

## **G-6 SEXUAL HARASSMENT POLICY**

It is the policy of the Opelika City Schools to provide and maintain a working environment that is free of sexual harassment, intimidation, and violence. As with other forms of discrimination, the Opelika City School's Board of Education is opposed to sexual harassment, which is illegal, by employees, students, and any third party. Anyone who violates this policy will be subject to appropriate disciplinary action.

Sexual Harassment may include, but is not limited to:

1. Unwelcome sexual advances
2. Request for sexual favors
3. Sexually motivated physical conduct
4. Verbal, nonverbal or physical conduct or communication of sexual nature

Sexual Harassment conduct includes use of Quid Pro Quo, which involves the

above examples of sexual harassment for obtaining or retaining employment, or of obtaining an education; or used as a factor in decisions affecting an individual's employment or education.

School-related conduct that the Opelika City Schools considers unacceptable and often a part of sexual harassment includes, but is not limited to, items referenced in the following chart:

Examples of types of Sexual Conduct that may create a hostile environment

<b>Non-Verbal/Visual</b>	<b>Verbal</b>	<b>Physical</b>
Displaying sexually suggestive magazines, cartoons, pin-ups, posters, websites	Sexual innuendoes, rumors, suggestive comments	Unwanted sexual touching
Obscene gestures	Comments on clothing or physical appearance	Pulling up, snapping, pulling down, grabbing clothing
Lip or tongue motions	Asking unwanted, personal, sexual, intimate questions	Massaging, grabbing, pinching, fondling, brushing the body
Sexually explicit e-mail, letters, writings on desks, books, lockers	Whistling, catcalls, patronizing names, offensive language	Physical interference with movements, cornering, blocking or following, leaning over, impeding movement
Sexual computer screensavers	Sucking, mooing, kissing, howling sounds	Blowing on someone's neck, hair, ear
Graffiti of sexual nature	Rating appearance, body parts, sexuality	Fondling, stroking, licking someone's skin
Leering, staring in a sexual manner	Pestering or pressuring for dates, asking for sex or sexual contact	Coerced sexual intercourse, rape, sexual assault
Looking down someone's blouse or up someone's skirt	Telling sexual jokes, rape jokes or demeaning gender-based jokes	Assaultive and intimidating physical conduct directed at someone because of their gender
Exposing sexual or private body parts	Verbalizing sexual obscenities	Brushing up against, leaning on someone
Manipulating objects or food to create a sexual innuendo	Teasing, taunting, insulting remarks about sexuality, body parts, or attractiveness	Back or neck rubs
Unwanted notes or love letters with a sexual message	Commenting about sexual activities, fantasies, sexual preferences or interests of others or self	Kissing

Source: Geraldine Jaffe, Orange County Department of Education, Costa Mesa, California

Sexual harassment is any unwelcome communication or conduct that is sexually suggestive, degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes.

Sexual harassment is abusive and illegal behavior that harms victims and negatively impacts the school's culture by creating an environment of fear, distrust, and intolerance. Because Opelika City Schools is committed to providing a safe, healthy environment for all students and employees and third parties that promote respect, dignity, and equality, it is the purpose of this policy to create and preserve discrimination on the basis of sex.

Opelika City Schools strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the school system.

Any relationship may be considered sexual harassment if an individual bases his/her consent to certain behaviors or environments due to fear of retaliation. It shall be a violation of this policy for any student, employee, or third party (school visitors, etc.) to sexually harass any student, employee, or any other individual associated with the school (i.e. parents, contractors, maintenance workers, consultants, etc.).

It is Opelika City School's policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's need for confidentiality must be balanced with the Opelika City Schools obligations to cooperate with police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint, Opelika City Schools retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, faculty and staff who observe unacceptable behavior, as well as administrators conducting an investigation, should consider:

1. Is the conduct sexual in nature?
  2. Is the conduct derogatory toward one gender?
  3. Is the conduct unwelcome?
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1. What is the relationship of the parties involved?
  2. Is there equal power between the parties?

Any person may file a sexual harassment complaint with the school principal or the Superintendent.

Opelika City School's employees are required to report to appropriate administrators all instances of observed or reported behaviors of sexual harassment. Failure to report may result in disciplinary action up to and including termination.

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant up to and including termination.

### **Retaliation**

Any act of retaliation against any person who objects to sexually harassing behavior, or who has filed a complaint, is prohibited. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including termination.

All students, employees and parents shall be informed of this policy.

All Opelika City School's employees shall receive training and/or information regarding the Sexual Harassment Policy.

All new employees shall receive information about this policy at new employee orientation and/or training. All other employees shall be provided information at least once a year regarding this policy and Opelika City Schools' commitment to a harassment-free learning and working environment.

**ADOPTED: May 11, 2004**

**LEGAL REF: Code of Alabama 16-1-30**