

REGULATIONS

Sexual Harassment

A. GENERALLY

The Amelia County School Board shall not tolerate sexual harassment by its employees, members, or students. No employee of the School Board nor member of the School Board shall sexually harass anyone while in School Board property or while engaged in the official business of the School Board. Further, the school Board shall not tolerate harassment by an outsider or other non-employee when such an act occurs on School Board property.

B. DEFINITION

The most frequently cited definition of sexual harassment was put forward by the Equal Employment Opportunity Commission in 1980: “Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.”

This definition and general EEOC guidelines on sexual harassment were affirmed by the Supreme Court in its 1986 ruling in Meritor Saving Bank vs Vinson, in which the court held that sexual harassment in the workplace is sex discrimination barred by Title VII of the 1964 Civil Rights Act. The court also ruled that such harassment is illegal not only when it results in the loss of a job or promotion, but also when it creates an offensive or hostile working environment though such behavior as lewd remarks and displays of obscene pictures or cartoons.

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Since 1986, the EEOC has elaborated on its sexual harassment guidelines. The agency has noted that both men and women can be victims or perpetrators of harassment. Harassers can be supervisors, co-workers or, in some cases, even an outsider. Illegal sexual harassment can occur between people of the same sex. Further, the victim does not have to be the person at whom the unwelcome sexual conduct is directed. For example, the sexual harassment of one female employee may create an atmosphere that is intimidating to another employee.

A finding of sexual harassment does not require that the victim suffer a concrete economic injury, the reasoning being that the victim need not wait for evidence of damage to complain. Finally, a victim seeking redress is not required to have complained to the harasser or to a supervisor, though in determining an organization's liability, courts usually take into account whether the organization has been informed and whether a suitable grievance procedure existed.

C. TYPES OF HARASSMENT

Federal law identifies two basic types of harassment.

There is the "quid pro quo" harassment, or something for something.

The other is "environmental" harassment, where a person faces no job or promotion loss because of the harassment, but finds that it makes for an uncomfortable work situation. When someone has been subjected to all sorts of advances – remarks, innuendoes, letters, flowers, being asked out on dates, the term hostile environment is used. This type of harassment occurs when someone in a position of power treats another employee as a sexual object, when that person wants to be treated with respect.

Because neither the attraction of one person to another or the nature of the way people communicate can be changed, it is important that people who like the described behavior let it be known and those who don't like it let that be known also.

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D. ACTIONS THE VICTIM MAY TAKE

When an employee is confronted with unwanted sexual conduct, these actions may be taken:

- Confront the person and communicate that the behavior is unacceptable.
- Keep careful record of incidents by writing down memos with dates, and speak with fellow workers to establish a record.
- Because sexual advances are nearly always in a private situation, there rarely are other witnesses. Try discreetly to discover if other employees have gotten similar treatment.
- If the problem persists, go to the next level up in the chain of authority or report it to grievance officials.
- If all of the above fails, the employee can file a complaint with the state equal employment agency or the U.S. Equal Employment Commission.

E. REPORT TO GRIEVANCE INVESTIGATION

Any person who believes that he/she has been sexually harassed, as outlined above, may make an official complaint to the Title VII officer of the School Board who will report immediately to the Superintendent.

F. CONFIDENTIAL INVESTIGATION

Once an official complaint has been made, the Grievance Officer shall make an immediate confidential investigation.

G. FINDINGS AND SCHOOL BOARD ACTION

After the Grievance Officer completes the confidential investigation, the officer will determine if further action needs to be taken. If the evidence leads the officer to conclude that the policy apparently has been violated, a report shall be made to

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the School Board in executive session within 45 days. The School Board will notify the accused of the right to a due process hearing.

The School Board may take the disciplinary action established for employees, as outlined in this manual, if the accused is determined by the evidence to be guilty of sexual harassment.

The grievance procedures established for certificated employees or the procedure for non-certificated employees can be instituted if the accused deems it necessary.

H. REPORT BACK TO COMPLAINANT

The complaint shall be given a written report from the Grievance Officer once the findings are complete based on the confidential investigation. This report shall outline the evidence gathered from the investigation. The report shall not include the opinion of the grievance official. The report to the complainant shall be given within 30 days after the investigation is concluded.

- I. Nothing in this policy is intended to prevent an employee or member of the School Board from filing a direct complaint with the Equal Employment Opportunity Commission (EEOC) or through legal channels of their choice.

Legal Reference: Title IX of the Education Amendments of 1972. Title VII of the 1964 Civil Rights Act. EEOC Guidelines of November 10, 1980. Meritor Savings Bank – vs – Vinson, 91 L.Ed. 2d 49 (1986).

Code of Virginia, Section 22.1-16, 22.1-17, 22.1-79, 22.1-315, 22.1-307, 22.1-308 and 22.1-309.

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