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Statement of.....

## Policy and Responsibility

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SUBJECT: SEXUAL HARRASSMENT

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1. Federal Law\* provides that it shall be unlawful discriminatory practice for any employer, due to the sex of an individual, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to any matter directly or indirectly related to employment. Harassment of an employee on the basis of sex violates this federal law.
2. In keeping with guidelines suggested by the Federal Equal Employment Opportunity Commission, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will constitute unlawful sexual harassment when:
  - a. submission to sexual conduct is an explicit or implicit term or condition of an individual's employment;
  - b. The submission to or rejection of sexual conduct by an individual is the basis for employment decision affecting that individual; or
  - c. when sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating hostile, or offensive working environment.
3. Sexual harassment is also defined as unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature when
  - a. submission to the conduct is made either explicitly or implicitly a term or condition of a student's education,
  - b. submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student, or
  - c. the conduct has the purpose or effect of unreasonably interfering with a student's academic performance or creating an intimidating, hostile or offensive education environment.
4. The Murray School District strongly disapproves of any form of sexual harassment at the work place or in the school, including acts of non-employees. Disciplinary action will be taken against any student or employee, (supervisory or other) engaging in unlawful sexual harassment.
5. The Anti-Discrimination Grievance Process (SP 911) will be the appropriate complaint process for an individual who feels they have suffered abuse.

\*Title VII of the Civil Rights Act of 1964

## **SEXUAL HARASSMENT**

Sexual harassment is a form of employee/teacher/student misconduct that undermines the integrity of that relationship. All employees and students must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments. It refers to behavior that is not welcome, that is personally offensive, that debilitates morale, and that therefore interferes with the work effectiveness of its victims and their coworkers. Sexual harassment may include actions such as:

1. Verbal sex-oriented “kidding”, insults, or subtle pressure for sexual activity;
2. Visual such as sexually suggestive pictures, posters, cartoons or objects displayed in a work area which are directed toward an individual;
3. Physical contact such as patting, pinching, or constant brushing against another’s body;
4. Demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s employment/student status.

Sexual harassment is always a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to work performance, such as the taking or refusal to take a personnel action, including promotion of employees who submit to sexual advances or refusal to promote employees who resist or protest sexual overtures.

It is possible for sexual harassment to occur at four levels: among peers or co-workers, between supervisors and subordinates, between teacher and student, between student and student or imposed by non-employees on employees. Individuals who experience sexual harassment from co-workers or others should make it clear that such behavior is offensive to them. They may file a written complaint following the procedures found in The Anti-Discrimination Grievance Process (SP 911) of the Policies, Rules, and Regulations of the Murray City School District.

In fulfilling our obligation to maintain a positive and productive work and educational environment, the Board and district officials will make every attempt to halt any harassment of which they become aware by calling attention to this policy or by direct disciplinary action, if necessary.

### **Suggested statement to be added to Open Disclosure documents.**

Sexual harassment is defined as being disturbed persistently by someone because of one’s sex.

While people sometimes differ in what they think is harassing or annoying, the government agencies responsible for enforcing laws against sex discrimination agree that certain behavior is unlawful. These behaviors can vary from an annoying glance to an attempted or actual physical assault. Such behavior includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- submission to such conduct is used as the basis for educational decisions affecting the individual or

- such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile or offensive study environment.

Whether you have a complaint or someone you know is a victim, find out who can help. Speak with your teacher, counselor, or school principal. These individuals will help you through the process in resolving your concern.