

## SECTION 9.1          Sexual Harassment

Sexual harassment is a form of sexual discrimination, which is prohibited by Federal and State Laws. It is the policy of the District to maintain a working environment free from sexual harassment.

It shall be a violation of this policy for any employee, non-employee volunteer, or Board member of the District to harass an employee or non-employee volunteer through conduct or communication of a sexual nature as defined by this policy.

The District shall investigate all complaints, either formal or informal, verbal or written, of sexual harassment and discipline any employee or non-employee volunteer who sexually harasses an employee, or non-employee volunteer of the District.

### Definition:

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or promotion; or
- Submission to or rejection of such conduct or communication is used as a factor in decisions affecting the individual's employment or promotion including any benefit's, services or treatment; or
- Such conduct or communication has the purpose or effect of substantially or unreasonably interfacing with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include but is not limited to:

- verbal harassment or abuse
- uninvited letters, telephone calls, or materials of a sexual nature
- inappropriate and uninvited leaning over, cornering, patting, or pinching
- uninvited sexually suggestive looks or gestures
- intentional brushing against an employee's body
- uninvited pressure for dates
- demanding sexual favors accompanied by implied overt threats concerning an individual's employment, or promotion
- uninvited sexual teasing, jokes, remarks, or questions
- demanding sexual favors accompanied by implied or overt promises of preferential treatment in regard to an individual's employment, or promotion
- any sexually motivated unwelcome touching; or
- attempted or actual rape or sexual assault

### Reporting Procedures:

Any person who believes he/she has been the victim of sexual harassment by an employee or non-employee volunteer of the District, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to the District's manager or Board member as designated by this policy. If criminal activity is involved, a victim should also report the incident to the police.

The District's manager or Board member shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take corrective or disciplinary action when the conduct has occurred.

#### Investigation and Recommendation:

Upon receipt of a recommendation that the complaint is valid involving an employee or non-employee volunteer, which has not been informally resolved, the District's manager or Board member shall take such action as appropriate based on the results of the investigation.

#### Retaliation Prohibited:

The District will discipline any individual who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, any form on intimidation, reprisal, or harassment at the time of a report or any time after a report.

#### Non-Harassment:

The District recognizes that not every advance or other activity of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties.

#### Right to Alternative Complaint Procedures:

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the District's Grievance policy, filing charges with the Equal Employment Opportunity Commission, the Office for Civil Rights, initiating civil action or seeking redress under state criminal statutes and/or Federal Law.

#### Discipline:

Any action taken pursuant to this policy shall be consistent with requirements of applicable statutes and the District's policies. The manager or Board member shall take such disciplinary action for employees and non-employee volunteers it deems necessary

and appropriate, including warning, transfer, suspension or immediate discharge to end sexual harassment and prevent its recurrence.