

SEXUAL HARASSMENT/VIOLENCE POLICY

1. The Policy

1.1 Purpose - It is the firm policy of Monroe County Schools to maintain a learning and working environment that is free from sexual harassment or violence. The school board and administration of the Monroe County School System are committed to taking positive action when sexual harassment or violence occurs. Further, the purpose of these regulations is to prevent sexual harassment/violence toward students and staff, to protect the academic environment and to assure that our schools respond to incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

1.2 Authority - Sexual harassment/violence, considered a form of sex discrimination, violates Federal and State statutes. Section 703 of the Title VII of Civil Rights Act of 1964 (42 U.S.C., Section 200e-2 (a) as amended by the Equal Employment Opportunity Act of 1972) covers sexual harassment of employees and employee discrimination on the basis of sex, race, color, national origin, and religion. The United States Equal Employment Opportunity Commission Guidelines address sexual harassment as unlawful discriminatory practices as does Section 5-11-9 of The West Virginia Human Rights Act. Title IX of the Education Amendments of 1972 prohibits sexual harassment of students in the school system. Under the Human Rights Act, employers may be held responsible for acts of employees, as well as acts of non-employees, in the workplace where the employer knew or should have known of the conduct and failed to take timely and corrective action.

It shall be a violation of this policy for any student or employee of the Monroe County School System to harass a student or an employee or commit violence against a student or employee through conduct or communication of a sexual nature as defined by this policy.

The Monroe County School District will investigate all complaints, either formal or informal, verbal or written, of sexual harassment/violence and discipline any student or employee who is guilty of such an offense.

1.3 Administrator Responsibility - Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with state and federal laws and board policy and procedures governing sexual harassment/violence within his/her school or office.

1.4 Consequences of Violation - Violation of this policy or procedure will be cause for disciplinary action.

1.5 Application

- 1.5.1 These regulations apply to any student, staff member or member of the public during any school related activity or during any education sponsored event whether in a building or other property used or operated by the Monroe County Board of Education. The term “staff members” as used in this policy, shall encompass all employees of the Board of Education or other applicable local agency or facility.
- 1.5.2. No student, staff member or member of the public, during any school related activity or during any education sponsored event, whether in a building or other property used or operated by the Monroe County Board of Education, shall engage in sexual harassment.
- 1.5.3 Amorous relationships between staff members and students are prohibited and staff members found to have violated this prohibition shall be subject to penalties as outlined.

2. Definitions

2.1 Sexual Harassment - Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- 2.1.1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s education or employment;
- 2.1.2 submission to or rejection of such conduct by an individual is used as the basis for an academic or employment decision affecting that individual; or
- 2.1.3 such conduct has the purpose or effect of substantially interfering with an individual’s academic, professional, or employment performance or creating an intimidating, hostile, or offensive academic or work environment.
- 2.1.4 Sexual harassment may include but is not limited to: unwelcome verbal harassment of a sexual nature or abuse;
 - 2.1.4.1 unwelcome pressure for sexual activity;
 - 2.1.4.2 unwelcome, sexually motivated or inappropriate patting, pinching or physical contact;

- 2.1.4.3 unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status; or
- 2.1.4.4 unwelcome behavior, verbal or written words or symbols directed at an individual because of gender; and
- 2.1.4.5 the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs that student's full enjoyment of educational benefits, climate or opportunities.

2.2 Sexual Violence - may include, but is not limited to:

- 2.2.1 touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- 2.2.2 coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- 2.2.3 threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another; and
- 2.2.4 threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

3. Reporting Procedures/Investigation

- 3.1 Any person who believes he/she has been the victim of sexual harassment or violence by a student or an employee of the school district, is strongly encouraged to report the alleged acts immediately to an appropriate school district official as designated by this policy. The board encourages the reporting party or complainant to use the report form available from the building principal or county Board of Education office.
 - 3.1.1 In Each School Building - the building principal or designee is the person responsible for receiving oral or written reports of sexual harassment or violence at the building level. Upon receipt of a complaint, the principal must see that the complaint is committed to writing before the close of the next working day. If the complaint is against a student enrolled in the school, the principal will investigate the complaint and determine if the accused party has violated this policy. If the principal determines that the accused party has violated this policy, the principal will take disciplinary action.

If the complaint is against an employee, the principal will notify the Human Rights Officer who will conduct the investigation. The Human Rights Officer will prepare a report from the facts gathered from the investigation and present it to the superintendent for his/her review and recommendations.

3.1.2 District Wide - If a complaint of sexual harassment/violence is made against a student on the bus, the bus driver shall complete a bus conduct form noting that the allegation is sexual harassment/violence and forward it to the principal of the school(s) of the complainant and of the accused by the close of the next working day. If circumstances necessitate, the driver has the authority to suspend the accused party immediately from the bus until the investigation is complete. An investigation will be conducted by the principal(s) and the County Transportation Coordinator or designee. Upon completion of the investigation, the Transportation Coordinator or designee and the building principal of the accused will determine if the student(s) have violated this policy. If the accused party has violated this policy, the principal and the Transportation Coordinator will determine the disciplinary action to be taken. If a complaint of sexual harassment is against the driver, the student should notify the principal of his/her school. Immediately upon receipt of the complaint, the principal will notify the Human Rights Officer who shall be responsible for the investigation as defined in Section III, Part A.

3.1.2.1 Reporting sexual harassment and the subsequent filing of a complaint, will not affect future employment decisions, grades, or work assignments of the person who makes the complaint or report.

