

SEXUAL HARASSMENT

It is the district's policy that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee or student of the School District may sexually harass another. Any employee or student will be subject to disciplinary action including possible termination or expulsion for violation of this policy. Sexual harassment can arise between employees, by an employee to a student and student to student. All forms are subject to this policy.

DEFINITION

Any unwelcome sexual advances, solicitation or sexual activity by promise of rewards, coercion of sexual activity by threat of punishment, verbal sexist remarks, or physical sexual assaults constitute sexual harassment. This conduct can have the effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive employment or educational environment regardless of intent.

EXAMPLES

Some examples of sexual conduct are:

1. Sexual advances;
2. Touching of a sexual nature;
3. Graffiti of a sexual nature,
4. Displaying or distributing sexually explicit drawings, pictures or written materials;
5. Sexual gestures;
6. Sexual or "dirty" jokes;
7. Pressure for sexual favors;
8. Touching oneself sexually or talking about one's sexual activity in front of others;
9. Spreading rumors about or rating other students as to sexual activity or performance.

Not all physical conduct would be considered sexual in nature.

Some examples of non-sexual conduct are:

1. A high school athletic coach hugging a student who made a goal.
2. A kindergarten teacher's consoling hug for a child with a skinned knee.
3. One student's demonstration of a sports move requiring contact with another student.

RESPONSIBILITY

C-EB officers, employees and students are responsible for maintaining a working and learning environment free from sexual harassment. Workshops and activities will be

provided by the C-EB to explain the policy and laws. Careful scrutiny will be undertaken of all allegations of sexual harassment. False allegations that are malicious or ill-founded may constitute libel or slander. Copies of the policy will be available at all administrative offices.

COMPLAINTS

1. Employees

Any employee who believes that he or she has been a subject of sexual harassment by a district employee or officer should report this incident immediately to his or her immediate supervisor. If the immediate supervisor is involved in the activity, the violation should be reported to the supervisor's immediate supervisor.

2. Students

A student who believes he or she has been sexually harassed (or a parent or guardian who believes that his or her child has been harassed) should immediately report it to a responsible school official. This could be a teacher, Principal, faculty member, administrator, campus security officer, affirmative action officer, staff in the office of student affairs, or the school's Title IX coordinator.

3. Investigation

All reported incidents will be thoroughly investigated and subject to disciplinary action. While absolute confidentiality cannot be guaranteed, confidentiality consistent with due process will be strictly maintained. Criminal acts must be reported to law enforcement authorities. An employee or student may file a written complaint because of dissatisfaction with the handling of a harassment complaint and may utilize any applicable grievance procedure for the purpose.

CONFIDENTIALITY

- A. It is the district's intent to keep the information brought forward in a complaint confidential and limited to those directly involved with the complaint. However, because an individual's right to confidentiality must be balanced with the district's obligations to cooperate with police investigations or legal proceedings, or to take appropriate disciplinary action, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.
- B. Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by law.

RETALIATION

Cheyenne-Eagle Butte Schools prohibits retaliation against any person because that person has asserted, or has assisted another person to assert a discrimination or harassment complaint with the school district or with any state or federal agency, or because that person has testified or participated in any manner in an investigation, proceeding or hearing concerning a complaint of discrimination or harassment. Retaliation is a violation of federal and state law, and may lead to disciplinary action against the offender.