

1.18 Policy on Sexual Harassment

State and federal law specifically prohibit sexual harassment of employees and students in connection with their employment by or enrollment in the Broken Arrow School District. This policy will set forth the rules and regulations to be followed by all students, employees and Board members of the School District with regard to the issue of sexual harassment:

"Employee" means any person who is authorized to act on behalf of the School District, whether that person is acting on a temporary or permanent basis, with or without being compensated, or on a full-time or part-time basis and including Board members and school volunteers.

"Student" means any person who is enrolled in any school or program of the School District.

In the case of an employee of the School District, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by an employee towards another employee which (a) is made an explicit or implicit term or condition of an employee's employment, or (b) is used as a basis for employment decisions affecting that employee or (c) has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile or offensive working environment.

In the case of a student of the School District, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature by any person towards a student.

All students, employees and Board members are strictly prohibited from engaging in any form of sexual harassment of any student, employee, applicant for employment, vendor representative or patron of the School District. Any employee engaging in sexual harassment is subject to disciplinary action, including but not limited to suspension, demotion, forfeiture of pay or benefits and termination. Such penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents.

Any student engaging in sexual harassment is subject to any and all disciplinary action which may be imposed under the School District's Student Discipline Code.

Any employee or student who is or has been subjected to sexual harassment or knows of any student or employee who is or has been subjected to sexual harassment shall immediately report all such incidents to either the superintendent, assistant superintendent, executive director of human resources, executive directors of secondary and elementary instruction, principal or assistant principal. If the report of an incident needs to be made after normal school hours, the above listed individuals may be contacted at home. It is preferred that all such reports be made in person or in writing signed by the reporting party. However, in order to encourage full, complete and immediate reporting of such prohibited activities any person may report such incidents in writing and anonymously by mailing such reports to the personal attention of any of the above designated persons. All such reports should state the name of the alleged harassing student, employee or board member, the person(s) being harassed, the nature, context and extent of the prohibited activity, the dates of the prohibited activity and any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act and may report such incidents to the United States Equal Employment Opportunity Commission or the Oklahoma Human Rights Commission.

The superintendent, assistant superintendent, executive director of human resources, principal and assistant principal, upon receiving a report (formal or informal) of sexual harassment shall do the following as quickly as reasonably possible:

- a. obtain a statement, oral or written, from the individual who is alleged to have been sexually harassed which contains information necessary to conduct a full investigation of the matter. This information should include, but is not limited to, the name of the alleged harassing student, employee or board member, the person(s) being harassed, the nature, context and extent of the prohibited activity, the dates of the prohibited activity and the names of any witnesses;
- b. take appropriate and reasonable steps to separate and protect the individual who is allegedly being sexually harassed from the alleged harasser, until the matter can be fully investigated and the appropriate remedial steps taken;
- c. keep the individual who is allegedly being sexually harassed reasonably apprised, to the extent allowed under federal and state privacy laws and regulations, of the investigation and the actions taken as a result of the investigation;
- d. conduct a full and complete investigation, to the extent reasonably possible, regarding the alleged sexual harassment, which would include, but not be limited to, interviewing the individual allegedly harassed, any witnesses, review of any supporting documents, and interviewing the alleged harasser;
- e. based on the facts as revealed by the investigation, taken as a whole and the totality of the circumstances, such as the nature, extent, context and gravity of such activities or incidents, take or recommend the taking of appropriate measures, including but not limited to, suspension, demotion, forfeiture of pay or benefits, termination or reassignment.

During and after the investigation, confidentiality shall be maintained, as far as reasonably possible; provided, however, nothing in this policy shall preclude public disclosure of any information of a personal or confidential nature during the course of any suspension, dismissal or nonrenewal hearing or in any litigation, No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.