

## PERSONNEL

File: GBA/JFHA

### PROHIBITION AGAINST HARASSMENT AND RETALIATION

#### **I. Policy Statement**

The Charlottesville City School Division is committed to maintaining a learning/working environment that is free of sexual harassment and harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital or veteran's status, physical or mental, genetic information, sexual orientation, gender identity or expression, political affiliation, disability. Therefore, the Charlottesville City School Division prohibits sexual harassment and harassment based on race, national origin, disability or religion of any school personnel at school or at any school-related activity.

It shall be a violation of this policy for any student or school personnel to harass any school personnel sexually, or based on race, national origin, disability or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability or religion by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The School Division shall: (1) promptly investigate all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital or veteran's status, physical or mental, genetic information, sexual orientation, gender identity or expression, political affiliation, disability or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and (4) take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

#### **II. Definitions**

##### **A. 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:

## PERSONNEL

File: GBA/JFHA

Page 2

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- (ii) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
- (iii) that conduct or communication substantially or unreasonably interferes with an individual's employment, or creates an intimidating, hostile or offensive employment environment (i.e. the conduct is sufficiently serious to limit an employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks.
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- graphic comments about an individual's body.
- sexual jokes, notes, stories, drawings, gestures or pictures.
- spreading sexual rumors.
- touching an individual's body or clothes in a sexual way.
- displaying sexual objects, pictures, cartoons or posters.
- impeding or blocking movement in a sexually intimidating manner.

### B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct relating to an individual's race, national origin, disability or religion when the conduct:

- (i) creates an intimidating, hostile or offensive working environment; or
- (ii) substantially or unreasonably interferes with an individual's work; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language.
- name calling, jokes or rumors.
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion.
- hostile acts which are based on another's race, national origin, religion or disability.
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion.

C. Additional Prohibited Behavior

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation perceived sexual orientation or gender identify.

**III. Complaint Procedure**

The complaint process has both formal and informal procedures for addressing the complaint. Both procedures are described in accompanying regulations, while timelines are prescribed, school officials investigating a complaint will attempt to resolve the issue as soon as possible. Any staff member who wants to file a complaint is able to informally inform a school official at the school or central office who will assist in following the appropriate procedures.

**IV. Retaliation**

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings.

**V. Right to Alternative Complaint Procedure**

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

**VI. Prevention and Notice of Policy**

Training to prevent prohibited by law or by this policy should be included in employee and student orientations as well as employee in-service training.

## PERSONNEL

File: GBA/JFHA

Page 4

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

### **VII. False Charges**

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: September 21, 2000  
Revised: June 19, 2008  
Revised: June 16, 2011  
Revised: June 30, 2015

---

---

Legal References: 20 *U.S.C.* §§ 1681-1688.  
29 *U.S.C.* § 794.  
42 *U.S.C.* §§ 2000d-2000d-7  
42 *U.S.C.* §§ 2000e-2000e-17  
34 *C.F.R.* part 106.

Cross References: AC Nondiscrimination  
AD Educational Philosophy  
GB Equal Employment Opportunity/Nondiscrimination  
JB Equal Educational Opportunities/Nondiscrimination  
JFC Student Conduct  
  
JFC-R Standards of Student Conduct  
  
GCPD Professional Staff Members: Contract Status and Discipline  
GDPD Support Staff Members: Contract Status and Discipline  
JFG Child Abuse and Neglect Reporting