

402: SEXUAL HARASSMENT (P)

Approved: 89 05 02
Amended: 90 12 18

POLICY

The Board recognized the right of all employees to work in an environment free from sexual harassment. The Board directs that all allegations of sexual harassment be thoroughly investigated by appropriate administrative staff and that the results of such investigations be reported to the complainant. Should an investigation of sexual harassment of an employee by any person employed by the Board be founded, the Board will undertake to appropriately discipline the offending employee according to Board Policy 4010-Progressive Discipline.

REGULATIONS

1.0 DEFINITION

- 1.1 Sexual harassment is any repeated and unwelcome sexual comment, look, suggestion, or physical contact that creates an uncomfortable working environment for the recipient.
- 1.2 Sexual harassment may be a single sexual advance, especially when made by a person in authority, that includes or implies a threat and/or a reprisal made after a sexual advance is rejected.

2.0 REPORTING OF COMPLAINT

- 2.1 An oral or written complaint of sexual harassment may be filed with a school principal, or senior Board official. In the case of non-teaching employees, complaints should be filed with the school principal, maintenance manager or senior Board official.
- 2.2 Reported complaints alleging sexual harassment shall be dealt with seriously and in strict confidence.

3.0 INVESTIGATION OF COMPLAINT

3.1 The administrative official receiving the complaint shall immediately initiate an investigation of the complaint. Such investigation should include interviews with the complainant, the alleged offender, and any person who has reason to provide reliable information on the matter.

4.0 RESOLUTION OF COMPLAINT

4.1 The administrative official receiving the complaint shall attempt to facilitate a meeting between the complainant and the person alleged to have committed the sexual harassment, as a means to resolving the matter. If such a meeting is held, both parties shall attempt to reach an agreement for solution. Either party may be accompanied by an advocate.

4.2 If no agreement for resolution of the complaint has been reached, or if the agreement has been breached by the alleged offender, a complaint may be filed with a senior Board official.

4.3 Upon receipt of the complaint, the Board official shall convene a meeting of the complainant and the alleged offender as a means to resolving the dispute. Either party may be accompanied by an advocate.

4.4 If no agreement is reached as to whether or not there was sexual harassment, the matter shall be referred to the Board who will either;

i) decide on the matter, or

ii) appoint a single arbitrator to rule on the matter.

If an employee is found guilty of sexual harassment by either process, the Board shall determine the appropriate disciplinary action.

5.0 CONSEQUENCES OF SEXUAL HARASSMENT INVESTIGATIONS

5.1 In cases where sexual harassment may result in the transfer of an employee, the Board will transfer the offender, not the complainant, unless circumstances make that transfer unworkable. The Board will attempt to transfer the complainant should such a request be made.

The Board will seriously consider the granting of appropriate leave of absence, with or without pay as circumstances indicate, where an employee is seriously affected by sexual harassment actions within the work place.

- 5.2 No employee shall be subject to reprisal, threat of reprisal or discipline as a result of filing a bona fide complaint of sexual harassment. In the event the complaint is found to be false or malicious, appropriate action may be taken.