

PERSONNELGENERAL PERSONNEL – Sexual Harassment

It is the policy of the Regional Office of Education that there be no discrimination against any employee or applicant on the basis of sex. In keeping with that policy, the ROE will not tolerate sexual harassment by any of its employees. It is the ROE's policy that all employees are responsible for assuring that the workplace is free from sexual harassment.

Sexual harassment is a violation of the ROE's rules of conduct, as well as federal and state law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to the conduct is made either an implicit or explicit condition of employment;
2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
3. the harassment substantially interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Any employee who has a complaint of sexual harassment by anyone, including supervisors, co-workers, or non-employees must bring the problem to the attention of responsible ROE officials. The ROE prefers that the complaint be made in writing; however, verbal information will be accepted for investigation. Employees may bring their complaints to their supervisor/administrator or any other management official. If the complaint involves someone in the employee's direct line of command, then the employee may go to another supervisor/administrator or management official with the complaint. All complaints will promptly be handled and investigated in a manner similar to the ROE's complaint-handling process, except that special privacy safeguards will be applied in handling sexual harassment complaints.

Employees are encouraged to report instances of harassment as soon as possible after an occurrence in order to facilitate a prompt and effective investigation. An investigation will not necessarily be initiated if a complaint is made more than 180 days after an alleged occurrence.

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Employees who feel they or other employees have been subjected to sexual harassment are encouraged to:

1. Advise the alleged harasser directly to stop his/her offensive behavior.
2. Report the alleged harassment immediately to their supervisor, or if the supervisor is alleged to have committed the harassment, the next immediate supervisor/administrator may be notified.

In that each employee is responsible for preventing sexual harassment, each employee will also be held responsible for taking all appropriate actions to remedy sexual harassment, including coming to the aid of a fellow employee so affected, as well as reporting such conduct. Strict confidentiality will be kept for those employees reporting or providing information about sexual harassment, as well as (pending the investigation) for the person accused. Confidentiality does not preclude identifying the complainant to the accused. The fact that an employee has brought a sexual harassment complaint (and the surrounding investigation) will not be disclosed to subsequent employers.

Employees who initiate a good faith sexual harassment complaint will not have their employment, compensation, or work assignments adversely affected.

The ROE considers sexual harassment to be a major offense, which may result in the reprimand, suspension, or discharge of the offender. Those employees who fail to aid an employee subjected to sexual harassment may also be disciplined.

LEG. REF.: Meritor Savings v. Vinson (U.S. Supreme Court, 1986).
Title VII, Sex Discrimination under the Civil Rights Act of 1964.
Title IX, Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting from Federal Financial Assistance of the Educational Amendments of 1972.

CROSS REF: 500.08, 500.20

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