

## **SEXUAL HARASSMENT DEFINED**

*Policy Code:* 1736/4026/7236

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Sexual harassment is one form of harassment. The board prohibits sexual harassment in any form.

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; or
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 so that it has the purpose or effect of unreasonably interfering with an employee's work or 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 work or educational environment.

Examples of sexually harassing conduct may include, but are not limited to the following behaviors or any combination thereof:

- deliberate, unwelcome touching of a sexual nature or that takes on sexual connotations, including brushing, patting or pinching;
- suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats;
- pressure for sexual activity;
- continued or repeated offensive sexual flirtations, advances or propositions, insults or threats;
- continued or repeated verbal remarks about an individual's body;
- sexually degrading words, innuendos or other suggestive comments used toward an individual or to describe an individual;
- the display of pornographic or sexually suggestive objects, notes, drawings or pictures;
- leering;
- suggestive or insulting sounds or gestures of a sexual nature, such as whistling; or
- any form of sexual assault or threat of sexual assault.

It is possible for sexual harassment to occur at various levels: between fellow student or co-workers; between supervisors and subordinates; between employees and students; or imposed by non-employees, including visitors, on employees and/or students. In addition, sexual harassment can occur between members of the opposite sex or the same sex.

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Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amendment Guidelines on Discrimination Because of Sex"; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); *Davis v. Monroe County Board of Education*, 119 S. Ct. 1661 (1999)

Cross References: Sexual Harassment Complaint Procedure for Students (policy 1745/4027), Sexual Harassment Complaint Procedure for Employees (policy 1755/7237), Staff-Student Relations (policy 7310)

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