

SMYRNA SCHOOL DISTRICT

District Policy

Article: 4000 Personnel

Title: Sexual Harassment Policy

Policy #: 4138

1. Sexual harassment in the workplace is a violation of State and Federal law, is unacceptable conduct and will not be tolerated or condoned. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature.
2. Sexual harassment will be regarded as a violation of this policy:
 - a. When submission to such conduct is made a condition of employment, or
 - b. When submission to or rejection of such conduct is used as the basis of employment related decisions such as promotion, performance evaluation, pay adjustment, discipline, work assignment; or
 - c. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
3. All complaints of sexual harassment will be investigated, and violations of the policy will be treated as serious disciplinary infractions.
4. No employee shall be subjected to adverse employment action in retaliation for any good faith report of harassment or for participating in an investigation of a harassment complaint under this policy.
5. To the extent possible, all reports of harassment will be kept confidential.
6. The Superintendent of Schools shall promulgate guidelines which implement the provisions of this policy concerning the reporting, investigation and resolution of complaints of sexual harassment.

Guidelines for Implementation of Sexual Harassment Policy

1. Any person who believes he or she has been subjected to sexually or otherwise harassing behavior by another person is encouraged to confront the offender in an effort to stop the offensive behavior.
2. Any person who believes he or she has been subjected to harassment must promptly report the alleged harassment to his or her immediate supervisor. If the complaint involves the immediate supervisor, such report shall be made to the Assistant Superintendent. At the discretion of the Assistant Superintendent, other administrators (e.g., the building principal) may be advised of the complaint alleging harassment.

If for some good reason, a person who believes he or she has been subjected to sexual harassment is reluctant to report the matter to his or her immediate supervisor or the Assistant Superintendent, such report may be made to any administrative employee of the District. Any supervisory personnel or administrator who receives a complaint alleging harassment must report such complaint promptly to the Assistant Superintendent.

3. The Assistant Superintendent is responsible for the investigation of complaints alleging harassment. He or she may conduct the investigation him or herself, or, in his or her discretion, and, depending upon the circumstances of the complaint, may designate another, including independent outside investigators, to conduct, or assist with, the investigation.
4. The Assistant Superintendent, and/or his or her designee, will consider the truth and veracity of the complaint and will begin an investigation which may include some or all of the following steps:

- a. Conference with the complainant to obtain a clear understanding of the facts surrounding the allegation of harassment.
 - b. Requesting that the complainant reduce the complaint to writing, including requiring a sworn statement.
 - c. Conferring with the accused person and obtaining his or her version of the incident(s).
 - d. Meeting with any witnesses to the alleged harassment or other individuals, revealed through the course of the investigation, who may have knowledge concerning the complaint.
 - e. Holding as many meetings with the alleged victim, accused, and witnesses as are necessary to investigate the complaint.
 - f. Informing the employee of the general results of the investigation.
5. On the basis of the investigation, the Assistant Superintendent or his/her designee may do any of the following:
- a. Resolve the matter informally;
 - b. Report the entire matter to the Superintendent; and/or
 - c. Recommend to the Superintendent disciplinary action up to and including discharge.
6. It is the responsibility of the Superintendent to determine what further action should be taken on a complaint of harassment after receiving a recommendation of disciplinary action from the Assistant Superintendent in charge of personnel or his or her designee. The Superintendent may then do any of the following:
- a. Conduct an independent investigation;
 - b. Resolve the matter informally;
 - c. Report the entire matter to the Board of Education; and/or
 - d. Recommend to the Board of Education disciplinary action, up to and including discharge.

Smyrna School District
Notice to All Employees

Attached hereto is the Smyrna School District Board of Education policy against sexual harassment, the Guidelines promulgated to implement the provisions of the policy concerning reporting, investigation and resolution of complaints of sexual harassment, and a sexual harassment report form.

You are reminded that sexual harassment in the workplace is a violation of both Federal and State law, is unacceptable conduct and will not be tolerated and condoned. In the attached policy, the definition of sexual harassment which will constitute a violation of the Board's policy is specified. By way of example, sexual harassment may include, but is not limited to:

1. Sexual flirtations, touching, advances or propositions;
2. Verbal or physical abuse of a sexual nature;
3. Graphic or suggestive comments about an individual's dress or body;
4. Sexually degrading words to describe an individual;
5. Display of sexually aggressive objects or photographs; and/or
6. Sexually explicit or obscene jokes.

Any individual who believes he or she has been subjected to sexually or otherwise harassing behavior by another person is encouraged to report the matter in accordance with the attached Guidelines. To the extent possible, all complaints will be kept confidential, and there will be no retaliatory action taken against any individual for reporting any alleged sexually harassing behavior or taking part in any investigation regarding such a report.

Should you have any questions regarding any of this information, please direct them to the Assistant Superintendent.

Approved by Board of Education, June 13, 1995