

APPENDIX

I

CLAY COMMUNITY SCHOOLS SEXUAL HARASSMENT POLICY

SEXUAL HARASSMENT POLICY

I. THE POLICY

- A. It is the policy of Clay Community Schools to maintain a learning and working environment that is free from sexual harassment.
- B. It shall be a violation of this policy for any employee of Clay Community Schools to harass another employee or student through conduct or communications of a sexual nature. It shall also be a violation of this policy for students to harass other students through conduct or communication of a sexual nature. The use of the term "employee" also includes non-employees and volunteers who work subject to the control of school authorities.

II. DEFINITIONS OF HARASSMENT

A. Types of Sexual Harassment

Sexual harassment shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature when made by any employee to a student, or when made by any employee to another employee, or when made by any student to another student when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for academic or employment decisions affecting that individual;
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 educational environment;
4. Denial of an employment or educational opportunity occurs directly because an employee

or a student submits to unwelcome requests for sexual favors made by a supervisor or teacher which results favorably for that particular employee or student;

5. Such conduct is engaged in by volunteers and/or non-employees over which the school corporation has some degree of control of their behavior while on school property.

B. Unwelcome Conduct of a Sexual Nature

1. Conduct of a sexual nature may include verbal or physical sexual advances and/or comments regarding physical or personality characteristics of a sexual nature.
2. Verbal or physical conduct of a sexual nature constitutes sexual harassment when the allegedly harassed employee has indicated, by his or her conduct or verbal objection, that it is unwelcome.
3. An employee who has initially welcomed such conduct by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any subsequent conduct to be deemed unwelcome.

C. Examples of Sexual Harassment

Sexual Harassment, as set forth in Section II.A. may include but is not limited to the following:

1. Verbal harassment or abuse.
2. Repeated remarks to a person with sexual or demeaning implications.
3. Unwelcome touching.
4. Pressure for sexual activity.
5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats

concerning one's grades, job, promotion, and/or salary increase.

D. Specific Prohibitions

1. Administrators and Supervisors

- (a) It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- (b) Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to disciplinary actions, as describe below.

2. Nonadministrative and Nonsupervisory Employees

- (a) It is sexual harassment for a nonadministrative and nonsupervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to disciplinary actions as described below.

III. COMPLAINT PROCEDURE

- A. Any person who alleges sexual harassment by any employee or student in the school corporation may use the complaint procedure explained below in Section III.C. or may complain directly to his or her immediate supervisor, building principal, or the Title IX complaint designee of the school corporation. Filing of a complaint or otherwise reporting sexual harassment will not reflect upon the individual's status nor will it affect future employment, grades, or work assignments.
- B. The right of confidentiality, both of the complainant and of the accused, will be respected

consistent with the school corporation's legal obligations and the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

C. Reporting Sexual Harassment

All reports of sexual harassment shall be handled in the following manner:

- (a) Reports must be in writing on forms supplied by the Corporation (if a verbal complaint is made, the school official should file a written report);
- (b) Reports must name the persons charged with sexual harassment and state the facts;
- (c) Reports must be presented to the building principal where the alleged conduct took place. The building principal shall inform the superintendent, or his/her designee, of all filed reports;
- (d) The building principal who receives a report shall thoroughly investigate the alleged sexual harassment;
- (e) The report and the results of the investigation will be presented to the superintendent, and then to the Board of School Trustees in executive session by the superintendent; and
- (f) The Board of School Trustees will take whatever action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

Alternatives:

- (e) The report and the results of the investigation will be presented to the superintendent. The superintendent shall review the report and make a recommendation

to the Board of School Trustees of any action she/he deems appropriate.

- (f) The Board of Trustees may consider the report and the superintendent's recommendation in executive session. The Board may take any action it deems appropriate. The alleged victim's name will not be released to the public unless required by law.

IV. SANCTIONS FOR MISCONDUCT

- A. A substantiated charge against an employee in the school corporation shall subject such employee to disciplinary action including but not limited to reassignment, suspension, or discharge.
- B. A substantiated charge against a student in the school corporation shall subject that student to disciplinary action including suspension and/or expulsion consistent with the Student Conduct Code.

V. FALSE REPORTING

Any person who knowingly files false charges against an employee or a student in an attempt to demean, harass, abuse, or embarrass that individual shall be subject to disciplinary action consistent with school policy and the Student Conduct Code.

VI. NOTIFICATION OF THIS POLICY

Notice of the policy will be circulated to all schools and departments of Clay Community Schools and incorporated in each employee and student handbook.

_____ Date

INVESTIGATIVE REPORT
OF ALLEGED SEXUAL HARASSMENT

Name of complaintant _____

School and/or position _____

Nature of complaint _____ Student _____ Employee

Specific complaint _____

Date complaint filed _____

Name(s) of respondent	Date notified
_____	_____
_____	_____
_____	_____

Respondent's answer:

Agrees with the facts _____

Disagrees with the facts _____

Explanation: _____

Date complaintant notified _____

Complaintant's response:

Agrees with the respondent _____

Disagrees with the respondent _____

Explanation: _____

Complaintant's witnesses: (name) (position)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Name of witness)

(Date interviewed)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Response: _____

Respondent's witnesses:

(name)

(position)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Name of witness)

(Date interviewed)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Response: _____

Other records/documents reviewed:

- | | (Name of document) | (Date reviewed) |
|----|--------------------|-----------------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| 4. | _____ | _____ |

Summary of Review of above records/ documents:

Investigator's Summary: _____

Suggested Corrective Action: _____

Investigator's signature

Date

Names of any witnesses,
indicating whether they are
employees or students:

Complainant's Signature

Please see the Clay Community School Corporation's policy on Sexual Harassment for more information on the topic. Present this report to your most immediate supervisor not involved in the harassment.