

Boundary County School District No. 101

PERSONNEL

5240

Harassment

1 All employees of the School District have the right to work in an environment free from
2 discrimination and conduct which can be considered harassing or coercive. Therefore,
3 harassment based on race, color, religion, gender, sexual orientation, national origin, age,
4 disability or any other characteristic protected by law will not be sanctioned or tolerated. All
5 employees should be aware of the following:

6 I. Sexual Harassment

7 A. Sexual harassment is strictly prohibited. Sexual harassment has been defined as
8 unwelcome sexual advances, requests for sexual favors and other verbal, written or
9 physical conduct of a sexual nature when:

- 10 1. Submission to such conduct is made either explicitly or implicitly a term or a
11 condition of an individual's employment
- 12 2. When submission to, or rejection of , such conduct is used as the basis of
13 employment decisions affecting such individual or
- 14 3. Such conduct has the purpose or effect of unreasonably interfering with the
15 individual's work performance or creating an intimidating hostile or offensive
16 working environment

17 B. Examples of sexual harassment may include but are not limited to the following:

- 18 1. Gestures, letters, notes, invitation, comments, slurs, jokes or epithets that are
19 suggestive, derogatory or obscene
- 20 2. Unwanted physical contact of a sexual nature, sexual molestation or assault
21 leering with sexual overtones or impeding or blocking movement
- 22 3. Display of sexually suggestive objects, poster, or cartoons
- 23 4. Continuing to express sexual interest after being informed that the interest in
24 unwelcome
- 25 5. Offering favors such as employment benefits or promotions, favorable duties or
26 shifts, recommendations, reclassification, etc. in exchanged for sexual favors
- 27 6. Coercive sexual behavior used to control influence or affect the career, salary,
28 and/or work environment of another employee
- 29 7. Coercive sexual behavior used to imply or withhold support for an appointment,
30 promotion or change of assignment or
- 31 8. Coercive sexual behavior used to suggest that a poor performance report will be
32 prepared or probation will be failed.

33 Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms
34 “intimidating,” “hostile,” or “offensive” include, but are not limited to, conduct which has the
35 effect of humiliation, embarrassment, or discomfort. Sexual harassment will be evaluated in
36 light of all of the circumstances.

37 II. Other Harassment

38 A. Harassment on the basis of any other protected characteristic is also strictly
39 prohibited. This includes verbal or physical conduct that denigrates or shows hostility
40 or aversion toward an individual because of his /her race, color, religion, gender,
41 sexual orientation, national origin, age, disability, marital status, citizenship or any
42 other characteristic protected by law and that

- 43 1. Has the purpose or effect of creating an intimidating hostile or offensive work
44 environment
- 45 2. Has the purpose or effect of interfering with an individual’s work performance or
- 46 3. Otherwise, adversely affects an individual’s employment

47 B. Examples of such harassment include the following:

- 48 1. Epithets, slurs or negative stereotyping
- 49 2. Threatening, intimidating or hostile acts such as stalking or
- 50 3. Written or graphic material that denigrates or shows hostility or aversion toward an
51 individual or group and that is placed on walls or elsewhere on the employer’s
52 premises or circulated in the workplace.

53
54 C. Definition: “Cyber bullying” includes, but is not limited to the following misuses of
55 technology: harassing, teasing, intimidating, threatening, or terrorizing another person
56 by sending or posting inappropriate and hurtful e-mail messages, instant messages,
57 text messages, digital pictures or images, or Web site postings, including blogs
58 through the District’s computer network and the Internet, whether accessed on
59 campus or off campus, during or after schools hours. In the situation that cyber
60 bullying originated from a non-school computer, but brought to the attention of school
61 officials, any disciplinary actions shall be based on whether the conduct is determined
62 to be severely disruptive of the educational process. In addition, such conduct must
63 also be in violation of a school policy or state law. Administration shall in their
64 discretion contact local law enforcement.

65 III. Procedure

66 A. Supervisors and managers are responsible for assuring that no employee is subjected
67 to conduct that constitutes sexual or any other form of harassment.

68 B. Any employee who believes that he or she has been the subject of sexual or any other
69 form of harassment by anyone at the School District or by any person who does
70 business with the School District should and is encouraged to bring the matter to the
71 attention of his/her supervisor or the Superintendent of Schools. Any employee who is
72 aware of behavior toward another employee which they feel may constitute sexual or

73 any other form of harassment shall also report the matter to their supervisor or the
74 Superintendent of Schools.

75 C. A prompt and thorough investigation of the alleged incident will be conducted and
76 appropriate corrective action will be taken if warranted. To the extent consistent with
77 adequate investigation and appropriate corrective action, any complaints of
78 harassment will be treated as confidential throughout the investigation. Once the
79 investigation is completed, confidentiality shall be determined by the applicable laws.
80 A person alleging that they are a victim of sexual harassment may request that their
81 records remain confidential.

82 D. *If the investigation finds that an employee has harassed another employee or student*
83 *disciplinary actions may include probation, suspension and/or dismissal from*
84 *employment.* Individuals receiving action under this section may appeal such action
85 in accordance with the district's grievance procedure.

86 E. Any person making a knowingly false accusation regarding sexual harassment will
87 likewise be subject to disciplinary action, up to and including discharge.

88 F. The School District will not in any way retaliate against an employee potential
89 employee or former employee who, in good faith, makes a complaint or report of
90 harassment, or participates in the investigation of such a complaint or report.
91 Retaliation against any individual for good faith reporting of a claim of harassment or
92 cooperating in the investigation will not be tolerated and will itself be subject to
93 appropriate discipline.

94 Employees who believe they may have been sexually harassed or intimidated should contact the
95 Title IX coordinator or an administrator, who will assist them in filing a complaint. An
96 individual with a complaint alleging a violation of this policy shall follow the Uniform Grievance
97 Procedure.

Cross Reference: 3210 Uniform Grievance Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. §
1604.11
Title IX of Education Amendments, 20 U.S.C. §§ 1681, et seq.
I.C. § 67-5909 Acts Prohibited

Policy History:
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