

# OLDHAM COUNTY BOARD OF EDUCATION POLICY

## SEXUAL HARASSMENT - STAFF

5081

*Relates to Board Policy 5025*

### 5081.01 SEXUAL HARASSMENT BY STAFF PROHIBITED

Sexual harassment, as defined in Board Policy 5081.02 or by law, by staff members and other Board employees is strictly prohibited and will not be tolerated. Employees who believe they or any other employee is being or has been subjected to harassment shall, as soon as reasonably practicable, report it. Any employee having information concerning the harassment of another employee shall come forward with such information to the Director of Personnel and will cooperate with the investigation fully. Any complaint of harassment should be submitted, promptly, in writing to the employee's immediate supervisor, setting forth sufficient facts to permit a complete investigation. Without a report being made to the employee's immediate supervisor, the Director of Personnel or the district Title IX coordinator, the district shall not be deemed to have received a complaint of harassment. If the complaint is not resolved in a reasonable amount of time or, if the employee disagrees with the findings of the supervisor, the employee may seek a review of his/her complaint by the Director of Personnel. If the complainant disagrees with the findings by the Director of Personnel, the complainant may appeal such finding to the Board.

Subsequent to exhaustion of such administrative remedies as may be available to the staff member or other employee by law and upon a finding of harassment, the offender will be subject to the strongest disciplinary action as may be justified, including termination of employment, under the circumstances. Any person found to be in violation of the policy has a right of appeal as stated in Board policy. Information concerning the incident, including the identity of the alleged victim, will be kept confidential to the extent permitted by law, but will be used in the course of the investigation and shared with those persons with a need to know.

Retaliation against any student, staff member or other employee who reports an incident or complaint of sexual harassment is strictly prohibited and will be subject to separate disciplinary action.

### 5081.02 SEXUAL HARASSMENT DEFINED

Unwelcome sexual advances, requests for sexual favor and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. submission or rejection of such conduct by an individual is used as the basis for employment decisions or
3. such conduct has the purpose or effect of unreasonably interfering with the individual's work or performance or of creating an intimidating, hostile or offensive environment.

A non-exhaustive list of examples of conduct that constitutes sexual harassment includes:

**Unwelcome Advances:** conduct which the recipient neither asks for nor invites and which he or she regards as undesirable or offensive, including threats or intimation of sexual relations or sexual contact;

**Verbal Conduct:** oral or written derogatory or vulgar comments regarding a person's sex; graphic comments about a person's anatomy; sexually suggestive objects or pictures painted, drawn or placed on school property that may embarrass or offend the person; sexually degrading works, whether spoken or written, to describe a person or propositions of a sexual nature;

**Physical Conduct:** touching another person in a sexually suggestive way, including kissing, pinching or rubbing up against, or otherwise intentional touching any part of a person's body; physical conduct, such as pushing, hitting or threats to take such action in connection with any sexual advances;

**Hostile Environment:** spreading sexual gossip, including remarks of sexual prowess or activity; staring or leering with sexual connotations; pressure for sexual activity; obscene gestures.

The present state of the law suggests that sexual harassment is based upon the views and reaction of the person to whom or about whom the conduct is directed, not those of the person who is accused of sexual harassment. That the offending party did not intend to commit sexual harassment or did not believe that he or she was harassing the other person may be no excuse for illegal conduct.