

**District:** Amite School District  
**Section:** G - Personnel  
**Policy Code:** GBR - Sexual Harassment

## **SEXUAL HARASSMENT**

The policy of the board of education forbids discrimination against any employee or applicant for employment on the basis of sex. The board of education will not tolerate sexual harassment activity by any of its employees. This policy similarly applies to non-employee volunteers who work subject to the control of school authorities.

This school district affirms employee protection provided under Title VII, and therefore "shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment."

It is the intent of the school board to maintain an environment free from sexual harassment of any kind. Therefore, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited.

### **GENERAL PROHIBITIONS**

1. Unwelcome Conduct of a Sexual Nature
  - a. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually oriented "kidding," "teasing," double-entendres, and jokes.
  - b. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.
  - c. An employee who has initially welcomed such by active participation must give specific notice to the alleged harasser that such conduct is no longer welcome in order for any such subsequent conduct to be deemed unwelcome.

### **2. Sexual Harassment**

Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute Sexual harassment when certain criteria are met. The criteria are:

- a. Submission to the conduct is made either an explicit or implicit condition of employment;

- b. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- c. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

## **SPECIFIC PROHIBITIONS**

### **1. Administrators and Supervisors**

- a. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- b. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

### **2. Non-administrative and Non-Supervisory Employees**

It is sexual harassment for a non-administrative and nonsupervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

## **REPORTING, INVESTIGATION, AND SANCTIONS**

- 1. It is the express policy of the Board of Education to encourage victims of a sexual harassment to come forward with such claims. This may be done through the Employee Grievance Resolution Procedure.
  - a. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the offending person, the report shall be made to the next higher level of administration or supervision.
  - b. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
  - c. Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- 2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The Superintendent has the responsibility of

investigating and resolving complaints of sexual harassment.

3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural requirements.

## SEXUAL MISCONDUCT PROHIBITED

If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Human Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true.

Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Section 37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed. ' 97-5-24 If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. ' 97-29-3 (1980)

## HARASSMENT PROHIBITED

This school district affirms employee protection provided under Title VII, and therefore "shall not tolerate verbal or physical conduct by any employee, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment."

Further, this school district prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

## INDIVIDUALS AND CONDUCT COVERED

These policies apply to all students and employees of the Amite County School District community, including persons hired to provide contracted services and persons volunteering at school activities. Conduct prohibited by these policies is unacceptable in all academic, educational, extracurricular, athletic, and other programs of the school,

whether those programs occur on campus, on a bus, or at another location away from campus. Individuals who violate these policies will be subject to disciplinary action, up to and including suspension or expulsion (if a student) or suspension or termination of employment (if an employee), and in egregious situations, law enforcement officials will be notified.

In accordance with its obligations under federal law, the Amite County School District reserves the right to investigate reports of harassment occurring between students and other members of the school community, regardless of whether the alleged harassment occurred on or off school grounds; during or outside school hours; or using school-owned or personally-owned electronic devices (e.g., postings to digital media and electronic forums such as Twitter and Facebook or text messages).

Courts have struggled to strike a balance between safeguarding students' First Amendment rights and protecting the authority of school administrators to maintain an appropriate learning environment. However, in keeping with the Amite County School District's mission to educate ALL students, and in accordance with provisions in the school's Acceptable Use Policy, students are prohibited from using school computers or the school network to harass others, whether the harassment occurs on or off campus. The full range of disciplinary actions outlined in the Student Handbook may be applied, including demerits, restrictions on computer use, suspension and expulsion.

#### **RETALIATION IS PROHIBITED**

The Amite County School District encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Amite County School District to investigate such reports. The Amite County School District prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will subject an individual to disciplinary action. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include suspension, expulsion and in egregious situations, the involvement of law enforcement officials

**LEGAL REF.: MS CODE as cited  
1972 Education Amendments, Title VII and Title IX**

CROSS REF.: Policies GAAA Equal Opportunity Employment  
GACN Sexual Harassment  
GAE-R Licensed Staff Complaints and Grievances  
GAEA Staff Protection

Last Review Date: \_\_\_\_\_  
Review History:[1/1/1900][1/1/1901]

[SexHarassForm.pdf](#)

[GBR -P Sexual Harassment -- Procedures.pdf](#)

**Adopted Date:**

**Approved/Revised Date:**