

SEXUAL HARASSMENT/INAPPROPRIATE BOUNDARY INVASION

Sexual harassment is a form of sex discrimination which is prohibited by federal and state law. It is the policy of the Caddo Parish School Board to maintain a learning and working environment that is free from sexual harassment. The policy of the School Board shall specifically prohibit all forms of sexual harassment.

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

The School Board also recognizes that sexual abusers often target children who are suitably passive or needy and then engage in personal boundary invasion behaviors which become increasingly invasive of the child's boundaries. These actions, termed *sexual grooming*, involve the progressive breaking down of normal boundaries, such as physical contact that seems harmless or verbal comments that are designed to flatter and ingratiate the child. It shall be a violation of this policy for any employee, non-employee volunteer, or School Board member of the Caddo Parish School Board to engage in inappropriate boundary invasions of students.

The School Board through the Superintendent or his/her designee shall investigate all complaints, either formal or informal, verbal or written, of sexual harassment and/or inappropriate boundary invasions, and to discipline any employee or non-employee volunteer who sexually harasses a student, employee, or non-employee volunteer of the School Board.

SEXUAL HARASSMENT DEFINED

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

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

Sexual harassment may include, but is not limited to:

1. Verbal harassment or abuse;
2. Uninvited letters, telephone calls, or materials of a sexual nature;
3. Inappropriate and uninvited leaning over, cornering, patting or pinching;
4. Uninvited sexually suggestive looks or gestures;
5. Intentional brushing against a student's or an employee's body;
6. Uninvited pressure for dates;
7. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment, promotion, or educational status;
8. Uninvited sexual teasing, jokes, remarks, or questions;
9. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment, promotion or educational status;
10. Any sexually motivated unwelcome touching; or
11. Attempted or actual rape or sexual assault.

INAPPROPRIATE BOUNDARY INVASIONS

Since it may not be possible to determine whether boundary invasion behaviors are in fact sexual grooming until it is too late, employees shall be required to refrain from actions which may be construed as inappropriate considering the totality of the circumstances. The following are examples of inappropriate boundary invasions which should be avoided by employees or non-employee volunteers.

- Touching children when there is no educational or medical reason to do so.
- Flirting with students or sharing personal information.
- Making comments about a student's body.
- Off color remarks or telling of inappropriate jokes to student(s).
- Having a "special" relationship or giving more than normal individual attention to a particular student.
- Working with an individual student behind a closed door.
- Giving a student rides alone in a non-emergency situation.
- Sending notes, emails, letters, or making phone calls to a student instead of communicating through the parent(s).
- Giving gifts to a student.
- Frequent socializing with a student at school and/or away from school.
- Getting a student out of other classes to see the staff member without educational purposes.
- Inviting students to the staff member's home.
- A combination of any of the above.

This list is not an exhaustive list. If a staff member or volunteer engages in such behaviors, there may be great cause for concern. The bottom line is that such behaviors can cross the line from professional and caring into personal and dangerous and with rare

exceptions are not acceptable.

TRAINING/NOTIFICATION

All employees and School Board members shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of employment or term of office. In addition, Sexual Harassment and Awareness training shall be provided for students and parents at the student orientation meetings. Building administrators and their designees who accept or investigate a complaint of sexual harassment or inappropriate boundary invasion shall receive additional education and training.

The education and training required may be in person or via the internet through training and educational materials approved by the Superintendent. The Superintendent is responsible for notifying all employees of the policy against sexual harassment and inappropriate boundary invasion and the mandatory training on prevention of sexual harassment. Each principal or building level supervisor is required to maintain records of employees' compliance with the mandatory training.

Copies of this policy shall be circulated to all schools and departments of the Caddo Parish School Board and placed on the School Board's website.

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment by an employee or non-employee volunteer of the Caddo Parish School Board, or any person with knowledge or belief of conduct which may constitute sexual harassment of an employee/student or inappropriate boundary invasion of a student, should report the alleged acts immediately to an appropriate School Board employee as designated by this policy. If the complaint involves the employee designated by this policy to receive the report, the report should be made to the highest ranking administrator at the particular school or other site designated by this policy to receive such reports or directly to the appropriate Director of Human Resources. The School Board encourages the reporting party or complainant to use the report form which is available in the administrative office of each building, the Division of Human Resources, or the Employee Assistance Office.

1. In Each School Building. The building principal shall designate the administrators to receive oral or written reports of sexual harassment or inappropriate boundary invasion of a student at the school building level. The principal, assistant principal, coordinator and counselor shall be designated and others if necessary to provide both male and female representation. Students are encouraged to make reports

to a counselor. Upon receipt of a report involving an employee or non-employee volunteer, the administrator, coordinator or counselor must notify the Principal, Director or Supervisor. If the report was given verbally, the administrator, coordinator or counselor shall reduce it to written form within twenty-four (24) hours and forward it to the proper administrator. Failure to forward any sexual harassment report or complaint as provided herein may result in disciplinary action. Complaints may also be filed directly with the appropriate Director of Human Resources or Superintendent.