3.1.2.2 Although use of formal reporting forms is not mandatory, when possible, individuals should use those forms provided to document a complaint.

3.2 Confidentiality: Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complaints, subjects, witnesses, and investigators will be vigorously protected and violations of such confidentiality may itself be grounds for disciplinary action.

4. Timelines for Investigation and Recommendations

- 4.1 A complete investigation of any student-related incidents as described in Section III shall be conducted within ten working days of the complaint being filed unless exceptional circumstances require additional time. The investigator or investigating party shall provide a written report on the county form designated within five working days after the completion of the investigation. A copy of the report will be forwarded to the Human Rights Officer.
- 4.2 A complete investigation of any employee-related incidents as described in Section III shall be conducted within ten working days of the complaint being filed unless exceptional circumstances require additional time. The investigator shall provide a written report within five working days after the completion of the investigation to the superintendent. If the superintendent is the subject of the complaint, the report will be submitted to the President of the Board of Education.
- 4.3 To ascertain whether alleged behavior constitutes sexual harassment/violence, consideration will be given to the situation, the nature of the sexual advances, the relationships between the parties involved, and the conditions in which the alleged incidents occurred. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged event(s) that prompted the complaint. The investigation may also incorporate other procedures and/or records that may be necessary to complete the investigation. School officials may, if necessary, take immediate steps to protect the individual(s) making the complaint prior to the completion of their investigation.

5. Discipline

- 5.1 It shall be a violation of this policy for any member of the Monroe County School System to harass another staff member or student through conduct or communications of a sexual nature as defined in Part II. It shall also be a violation of this policy for students to harass other student(s) or staff through conduct or communications of a sexual nature as defined in Part II.
- 5.2 It shall be a violation of this policy for any member of the Monroe County School System to commit an act of sexual violence against another student or staff member as described by this policy. It shall also be a violation of this policy for students to commit sexual violence against other student(s) or staff through conduct as described in this policy.
- 5.3 A finding that a staff member in the Monroe County School system has committed acts in violation of this policy shall subject the staff member to disciplinary action which may include, but is not limited to counseling, reprimand, probation, demotion, suspension, or termination.

- 5.4 A finding that a student in the Monroe County School System has committed acts in violation of this policy shall subject the student to disciplinary action which may include, but is not limited to counseling, reprimand, suspension, expulsion, or other action deemed necessary by the principal.
- 5.5 All alleged incidents of harassment or violence observed by faculty or staff must be reported to the designated investigator and appropriate action should be taken as specified in §126-18-7 and §126-18-8.
- 5.6 The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the superintendent or designee, or if the superintendent is the subject of the complaint, by the President of the Board of Education.
- 5.7 Principals or the superintendent (depending upon the incident) shall immediately file a report with the West Virginia Department of Education of all reports of harassment or violence when investigation shows that such an incident did occur and indicate all action taken in response to the incident.

6. Reprisal

- 6.1 The Monroe County School System will discipline any individual who retaliates against any person who reports alleged sexual harassment/violence or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a sexual harassment/violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment/violence.

7. Non-Harassment

- 7.1 The Monroe County School Board realizes that certain conditions must exist in order to constitute sexual harassment/violence. Furthermore, the Board realizes that not every advance or consent of a sexual nature constitutes sexual harassment. All the facts and surrounding circumstances will be weighted to determine if a particular incident(s) or relationship has resulted in sexual harassment. False accusations of sexual harassment can have a serious detrimental effect on all innocent parties.

8 Right To Alternative Complaint Procedures

- 8.1 The procedure for filing a sexual harassment complaint as described above, do not preclude an individual's right to pursue other means of recourse which may include filing charges with the WV Human Rights Commission, filing an

employee grievance under WV Code 18-29-1, et. seq., filing a citizen's appeal under WV Board of Education Policy 7211, filing a Title IX grievance using appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

9. Sexual Harassment As Abuse

9.1 Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the WV Code. In such situations, the school district shall comply with the provisions of law for reporting such abuse.

10. Notifications/Prevention

10.1 This policy will be distributed to all schools, offices, and department of the Monroe County School System. Information pertaining to this policy will be incorporated in teacher and student handbooks.

10.2 At a minimum, each school is responsible for raising awareness among students at each programmatic level (K-4, 5-8, 9-12) of sexual harassment/violence, how it manifests itself, its devastating emotional and educational consequences, and its legal consequences.

10.3 Additionally, the county shall, at a minimum raise awareness among the staff of sexual harassment/violence and how it affects others.

Board of Education Minutes: 3/5/96
Revised and newly adopted: January 8, 2002

Sexual Harassment/Violence Complaint

1. Name of Individual Filing Complaint _____ Date _____
2. Individual who has committed alleged harassment _____
3. Relationship to complainant _____
(Describe briefly - co-worker, fellow classmate, supervisor, etc.)

4. Sexual harassment/violence may consist of unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written or physical conduct of a sexual nature, whether by a member of the school system's staff or by a student, when:
- _____ a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment.
 - _____ b. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
 - _____ c. Such conduct has the purpose or effect of substantially interfering with an individual's academic, professional, or employment performance or creating an intimidating, hostile, or offensive academic or work environment.

Please indicate by checking the appropriate item which type of harassment you believe has occurred.

5. Narrative: In the space provided (or on attached sheets), please indicate specific times or events which are of the nature described above. Whenever possible, please give specific names of individuals who were witnesses who may corroborate the story, or who may provide additional details.
