

## PERSONNEL

File: GBAA

### SEXUAL HARASSMENT

It is the policy of the Charlottesville City School Board to maintain a working and learning environment which provides for fair and equitable treatment, including freedom from sexual harassment, for all its employees and students.

Sexual harassment includes any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. No student or employee shall sexually harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions.

It is prohibited for any student or employee, male or female, to harass another student or employee by making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal, written, electronic, or physical conduct of a sexual nature. Conditions may include, but are not limited to:

- (1) submission to or rejection of such conduct is used as a basis for academic decisions affecting the student,
- (2) such conduct creates an intimidating, hostile or offensive working or learning environment, or
- (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

Examples of activities which could constitute sexual harassment/inappropriate sexual behavior include, but are not limited to:

- (1) unwelcome leering, sexual flirtations or propositions,
- (2) unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions,
- (3) graphic comments about an individual's body, or overly personal conversation,
- (4) sexual jokes, stories, drawings, pictures, or gestures,
- (5) spreading sexual rumors,
- (6) inappropriate or suggestive sexual gesture,
- (7) touching an individual's body or clothes in a sexual way,

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- (8) cornering or blocking of normal movements,
- (9) displaying sexually suggestive objects in an educational environment, or
- (10) displaying sexually explicit behavior.

Any student or employee who believes that he or she has been subjected to sexual harassment should file immediately a complaint of the alleged act with the principal or supervisor. The principal or supervisor shall request that the complaint be in writing. The principal or supervisor shall investigate the complaint and work towards a resolution of the matter. The principal or supervisor must immediately report the complaint of the alleged incident to the Division Compliance Officer. For employees, the compliance officer is the Director of Human Resources. For students, the compliance officer is the Director of Student Services and Achievement. Information regarding the process is included in the accompanying regulations. If the complaint is against the principal or supervisor, the student or employee shall file the complaint with the Compliance Office who will contact the Director of Human Resources. The student or employee may make direct contact with the instructional director if he/she is uncomfortable going to the Compliance Officer. Refusal to put the complaint in writing shall not preclude an investigation of the complaint. The complaint should state in detail the basis for the complaint, the names of the persons involved, and the dates of any specific incidents. A thorough investigation of all reported incidents to determine the nature and extent of any alleged sexual harassment will be undertaken.

False charges of sexual harassment shall be treated as a serious offense, and those persons making false charges shall be subject to disciplinary action.

The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. A written report summarizing the investigation and stating any conclusions or recommendations shall be filed with the Superintendent at the conclusion of any investigation of sexual harassment regardless of the outcome of that investigation.

Any student or employee who has knowledge of the occurrence of sexual harassment of a student by an adult should contact the principal. Any employee with knowledge of the occurrence of sexual harassment involving one or more students should notify the principal or the Director of Human Resources. The principal must immediately report the complaint of the alleged incident to the Compliance Officer.

Any administrator, teacher, other employee or student who is found after an investigation to have engaged in sexual harassment of another employee or student will be subject to disciplinary action appropriate to the offense from a warning up to expulsion or dismissal.

Adopted: July 5, 2012

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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 Employment 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  
GAE/JFG Child Abuse and Neglect Reporting  
KKA Service Animals in Public Schools