental effect on innocent parties. Any person who knowingly and intentionally makes a false accusation, for any reason which would be contrary to the spirit and intent of this policy, may be subject to appropriate disciplinary action.

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Tennessee Department of Human Rights, initiating civil action, or seeking redress under state criminal statutes and/or federal law.