

## **CHAPTER 6.00 - PERSONNEL**

**6.431**

### **PROHIBITION OF SEXUAL HARASSMENT BY EMPLOYEES**

#### **POLICY:**

- (1) Definition - Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, non-verbal or physical conduct of a sexual nature when:
  - (a) Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or a student's education;
  - (b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual;
  - (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's educational performance, or creating an intimidating, hostile or offensive work or school environment.
  - (d) Examples of sexual harassment may include, but are not limited to, the following:
    1. Verbal harassment or abuse of a sexual nature;
    2. Subtle pressure for sexual activity;
    3. Repeated remarks to a person with sexual or demeaning implications (e.g., a person's body, clothes or sexual activity, etc.);
    4. Unwelcome or inappropriate physical contact; such as, patting, pinching, or unnecessary touching;
    5. Suggesting or demanding sexual involvement accompanied by implied or explicit threats;

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6. Display of sexually suggestive objects, pictures, or written materials.
  - (e) Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.
- (2) Specific Prohibition - Sexual harassment in any form is prohibited. All claims of sexual harassment will be subject to prompt and thorough investigation.
  - (a) It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates, including, but not limited to, incidents when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
  - (b) It is sexual harassment for a non-administrator and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to penalties.
  - (c) It is sexual harassment for a School Board employee to use his or her authority to solicit sexual favors or attention from students. Board employees who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to penalties.
- (3) Procedures - It is the responsibility of any employee to promptly report any occurrence of alleged sexual harassment. This policy on sexual harassment shall be communicated to all employees to inform them that a procedure exists for reporting claims of sexual harassment, that management will promptly investigate all alleged incidents of sexual harassment, and appropriate corrective action will be taken. Complaints should be reported to the Superintendent, Superintendent's designee, or district equity coordinator. Complaint should: be in writing, state the act(s), state the date(s), state the name(s) of witnesses and be signed by the complainant.

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Investigations will be conducted with discretion. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Claims found to be factually supported will be promptly acted upon. No employee or student shall be retaliated against, in any manner, for reporting conduct which is believed to be a violation of this rule or for participating in an investigation of a possible violation of this rule. The complainant, accused and others involved in the investigation are assured confidentiality and protection from retaliation.

In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of sexual harassment.

- (4) Penalties -- Necessary disciplinary action, up to and including termination, may result if sexual harassment occurs. Any employee who makes false allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination.

**STATUTORY AUTHORITY:** 120.54, 1001.41, 1001.42, 1012.23, F.S.

**LAWS IMPLEMENTED:** 112.51, 119.07, 760.01 et seq., 1000.05, 1000.21, 1001.43, 1012.22, F.S.  
34 CFR 989, 34 CFR 200.43©, P.L. 110-233; 201-44, Code of Federal Register

**STATE BOARD OF EDUCATION RULES:** 6A-19.001 et. seq.

**HISTORY:**

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