

Hazing/ Illegal / Sexual Harassment/Intimidation/Bullying/Menacing

Policy

It is the Lincoln County School District's policy to prohibit sexual harassment and harassment because of race, color, religion, age, disability, national origin, and any other basis made unlawful by any applicable law or ordinance or regulation.

Scope

This policy applies to all persons involved in the operations of the Lincoln County School District and prohibits such harassment by any employee, including supervisors and co-workers, any customer or client of the Lincoln County School District, and any vendor or other service provider at the Lincoln County School District's facilities.

Conduct

Conduct that is determined to be illegal harassment, including sexual harassment is inappropriate, offensive and will not be tolerated by the Lincoln County School District.

Examples of harassment include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual conduct such as derogatory poster, photography, cartoons, drawings, or gestures.
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's gender or any other protected basis.
- Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors.
- Retaliation for opposing, reporting or threatening to report harassment, or for participating in a harassment investigation, proceeding, or hearing.

Employees may have a claim of prohibited harassment even if they have not lost their job or suffered some other tangible employment action. Prohibited harassment that impairs an employee's working ability or directly impacts their emotional well-being at work violates this policy and will not be tolerated. When determining if illegal harassment has occurred, the Lincoln County School District will utilize the "reasonable person" standard. This standard considers if the behavior or conduct in question would be offensive to a "reasonable person."

Employee Responsibilities

Employees who believe they are being harassed because of their gender or other protected basis, as well as those who believe they have witnessed another employee being harassed, are strongly

urged to bring the situation to the attention of management. If you believe you are being harassed, take action immediately by:

1. Identifying the offensive behavior to the harasser and requesting that it stop.
Note: You are **NOT** required to talk directly to the harasser or to your supervisor if you feel uncomfortable in doing so. It is **critical**, however, that you contact one of the individuals listed below if you believe you are being harassed or have witnessed what you believe to be harassment of or by another employee(s).
2. Reporting the conduct as soon as possible to a supervisor or manager with whom you feel you can talk about the problem, or to the Lincoln County School District's Equal Employment Opportunity Officer (the name and telephone number of this individual is provided on posters placed on bulletin boards at the Lincoln County School District's work sites.) Employees may also report the conduct to the Lincoln County School District's Superintendent.
3. When the complaint is against the Equal Employment Opportunity Officer, it may be reported directly to the Lincoln County School District's Superintendent.

Supervisor/Manager Responsibilities

Principals or supervisors shall immediately report all complaints or allegations of harassment or observations of such conduct to the Equal Employment Opportunity Officer regardless of how the supervisor learned of the suspected incident, and whether or not the employee is in the supervisor's department or in some other department. Supervisors' failure to perform their responsibilities under this procedure will be subject to discipline up to and including termination. Supervisors shall take timely and reasonable affirmative action to protect employees from instances of harassment.

Investigation

All complaints or allegations of sexual harassment will be promptly investigated. All investigations will be confidential. Information obtained will be released only on a need to know basis or as required by law. The individual filing the complaint as well as the individual against whom the complaint was made will be made aware of the final determination. All employees questioned as part of an investigation will be expected not to discuss the matter with others, with the exception of providing information to regulatory agencies. The Lincoln County School District treats all complaints or allegations of harassment seriously and all employees are expected to be candid and truthful during the investigation process. If evidence arises that a participant in the investigation has made intentionally false statements, the employee will be disciplined up to and including termination.

If it is determined that illegal harassment has occurred, the Lincoln County School District will take remedial action commensurate with the severity of the offense. This remedial action may

include, but is not limited to, verbal and/or written reprimands, counseling, transfers, suspension without pay, and/or termination. Action will also be taken to deter any further harassment.

Training

All employees will participate annually in a training session on the prevention of harassment. New employees will be provided a copy of this policy upon hire orientation process.

Prohibition Against Retaliation

The Lincoln County School District will not tolerate any retaliation by management or any other employee against an employee who exercises his/her rights under this policy. Any employee who believes s/he is being retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint should immediately notify the Equal Employment Opportunity Officer.

END OF POLICY

Code: **JFCF-AR**
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Hazing/ Illegal / Sexual Harassment/Intimidation/Bullying/Menacing Complaint Procedures

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying and menacing.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises and nondistrict property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. “Harassment, **intimidation or bullying**” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
 - a. Physically harming a student or damaging a student’s property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
 - c. Creating a hostile educational environment.

“Harassment” also includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location.