

Policy

EMPLOYEE SEX/GENDER DISCRIMINATION AND HARASSMENT

Code GAMB Issued 12/15/21

It is the Board's expectation that all personnel conduct themselves in a professional manner and respect other district employees, students, parents/legal guardians and third parties at all times. In this regard, the board prohibits sex/gender discrimination and harassment and other inappropriate conduct of a sexual nature.

***Note: Upon receipt of a complaint under this policy, the administrator shall consult with the Title IX coordinator for guidance. This policy does not apply to any conduct that rises to the level of sexual harassment, as determined by the Title IX coordinator, consistent with the 2020 Title IX regulations addressed in Board policies GAMBA and JCDAF.**

All employees, including supervisory level employees, must avoid any action or conduct which could be viewed as sex/gender discrimination or harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a cell phone, computer, or other telecommunication device, and includes text messaging and social networking.

Sex/gender discrimination is defined as unfair, unjust or prejudicial treatment of a person related to a person's sex (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions) in any aspect of employment.

All employees must avoid any action toward, or conduct with, a student which could be viewed as sexually inappropriate. Inappropriate conduct of a sexual nature will not be tolerated at any time. Inappropriate conduct of a sexual nature with a student occurs when an employee (1) makes a sexually suggestive advance toward a student; (2) makes a request for a sexual favor from a student; or (3) engages in a relationship of a sexual nature with a student.

Any employee who believes another employee or a student has directed inappropriate conduct of a sexual nature toward him/her is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. Any employee who has knowledge that an employee or a student has directed inappropriate conduct of a sexual nature towards another employee or student should also file a complaint. All allegations will be investigated promptly and confidentially. Employees who file a complaint of inappropriate conduct of a sexual nature by another employee or a student will not be subject to retaliation or reprisal in any form.

Sexual harassment of employees consists of unwelcome verbal, non-verbal or physical conduct related to a person's sex (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions) under the following circumstances:

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- submission to such conduct is made either expressly or impliedly a condition of employment
- submission to or rejection of such conduct by an individual is used as the basis for any employment decisions affecting the individual
- such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive working environment

Any employee who believes he/she has been subjected to sex/gender discrimination or harassment is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. All allegations will be investigated promptly and confidentially. Employees who file a complaint of sexual harassment will not be subject to retaliation or reprisal in any form.

Any employee who is found to have engaged in sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, will be subject to disciplinary action, up to and including, a recommendation of termination. Any student who is found to have engaged in sex/gender discrimination or harassment, will be subject to disciplinary action, up to and including, a recommendation of expulsion. If a non-employee, including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative or a service vendor is determined to have engaged in sex/gender discrimination or harassment, or engaged in inappropriate conduct of a sexual nature toward an employee or student, the District will take appropriate action against the individual, including severing the relationship with the individual or entity. The district will take all other appropriate steps to correct or rectify the situation.

Adopted 5/19/21; Revised 12/14/21

Legal references:

- A. Federal statutes:
1. Title IX of the Education Amendments of 1972, 20 USC § 1681, et seq. - Prohibits discrimination on the basis of sex.
 2. 42 U.S.C. 2000e – Prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex.
 3. Title VII of the Civil Rights Act of 1964, as amended.