

Sexual Harassment

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for any student or employee of NWBOCES to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers, between students, and between students and employees. This policy shall be in force on and off NWBOCES property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. NWBOCES will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of NW BOCES. It is no defense to claim of sexual harassment that the alleged harasser did not intend to harass.

I. Sexual Harassment Defined

For purposes of this policy, the following definitions shall apply:

- o 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:
 1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. That conduct or communication has the purpose or effect of substantially or reasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

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

- o Sexual harassment may include but is not limited to:
 1. verbal or written harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting, touching or pinching;
 4. intentional brushing against a student's or an employee's body;
 5. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; any sexually motivated unwelcome touching; or
 6. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
 7. any sexually motivated unwelcome touching; or
 8. sexual violence which is a physical act of aggression that included sexual act or sexual purpose.

II. Reporting Procedures re: Allegations of Sexual Harassment

Any person who believes (s)he has been the victim of sexual harassment by a student or an employee of the NWBOCES, or any third person with knowledge or belief of conduct which may constitute sexual harassment shall report the allegations to the NWBOCES Administrative Director. NWBOCES encourages the reporting party or complainant to use the report form available from the NWBOCES school office.

- o The verbal or written report of sexual harassment shall be given to the NWBOCES Administrative Director, whose office is located at 250 East Arapahoe, Thermopolis, Wyoming. The Administrative Director shall conduct an investigation or arrange for a competent investigator to conduct an investigation and follow up on the report. The supervisor of both the person having been harassed and the person alleged to have committed the harassment

shall be made aware of the charges. If the report was given verbally to anyone other than the Administrative Director, the person to whom the report was made shall reduce it to written form within 24 hours and forward it to the Administrative Director. Failure to do so will result in disciplinary action. If the complaint involves the Administrative Director, the complaint shall be filed directly with the Chairman of the NWBOCES Board of Directors.

Freedom from retaliation. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.

Reporting. Use of formal reporting forms is encouraged but not mandatory.

NWBOCES will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with NWBOCES's legal obligations and the necessity to investigate any/all allegations of sexual harassment. Both the complainant and the alleged harasser are strongly encouraged to keep the matter confidential. NWBOCES cannot and will not prevent either from gathering information to support the claim or defend against the claim but would urge both parties to exercise the utmost care and caution in gathering information in order to keep the matter as confidential as possible.

III. Investigations of Allegations of Sexual Harassment.

It is the goal of this policy to have a process in place that is sensitive to the needs of the students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an Administrative Procedure as developed by the Administrative Director. No retaliation will be taken against individual(s) involved in the investigation process.

4016b

Adopted 11-21-02
Revised 2-27-13
Revised 2-22-17

IV. Recommendations and Action(s) Taken.

Upon determination that a complaint is valid, the Administrative Director will take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant by the Administrative Director. The report will document whether or not disciplinary action was taken as a result of the complaint. A copy of this report will be placed in either:

- a. the student files of both the complainant and the accused or
- b. the personnel files of both the complainant and the accused.

In inconclusive cases in which no harassment can be proven against the accused or malice established against the accuser, the incident report will remain in the files referred to above in order to fully document the complaint so that any future occurrences may be examined in light of a possible pattern. In inconclusive cases where there are no subsequent reports of similar incidents within five (5) years from the date of the original report, the report, at the sole discretion of the Administrative Director, may be purged from the file.

V. Disciplinary Action

A substantiated charge against an employee of NWBOCES shall subject such employee to disciplinary actions which may result but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, and suspension or expulsion, consistent with the Student Disciplinary Code.