2. Other Sites. The building administrator designated by the Superintendent at each administrative, support, or maintenance site shall be responsible for receiving oral or written reports. The site supervisor may designate another person to receive complaints. Upon receipt of a report, the designated person shall follow the procedure outlined in paragraph 1 above and notify the Superintendent or his/her designee.
3. System-wide. If the complaint involves the person designated to receive the complaint at his or her school or site, then the complaint shall be filed with the receiver's supervisor or directly with the appropriate Director of Human Resources. If the complaint involves the Superintendent, the complaint shall be filed with the President of the Caddo Parish School Board. If the complaint involves any Caddo Parish School Board member, the complaint shall be filed with the Superintendent.
4. Notice of Policy. Each principal or other person in charge of a building or site owned or operated by the Caddo Parish School Board shall conspicuously post in each building the names of the persons designated to receive complaints, including a mailing address and telephone number, together with a copy of this policy.
5. Malicious False Accusations. A complainant whether employee, student, or non-employee volunteer whose allegations are found to be both false and brought with malicious intent shall be subject to appropriate disciplinary action, which may include, but is not limited to, written warning, demotion, transfer, suspension, expulsion, or dismissal.
6. By the authority of this policy, upon receipt of a report of complaint alleging sexual harassment of any employee or student, or inappropriate boundary invasion of a student, an investigation shall be conducted. Once the investigation is completed, all findings shall be reported to the appropriate Director of Human Resources (Certified or Classified). Neither of these Directors shall be a part of the investigation process. Their office shall be responsible for the investigative process and subsequent recommendation of action to the Superintendent.

INVESTIGATIONS

In conjunction with the provisions found in policy *GAMC, Investigations*, investigations involving alleged incidents of *sexual harassment* or *invasion of personal boundaries* shall proceed as follows:

1. The Superintendent, upon receipt of a report or complaint alleging sexual harassment or inappropriate invasion of a person's boundary by an employee or non-employee volunteer, shall immediately authorize an investigation. The investigation may be conducted by School Board employees or by a third party as may be designated by the Superintendent or his/her designee. The investigating party shall conduct a thorough investigation that results in a formal written report of the findings of fact. During the investigation, the investigating party may seek the advice and assistance of the School Board's attorney in conducting the investigation. The investigation should normally be completed within thirty (30) working days from the date of notification. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent or designee.
2. The investigation shall include personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incidents or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigating party.
3. In determining whether alleged conduct constitutes sexual harassment or invasion of personal boundaries, the investigating parties should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred.
4. Informal procedures may be utilized, when appropriate, to handle complaints and resolve and rectify the alleged complaints.
5. The person designated to investigate the complaint shall make a report to the Superintendent or his/her designee upon completion of the investigation. The report may include a finding that the complaint was unfounded, informally resolved, or a recommendation made to the Superintendent for disciplinary action.

ACTIONS

1. Upon receipt of a recommendation that the complaint is valid involving an employee or non-employee volunteer, which has not been informally resolved, the Superintendent shall take such action as appropriate based on the results of the investigation which may include but not be limited to, suspension with or without pay, demotion, or termination.

2. The result of the investigation of each complaint filed under these procedures involving an employee or non-employee volunteer shall be reported in writing to the complainant and the alleged harasser by the appropriate Human Resources Director (Certified or Classified). The report will document any action taken as a result of the complaint.
3. All formal records of sexual harassment proceedings shall be maintained at the Department of Security. No such records of procedures should be maintained at the school location, other work sites or personnel records. Additionally, no record of an unfounded or unsubstantiated complaint shall be filed in an employee's personnel file.

RETALIATION PROHIBITED

Disciplinary action shall be taken against any individual who retaliates against any person who reports alleged sexual harassment or 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 of intimidation, reprisal or harassment at the time of a report or any time after a report.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

Submission of a complaint or report of sexual harassment shall not affect the individual's future employment, promotion, grades, or work assignments. These procedures do not deny the right of any individual to pursue other avenues of recourse which may include the School Board'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 and/or federal law.

SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to the police.

MANDATORY REPORTS

The Superintendent shall compile an annual report by February first of each year containing information from the previous calendar year regarding the district's compliance with this policy including the number and percentage of employees that have completed the training requirements, the number of sexual harassment complaints received, the number of complaints finding sexual harassment occurred, the number of sexual

harassment complaints resulting in discipline or corrective action, and the amount of time necessary to resolve the complaint. The report shall be public record.

Revised: March 19, 2019

Revised: March 17, 2020

Ref: 20 USC 1681 (*Title IX of the Education Amendments of 1972*); 42 USC 2000e (*Civil Rights-Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex – Sexual Harassment*); 34 CFR 100.6 et seq. (*Title VI of the Civil Rights Act of 1964*); La. Rev. Stat. Ann. ' ' 14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:301, 23:302, 23:303, 23:332, 42:341, 42:342, 42:343, 42:344, 42:345; La.

Civil
Code, Art. 2315; Board minutes, 2-16-94, 1-23-01, 5-22-02, 7-20-10, 3-19-19,
3-
17-20.