

PROHIBITION OF HARASSMENT

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- I. The Henry County Board of Education prohibits harassment against any employee, applicant for employment, student, or student applicant based upon race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs, or social and family background. This policy also applies to non-employment volunteers who work subject to the control of school authorities.
- II. The Superintendent shall develop procedures which shall be used by persons alleging harassment. Staff development (to include certified, classified, part-time, substitute employees and regular volunteers) and student instruction on sexual harassment prevention, reporting, and prohibition shall be implemented and documented as appropriate in Henry County schools and worksites.
- III. Sexual Harassment by Students – The Henry County Board of Education desires to maintain an academic environment in which all students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the eradication of discriminatory practices including sexual harassment. Sexual harassment is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the Henry County Board of Education. Sexual harassment's destructive impact wastes human potential, demoralizes students, and perpetuates the tendency toward further unacceptable behavior. For these reasons, the Henry County Board of Education forbids harassment against any student on the basis of gender. The Board will not tolerate harassment activity by any of its students.
 - A. Definition – Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature, wherever such harassment occurs on school property or at a school-sponsored event, that is aimed at coercing an unwilling person into a sexual relationship whether or not it involves physical contact, or that substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment.

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

1. Verbal harassment or abuse of a sexual nature;
2. Subtle pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications, *e.g.*, a person's body, clothes or sexual activity;
4. Unwelcomed or inappropriate physical contact such as patting, pinching, or unnecessary touching;

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5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats;
 6. Display of sexually suggestive objects, pictures, digital images, or written materials.
- B. Specific Prohibition - It is sexual harassment for a student to subject another student or a school employee to any unwelcome conduct of a sexual nature on school property or at a school-sponsored event. Students who engage in such conduct shall be subject to penalties as described herein.
- C. Procedures - Any student who alleges sexual harassment by an employee or another student should report the harassment to the building principal, assistant principal(s), guidance counselors or school system Title IX coordinator. Filing of a complaint or otherwise reporting sexual harassment will not affect the student's status, extracurricular activities, grade or any other assignments. The complaint should be in writing, state the act or acts, state the date(s), state the names of witnesses, and be signed by the complainant.
1. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.
 2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.
- D. Penalties - A substantiated charge against a student shall subject that student to disciplinary action consistent with the Code of Student Conduct.
- IV. Sexual Harassment by Employees – Definition – Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:
- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;
 - B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;

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- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's educational performance, or creating an intimidating, hostile or offensive work or school environment.
- D. Examples of sexual harassment may include, but are not limited to, the following:
 - 1. Verbal harassment or abuse of a sexual nature;
 - 2. Subtle pressure for sexual activity;
 - 3. Repeated remarks to a person with sexual or demeaning implications, *e.g.*, a person's body, clothes or sexual activity;
 - 4. Unwelcome or inappropriate physical contact such as patting, pinching, or unnecessary touching;
 - 5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats;
 - 6. Display of sexually suggestive objects, pictures, digital images, or written materials.
- E. Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- F. Any suspected child abuse shall be reported in accordance with state law.
- G. Specific Prohibition – Sexual harassment in any form is prohibited. All claims of sexual harassment will be subject to prompt and thorough investigation.
 - 1. It is sexual harassment for an administrator or supervisor to use his/her authority to solicit sexual favors or attention from subordinates, including, but not limited to, incidents when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
 - 2. It is sexual harassment for a non-administrator 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 penalties.
 - 3. It is sexual harassment for a Henry County Board of Education employee to use his or her authority to solicit sexual favors or attention from students. Board

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employees who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.

- H. Procedures – It is the responsibility of any employee to promptly report any occurrence of alleged sexual harassment. This policy on sexual harassment shall be communicated to all employees to inform them that a procedure exists for reporting claims of sexual harassment, that management will promptly investigate all alleged incidents of sexual harassment, and appropriate corrective action will be taken. Complaints should be reported to the Superintendent or designee and should be in writing, state the act(s), state the date(s), state the name(s) of witnesses and be signed by the complainant.

Investigations will be conducted with discretion. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Claims found to be factually supported will be promptly acted upon. No employee or student shall be retaliated against, in any manner, for reporting conduct which is believed to be a violation of this rule or for participating in an investigation of a possible violation of this rule.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.

- I. Penalties – Necessary disciplinary action, up to and including termination, may result if sexual harassment occurs. Any employee who makes false allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

REFERENCE(S):

**CODE OF ALABAMA 16-8-23
TITLE IX OF EDUCATION AMENDMENTS OF 1972
PUBLIC LAW 100-960, PUBLIC LAW 102-143**

HISTORY:

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FORMERLY: GAEA, GAEB**