

SEXUAL AND GENDER HARASSMENT

It is the policy of the Evangeline Parish School Board to provide an employment environment that is free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications deemed to constitute sexual or gender harassment under federal and state laws, regulations, and guidelines. The Evangeline Parish School Board shall not tolerate sexual or gender harassment by any student, employee, non-employee volunteer, or Board member toward any individual.

All managerial and supervisory personnel are responsible for enforcing Evangeline Parish School Board's sexual and gender harassment policy. Failure to enforce this policy in a prompt and strict manner may subject such personnel to disciplinary action.

DEFINITION

Sexual harassment shall be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, as a term or condition of any individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment/educational decisions affecting the individual; and
3. Such conduct has the purpose or effect of
 - a. unreasonably interfering with an individual's work/education, or
 - b. creating an intimidating, hostile or offensive working/educational environment.

Incidents of sexual harassment may include, but are not limited to, verbal harassment such as derogatory comments, jokes, slurs or remarks or questions of a sexual nature; physical harassment such as unnecessary or offensive touching; and visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks or gestures. Harassment depends not only upon the perpetrator's intention, but also upon how the person who is the target perceives the behavior or is affected by it. Individuals who believe they have been the victim of sexual harassment from co-workers or others should make it clear that such behavior is offensive to them by saying so to the offender.

Gender harassment shall be defined as unequal and unfair handling based on a person's gender or sex. It involves any unwelcome, out-of-context gender references or conduct, whether verbal, gestural, pictorial, or physical, which can create a hostile environment.

REPORTING PROCEDURE

Any person who believes he or she has been the victim of sexual or gender harassment by an employee or non-employee volunteer of the Evangeline Parish School Board, or any third person with knowledge or belief of conduct which may constitute sexual or gender harassment should report the alleged acts immediately to the employee's immediate supervisor, who in turn shall submit it to the Director of Personnel. If the alleged acts were committed by the employee's immediate supervisor, the complaint should be directed to the Superintendent and/or Director of Personnel. If criminal activity is involved, the victim should also report the incident to the police. The person to whom the complaint is given shall promptly prepare a written report and forward it to the Superintendent.

INVESTIGATION AND RECOMMENDATION

The School Board shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School Board's legal obligations and the necessity to investigate allegations of harassment and take corrective or disciplinary action when the conduct has occurred.

Upon receipt of a report or complaint alleging sexual or gender harassment by an employee or nonemployee volunteer, such a complaint shall be immediately investigated by the principal or Director of Personnel. When circumstances warrant, the Superintendent may authorize any investigation be conducted by a third party designated by the Superintendent. 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 incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

In determining whether alleged conduct constitutes sexual or gender harassment, the Superintendent or designee should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.

A report shall be made to the Superintendent upon completion of the investigation involving an employee or non-employee volunteer. The report may include a finding that the complaint was unfounded, informally resolved, or a recommendation to the Superintendent for disciplinary action. No record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

ACTIONS

- A. Upon receipt of a recommendation that the complaint which has not been informally resolved is valid involving an employee or non-employee volunteer, the Superintendent shall take such action as appropriate based on the results of

the investigation.

- B. The result of the investigation of each complaint filed under these procedures involving an employee or non-employee volunteer shall be reported in writing to the complainant and the alleged harasser by the Superintendent. The report will document any action taken as a result of the complaint.

RETALIATION PROHIBITED

The School Board shall discipline any individual who retaliates against any person who reports alleged sexual or gender harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual or gender harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment at the time of a report or any time after a report.

NON-HARASSMENT

The School Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with Article 609(A) of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to the police.

DISCIPLINE

Any action taken pursuant to this policy shall be consistent with requirements of applicable statutes and School Board policies. The School Board and Superintendent shall take such disciplinary action for employees and non-employee volunteers it deems necessary and appropriate, including warning, transfer, suspension or immediate discharge to end sexual or gender harassment and prevent its recurrence.

Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR §1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81; La. Civil Code, Art. 2315.