

The Board believes that all employees and students are entitled to work and study in school related environments free of sexual harassment. To this end, the Board prohibits employees from engaging in sexual harassment and advises employees that, when evidence of sexual harassment is established, disciplinary action may be taken, up to and including dismissal.

- A. 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 explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school related activity;**
 - 2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or, in the case of a student, submission to or rejection of such conduct, is used in evaluating the individual's performance within a course of study or other school related activity; or,**
 - 3. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work performance or a student's educational performance; limiting a student's ability to participate in or benefit from an educational program or environment; or creating an abusive, intimidating, hostile, or offensive environment.**
- B. Examples of sexual harassment include, but are not limited to, deliberate, unwelcomed touching of a sexual nature or that takes on sexual connotations; suggestions or demands for sexual involvement accompanied by implied or covert promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words or gestures used toward an individual or to describe an individual; sexual violence; and the display in the work place of sexually suggestive objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient, or social interactions or relations freely entered into by employees or prospective employees.**
- C. It is possible for sexual harassment to occur at various levels and is not limited to specific situations or relationships; between peers or co-workers, between supervisors and subordinates, between employees and students, between students and students, or by non-employees on employees and/or students. Sexual harassment can occur between members of the opposite sex or the same sex.**

In the event that anyone believes that he/she has been sexually harassed, he/she should refer to Sexual Harassment Complaint Procedures for Employees (3-7b) or Sexual Harassment Complaint Procedures for Students (4-7b).

- D. Employees who observe sexual harassment (as defined in above) by students against other students, or employees against other employees shall report the incident to the principal of the school or where administrators are involved, to the superintendent or his designee for investigation. However, employees who observe sexual harassment (as defined in above) by an employee against a student are required to report this information to the assistant superintendent for human resources.
- E. **CHILD ABUSE:** Any employee who has reasonable grounds to suspect child abuse must report such without delay the Department of Social Services. At the same time, the employee shall notify his/her supervisor.

LEGAL REF.: Title VII of the Civil Rights Act of the Civil Rights Act of 1964, 42 USC 2000e et seq; N.C.G.S. 126-16; 29 C.F.R. pt. 11604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt 106 N.C.G.S. 126-16;” N.C.G.S. § 115C-400, “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties”, U.S. Department of Education, Office for civil Rights (2001); Equal Employment Opportunity Commission’s “Final Amendment Guidelines on Discrimination Because of Sex”,; 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106 N.C.G.S. 126-16;” N.C.G.S. § 115C-400, “Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties”, U.S. Department of Education, Office for Civil Rights (2001) *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights (April 4, 2011).

CROSS REF.: Board Policy 3-2, Code of Ethics and Standard of Conduct
Board Policy 3-6, Student Staff Relations
Board Policy 3-7a, Sexual Harassment Defined
Board Policy 3-7b, Sexual Harassment Complaint Procedure for Employees
Board Policy 3-10, Grievance Procedure for Employees
Board Policy 4-7a, Sexual Harassment Defined
Board Policy 4-7b, Sexual Harassment Complaint Procedures for Students
Board Policy 4-18, Appeals Policy

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