

SEXUAL HARASSMENT

I. Purpose

Sexual harassment constitutes a violation of federal law. Both Title VII and Title IX prohibit such activities. It is the policy of the Berryville School District to maintain a learning and working environment that is free from sex discrimination including sexual harassment.

II. Authority

It shall be a violation of this policy and federal law for any member of the District staff to harass a student or another employee through conduct or communications of a sexual nature as defined below.

It shall also be a violation of this policy and federal law for students to harass other students or district employees through conduct or communication of a sexual nature as defined below. Furthermore, it shall be a violation of this policy and federal law for any non-employee and non-student to harass a student or employee as outlined in this policy.

III. Definitions

A. Types of Sexual Harassment

The courts and the Equal Employment Opportunity Commission (EEOC) have frequently defined two types of harassment:

1. **Quid Pro Quo**—when a person with authority demands submission to sexual advances as an explicit or implicit term or condition of employment.
2. **Hostile Environment**—Unwelcome behavior that is sufficiently severe, persistent or pervasive to limit a student's or employee's ability to participate in or benefit from the education program, or to create an intimidating, hostile, offensive, or unsafe working and learning environment.

B. Characteristics of Sexual Harassment.

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written or physical conduct of a sexual nature when made by a member of the school staff to a student or another employee or when made by any student to another student or district employee constitute sexual harassment when any of the following apply.

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, safety, acceptance, or academic advancement.
2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment, academic standing, or safety.
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 work, learning or social environment. This includes conduct at all school or school related activities, including conduct on school buses.

C. Examples of Sexual Harassment.

Sexual harassment, as defined above, may include, but is not limited to the following:

1. Pressure for sexual activity.
2. Suggestions or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.
3. Intentional brushing against a student's or an employee's body for sexually oriented reasons.
4. Any inappropriate or sexually motivated unwelcome touching.
5. Sexually explicit or threatening communication whether written, verbal, or graphic directed toward an individual with sexual or demeaning implications.
6. Gender based harassment.
7. Bullying based on sex.
8. Sexual assault.
9. Sexual violence.

IV Filing Complaints

- A. Any person who alleges sex discrimination or sexual harassment may use the District's equity complaint procedures (detailed below) or may complain directly to any District employee, or to the Equity Coordinator/Superintendent, Mr. Owen Powell, the individual designated to receive such complaints:
Mr. Owen Powell, 902 West Trimble Ave., Berryville, AR 72616 (870) 480-4669
- B. Filing of a complaint or otherwise reporting sexual harassment or sex discrimination will not reflect upon the complainant's status nor will it affect future employment, grades or work assignments.
- C. Upon receipt of a complaint of sexual harassment, the District employee shall notify his or her supervisor as soon as possible who shall in return notify the Equity Coordinator. If the complaint is given verbally, it shall be reduced to a written form within 24 hours and forwarded to the Equity Coordinator.
- D. An adequate, reliable, and impartial investigation will be conducted immediately by school officials independent of any law enforcement investigation regarding the same complaint or grievance. The investigation may consist of, but is not limited to, personal interviews with the person filing a complaint, the individual(s) against whom the complaint is filed and others who may have knowledge of the alleged incident or circumstances surrounding the complaint. During the course of the investigation the District will use a preponderance of the evidence standard. A written report on the investigation will be provided to the Equity Coordinator within ten (10) days of the complaint or report of sexual harassment.
- E. If the complaint involves the building principal or immediate supervisor, the complaint may be filed with the Equity Coordinator/Superintendent. If the complaint involves the Equity Coordinator/Superintendent, the complaint may be filed with the Director of Special Programs:
Dr. Paul Hines, 902 West Trimble Ave., Berryville, AR 72616 (870)480-4650
- F. In addition, at the discretion of the District, immediate steps may be taken to protect the person filing the complaint, students and employees pending the completion of the investigation.
- G. The district will ensure that victims are aware of their Title IX rights and available resources, such as counseling, and right to file a complaint with local law enforcement.

V. School District Action

- A. Upon determination that the complaint is valid, the District will take such action as appropriate based on the results of the investigation. If the harasser is a student, disciplinary action may include suspension or expulsion. If the harasser is an employee, disciplinary action may include termination or non-renewal.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the person filing the complaint by the District. If the alleged harasser is a student, the report will document the action taken as a result of the complaint to the extent permitted by FERPA (Family Educational Rights and Privacy Act). If the alleged harasser is an employee of the District, the report will document the action taken as a result of the complaint to the extent permitted by law.

VI. Reprisal

The District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists, or participates in an investigation proceeding related to a sexual harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII Notifications

A copy of this policy shall be included in the notifications that are sent to parents/guardians at the beginning of each school year, or upon enrollment of new students. This will include notifications by letter, posting on the website, and in the student handbook.

Legal Reference:

Title VII, Civil Rights Act, 1964, U.S.C. Section 703

Title IX, 1972, 20 U.S.C. Section 1681

U. S. Department of Education's

Office of Civil Rights Guidance Document, 1996

Equal Employment Opportunity Commission's Guidelines, 1980.

Berryville School District
Discrimination/Harassment
Complaint Report Form

Name _____

_____ Student _____ Employee

Specify type of discrimination or harassment alleged.

_____ Race, Color, or National Origin

_____ Religion

_____ Sex

_____ Age

_____ Disability

Specific Facts of the Complaint (who? what? when? witnesses? additional incidents?)

Specific Relief Desired (what do you want done or corrected?)

Date

Signature of Student or Employee