

1 Joint School District No. 2, Meridian  
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.  
3 STAFF PERSONNEL

4  
5 Series 400

6  
7 Policy Title Harassment Code No. 403.71

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10 It is the policy of this school district to maintain an environment that is free from  
11 harassment. All employees have the right to work in an atmosphere that promotes equal  
12 opportunities free from all forms of discrimination and conduct that could be harassing,  
13 coercive, or disruptive.

14  
15 District employees are:

- 16  
17 A. Prohibited from engaging in any conduct which could reasonably be construed as  
18 constituting harassment on the basis of sex, race, color, national origin, age,  
19 religious beliefs, ethnic background or disability;  
20  
21 B. Prohibited from displaying graffiti and/or slogans or visual displays such as  
22 cartoons or posters depicting slurs or derogatory sentiments related to the  
23 victim's sex, race, color, national origin, age, religious beliefs, ethnic background  
24 or disability;  
25  
26 C. Prohibited from sexually harassing other employees, students or visitors of the  
27 district;  
28  
29 D. Required to report to his/her supervisor, or the Human Resources Director any  
30 harassment of which the employee becomes aware; and,  
31  
32 E. Required to take immediate action to discipline and/or report students who  
33 engage in conduct which may be reasonably considered constituting harassment  
34 of another student.  
35

36 This policy applies to all conduct on the district's premises and to conduct off the  
37 district's premises that has an effect upon an employee's work environment or a  
38 student's educational environment.

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40 As deemed appropriate, the district will provide training to employees regarding  
41 harassment and will take reasonable steps to take remedial action to stop harassment  
42 and prevent its recurrence.

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44 **DEFINITION OF SEXUAL HARASSMENT**

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46 Sexual harassment is a form of misconduct that includes unwelcome sexual advances,  
47 requests for sexual favors, unwelcome physical contact or other verbal or physical  
48 conduct of a sexual nature when:

- 49  
50 A. The employee's submission to such conduct is made either as an implicit or  
51 explicit term or condition of employment (including but not limited to wages,

- 52 evaluation, advancement, retention, assigned duties or other employment-related  
53 matters);
- 54
- 55 B. Submission to or rejection of such conduct is used as a basis for decisions  
56 affecting employment or educational decisions affecting the individuals;
- 57
- 58 C. Such conduct by supervisors, other employees or volunteers has the purpose or  
59 effect of unreasonably interfering with an individual's work performance or  
60 education, or creating an intimidating, hostile or offensive work or educational  
61 environment.
- 62
- 63 D. Examples of sexual harassment include, but are not limited to, the following;
- 64
- 65 1. **Verbal conduct** includes sexual innuendoes, suggestive comments, jokes of  
66 a sexual nature, sexual propositions and threats, negative comments  
67 regarding an individual's gender;
- 68
- 69 2. **Nonverbal conduct** includes sexually suggestive objects or pictures, graphic  
70 commentaries, suggestive or insulting noises, obscene gestures, whistling,  
71 leering, and stalking;
- 72
- 73 3. **Physical conduct** includes unwanted physical contact such as touching,  
74 pinching, brushing the body, coerced sexual intercourse or assault;
- 75
- 76 E. No employee may use the authority of his or her position to subject any other  
77 employee to sexual harassment, as described above, or to coerce, encourage or  
78 force another into a romantic relationship.
- 79

## 80 **REPORTING A COMPLAINT**

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82 Individuals who believe they are being harassed should firmly and promptly notify the  
83 offender that his or her behavior is unwelcome. When a direct communication with the  
84 alleged harasser is not feasible or effective, the following steps should be followed when  
85 reporting a harassment complaint:

86

- 87 1. The individual may choose to report the complaint to his or her supervisor or  
88 building principal.
- 89
- 90 2. If the supervisor successfully resolves the complaint in an informal manner, a  
91 confidential report will be made to the Human Resources Director about the  
92 complaint and resolution so that the district may determine if any pattern of  
93 harassment by any particular individual exists.
- 94
- 95 3. If the supervisor is unable to resolve the complaint, the complaint will be referred  
96 to the Human Resources Director.
- 97
- 98 4. If the individual chooses not to report the complaint to his or her supervisor, the  
99 individual may report the incident directly to the Human Resources Director. If  
100 the complaint in any manner involves the Human Resources Director the  
101 individual should report the complaint to the Assistant Superintendent.

102 An employee, at any time, may file a sexual discrimination or harassment claim with the  
103 Idaho Human Rights Commission and/or the Equal Employment Opportunity  
104 Commission (EEOC).

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#### 106 **PROTECTION AGAINST RETALIATION**

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108 The district will not retaliate in any way against an individual who makes a report of  
109 harassment, in good faith, nor will it permit any district employee to do so. Any person  
110 found to have retaliated against another individual for reporting an incident of  
111 harassment, in good faith, may be subject to the same disciplinary action provided for  
112 harassment offenders. Individuals who are not complainants but who assist individuals  
113 who believe they have been subjected to harassment or who assist or participate in an  
114 harassment investigation are also protected from retaliation.

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#### 116 **INVESTIGATION OF HARASSMENT COMPLAINT**

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118 1. Any allegation of harassment, including sexual harassment, will be promptly  
119 investigated in a confidential manner to protect the privacy of all individuals  
120 involved.

121

122 2. Confidentiality will be maintained throughout the investigatory process to the  
123 extent practical and appropriate under the circumstances.

124

125 3. Complaints not resolved at the immediate supervisory/administrative level will be  
126 investigated by the District's Human Resources Director.

127

128 4. Upon completion of the investigation of a harassment complaint, the investigator  
129 will communicate his/her finding to the superintendent. If the complaint in any  
130 manner involves the superintendent, the investigator's finding will be submitted  
131 directly to the Assistant Superintendent.

132

133 5. The district will keep and maintain a written record including, but not limited to,  
134 witness statements, investigative reports, and correspondence from the date any  
135 allegation of harassment is reported to district personnel. The information in the  
136 written record will also include the action taken by the district in response to each  
137 allegation. The record will be kept in the district' administrative office and will not,  
138 at any time, be purged by district personnel.

139

140 6. If the findings of the investigation determine that harassment has occurred and  
141 that suspension, probation or dismissal is warranted, the board will be informed  
142 of the findings in executive session, and the record will be maintained in the  
143 personnel file.

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#### 145 **DISCIPLINARY ACTIONS**

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147 When it is brought to their attention, administrators and supervisors must take affirmative  
148 steps to stop harassment by subordinates or non-employees, including, warning,  
149 discipline and recommending possible probation or dismissal.

150

151 If the investigation finds that an employee has harassed another employee or a student,  
152 disciplinary actions may include probation, suspension and/or dismissal from

153 employment. In addition, documentation regarding the disciplinary action will be placed  
154 in the employee's personnel file.

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162 Date of Revision:

163 03/17/09

Legal Reference: Code of Idaho

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