

Policy 1560 SEXUAL HARASSMENT

The Board of Education recognizes that an employee's right to freedom from employment discrimination includes the opportunity to work in an environment untainted by sexual harassment. Sexually offensive speech and conduct are wholly inappropriate to the harmonious employment relationships necessary to the operation of the school district and intolerable in a workplace to which the children of this district are exposed.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature that would not have happened but for the employee's gender. Whenever submission to such conduct is made a condition of employment or a basis for an employment decision, or when such conduct is severe and pervasive and has the purpose or effect of unreasonably altering or interfering with work performance or creating an intimidating, hostile, or offensive working environment, the employee shall have cause for complaint.

Any person who has reason to believe that he/she has been subjected to sexual harassment by any staff member or student in the school district should report the incident directly to his or her immediate Supervisor or building Principal. If results are not satisfactory at these levels the individual may file a complaint with Vineland Schools Equal Opportunity Compliance Officer.

Definitions

A. Sexual harassment shall consist of deliberate or repeated unwelcome sexual advances, request for sexual favors, other inappropriate verbal or physical conduct of a deliberate and repeated sexual nature or which can be commonly interpreted as having a sexual meaning when made by any member of the school staff to a student; when made by any member of the school staff to another staff member; or when made by any student to another student; when:

1. Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or when
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or when
3. Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment or education environment.

B. Sexual harassment as set forth in Section IIA, may include but is not limited to the following:

1. Verbal harassment or abuse

2. Pressure for sexual activity/favors
3. Repeated remarks to a person, with sexual or demeaning implications
4. Unwelcome touching, deliberate or repeated advances
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats or favors concerning one's grades, job, etc.
6. Obscene gestures, pinching, brushing against another's body, blocking movement
7. Flirtatious whistles
8. Contemptuous comments or jokes about persons of the opposite sex
9. Written contact such as sexually suggestive or obscene drawings, letters, notes or invitations
10. Nonverbal contact, such as giving unwanted personal gifts or following a person
11. Placing obscene photographs, graphics or suggestive objects in the education environment (posters, calendars, etc.)

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome, and includes using sexual behavior to control, influence or affect the career, salary, working or educational environment of a staff member or student.

It is impermissible to suggest, threaten or imply that failure to accept a request for a date or sexual intimacy will affect a staff member or student's employment or educational prospects or benefits. For example, it is forbidden to imply or actually withhold support for an appointment, promotion or change of assignment, or to suggest that a poor performance report will be given, or that grades or other educational benefits or advancement will be affected because of staff member or student has declined a personal proposition.

Also, explicitly or implicitly offering educational or employment benefits, such as grades, progress reports, recommendations, promotions, favorable performance evaluations, favorable assigned duties; recommendations or transfers in exchange for sexual favors is forbidden.

Sexual harassment may involve not only the harasser, but also other persons who either support the actions of the harasser or are indifferent to his/her behavior.

Any employee who receives such a report or who has independent cause to suspect that a pupil has been subjected to sexual harassment shall promptly notify the building

principal, who shall immediately instigate an investigation of the matter and report his or her findings to the Superintendent. An act of sexual harassment that appears to constitute child abuse shall be immediately reported to the Division of youth and Family Services for investigation by the agency.

An employee who engages in the sexual harassment of a pupil will be suspect to stringent discipline and may be terminated. A pupil who engages in the sexual harassment of another pupil will be subject to discipline in accordance with Policy No. 5600.

The sexual harassment of any employee of this district is strictly forbidden. Any employee or agent of this Board who is found to have sexually harassed an employee of this district will be subject to discipline, which may include termination of employment. Any employee who has been exposed to sexual harassment by any employee or agent of this Board is encouraged to report the harassment to an appropriate supervisor. An employee may complain of any failure of the Board to take corrective action by recourse to the procedure by which a discrimination complaint is processed. The employee may appeal the Board's action or inaction to the New Jersey Division on Civil Rights or to the United States Equal Employment Opportunity Commission.

The appropriate assigned Administrator(s) shall instruct all employees of this Board to recognize and correct speech and behavior patterns that may be sexually offensive with or without the intent to offend.

29 C.F.R. 1604.11

Adopted: 11 June 1997