

## TITLE VII EMPLOYEE SEXUAL HARASSMENT

The Terrebonne Parish School Board recognizes that sex and gender discrimination is unlawful.

The Terrebonne Parish School Board is committed to maintaining a school system that is fair and respectful for all. Therefore, the Terrebonne Parish School Board prohibits such harassment by School Board members, administrators, certified and non-certified personnel, students, vendors, and any others having business or other contact with the school system.

All administrative and supervisory personnel shall investigate all complaints, either formal or informal, verbal or written, of sexual harassment and shall discipline any person who sexually harasses a student or employee. Failure to enforce this policy in a prompt and strict manner may subject such administrative and supervisory personnel to disciplinary action.

Persons found in violation of this policy will be subject to discipline, including, but not limited to, reprimand, probation, demotion, suspension, or termination, or other sanction as determined appropriate by the School Board.

### DEFINITION

*Sexual harassment* is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment on the basis of sex, race, color, national origin, and religion.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such advances, requests or conduct is used as a basis for employment decisions affecting the individual; or
3. Such advances, requests, or conduct have the effect of interfering with an individual's professional performance or creating an intimidating, hostile, or otherwise offensive work environment.

Conduct which might constitute sexual harassment, as defined above, may include, but is not limited to, the following:

1. Verbal harassment such as derogatory comments, jokes, slurs;
2. Physical harassment such as unnecessary or offensive touching, cornering, patting, or pinching;
3. Visual harassment such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, looks, or gestures;
4. Demands for sexual favors accompanied by implied or overt threats concerning an individual's employment or education status; or
5. Demands for sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

The harassment may be gender specific, but non-sexual in nature. Such harassment includes statements based on gender stereotypes and behavior which interferes with an employee's work.

#### REPORTING AND INVESTIGATING PROCEDURES

1. An employee who believes he or she has been the victim of sexual harassment shall report the alleged acts to his or her immediate supervisor. If the employee believes that the immediate supervisor is the source of the harassment, he or she shall report to the next higher level administrator on the chain of command.
2. All complaints of sexual harassment must be investigated immediately and with due regard for impartiality and confidentiality utilizing the procedures outlined in policy *F-12.3, Investigations*. The investigation shall include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint, as well as a review of related charges, if any, personnel files, work records and other pertinent information.

Failure to maintain confidentiality will result in disciplinary action.

3. All individuals involved in the alleged incident must be notified that an investigation is being conducted. The investigating supervisor shall meet with the complainant and the alleged offender either separately or together as the circumstances dictate. Both parties shall have the right to representation at all levels of the investigation.
4. In determining whether alleged conduct constitutes sexual harassment, the

investigator shall consider the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred.

5. If necessary, immediate steps may be taken to protect the complainant pending completion of an investigation of alleged sexual harassment.
6. No reprisals or retaliation shall be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
7. All supervisors shall follow up within one (1) month and again in three (3) months of any reported incident of sexual harassment to determine whether the victim has been subject to any further forbidden conduct.

### RESULTS OF INVESTIGATION

Upon receipt of a recommendation that a complaint is valid, the Superintendent shall take such action as appropriate based on the results of the investigation, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

If, based on the results of the investigation, the claim of sexual harassment is found to be intentionally false, the Superintendent shall take such action as appropriate, which may include, but not be limited to, suspension with or without pay, demotion, or termination.

Any employee shall have the right to pursue a claim of sexual harassment under state or federal law, regardless of the outcome of the School Board's investigation.

### RETALIATION PROHIBITED

The Superintendent shall 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* shall include, but not be limited to, any form of intimidation, reprisal, or harassment at the time of a report or any time after a report.

### NON-HARASSMENT

The School Board recognizes that not every advance or consent of a 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. Deliberate false accusations of sexual harassment can have a serious detrimental effect on innocent parties and subject the accuser to disciplinary actions.

## SEXUAL HARASSMENT AS SEXUAL ABUSE OR CRIMINAL ACTIVITY

Under certain circumstances, sexual harassment of a student may constitute sexual abuse under the Louisiana Children's Code. In such situations, School Board personnel become *mandatory reporters* and shall comply with *Article 609(A)* of the Louisiana Children's Code and directly report the sexual abuse to the Child Protection Unit of the Louisiana Department of Social Services. Also, activity of a criminal nature should be reported by the victim to local law enforcement.

## TRAINING REQUIREMENT

Each School Board employee shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his/her employment. Supervisors and other persons designated to accept or investigate complaints of sexual harassment in the workplace shall receive additional education and training.

## NOTIFICATION

Copies of this policy will be circulated to, posted in all schools and departments of the Terrebonne Parish School Board, and placed on the School Board's website.

## RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

Employees shall be apprised of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

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Ref: 42 USC 2000e et seq. (*Civil Rights Act of 1964*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:43, 14:81.4, 17:81, 23:301, 23:302, 23:303, 23:332, 23:967, 42:341, 42:342, 42:343, 42:344, 42:345; La. Civil Code, Art. 2315; Board minutes, 4-23-96, 6-18-96, 2-5-19, 2-4-20, 8-4-20.