

The Board of Trustees believes that students and employees of the Minidoka County Joint School District No. 331 have the right to learn and work in an atmosphere which is conducive to the achievement of their fullest potential. Sexual harassment of students or employees, whether verbal or physical and whether engaged in by employees of the District or its students, is prohibited and will not be tolerated. The School District will investigate all complaints of sexual harassment whether the complaint is formal, informal, verbal or written, and discipline any student or employee who sexually harasses a student or employee of the School District.

Provisions:

The following provisions will assist in the implementation of this policy:

1. **Definition:** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. That conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or obtaining an education; or
 - b. Rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined herein when perpetrated on any student or employee by any student or employee will be treated as sexual harassment under this policy.

2. **Sexual Harassment May Include but is Not Limited to:**

- a. Verbal harassment or abuse that is gender oriented;
- b. Subtle pressure for sexual activity;
- c. Inappropriate patting, touching or other physical contact;
- d. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. Demanding sexual favors accompanied by implied or overt promises or preferential treatment with regard to an individual's employment or educational status; or
- f. Any non-consensual sexually motivated physical contact.

3. **Reporting Procedures:** Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the School District, or any third person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to an appropriate teacher, counselor, supervisor, principal or superintendent. The person filing the complaint should understand that such information is not necessarily privileged communication and that the person receiving the

allegation has a duty to report the incident to appropriate district personnel for investigation and could include reporting to the Idaho Department of Health and Welfare or a proper law enforcement agency when deemed necessary.

The Superintendent of Schools will be informed of all reported incidents of sexual harassment and will see that an appropriate and confidential investigation is completed. Filing of a complaint or otherwise reporting sexual harassment in good faith will not reflect upon the individual's status nor will it affect future employment, grades or work assignments.

4. **Investigation:** The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when misconduct has occurred.

Usually the investigation of an alleged harassment will be conducted by the supervisor of the employee or the principal of the school. If the allegation of harassment is against the supervisor or principal, then his or her supervisor will normally conduct the investigation. Such person shall be referred to as the "investigating official". Any allegation toward the Superintendent of Schools shall be investigated by an investigating official appoint by the Board of Trustees.

An investigation will begin within seven days of the filing of the report. A full written report will be maintained in a confidential manner and may be placed in an affected employee's personnel file.

Confidentiality will be maintained throughout investigation.

Upon completion of the investigation, the District will communicate in an appropriately sensitive manner its findings and intended actions if any to the student, the student's parents if the student is under the age of eighteen (18), the harasser and the harasser's parents if the harasser is a student under the age of eighteen (18). If it is found that the harassment has occurred, the harasser will be subject to appropriate disciplinary procedures as determined by the school's principal, the District Superintendent or if necessary the District's Board of Trustees. Employees found to have engaged in misconduct constituting sexual harassment may be disciplined up to and including discharge. Students found to have engaged in misconduct constituting sexual harassment may be disciplined up to and including expulsion. Any such disciplinary action will be taken pursuant to the policies and procedures of the School District.

A substantiated charge against a staff member in the District shall subject such staff member to disciplinary action that may include discharge.

A substantiated charge against a student in the School District shall subject that student to disciplinary action including possible suspension or expulsion, consistent with the Student Discipline Code.

5. **Reprisal:** The School District will discipline 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.

6. **Non-Harassment**: The School District recognizes that not every advance or conduct of a quasi-sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of sexual harassment can have a serious detrimental effect on innocent parties and appropriate discipline may result from such accusations. If an accusation is determined to be false and malicious in nature appropriate discipline will result including the possibility of suspension expulsion or loss of employment with the School District.
7. **Sexual Harassment** as sexual abuse under certain circumstances sexual harassment may constitute sexual abuse and shall be reported as such.



LEGAL REFERENCE: Idaho Code §16-1605, 18-917A, 33-205, 33-512(6)

ADOPTED: July 1993

AMENDED/REVISED: February 21, 2011; August 15, 2011; March 18, 2018