

## **SEXUAL HARASSMENT**

### **POLICY**

It is the policy of Tulsa Technology Center (TTC) to prohibit sexual harassment in all its aspects. State and federal law specifically prohibits sexual harassment of employees and students in connection with their employment by or enrollment in TTC. This policy will set forth the rules and regulations to be followed by all students, employees, and Board members of the school district with regard to the issue of sexual harassment.

#### **I. DEFINITIONS**

Employee

Employee means any person who is authorized to act on behalf of TTC whether that person is acting on a non-regular (temporary, substitute) or regular basis, with or without being compensated, or on a full-time or part-time basis, including school volunteers.

Student

Student means any person who is enrolled in any school or program of TTC or has made application to enter a program or course at TTC.

Board member

Board member means any duly elected or appointed member of the Tulsa Technology Center Board of Education.

Sexual harassment

In the case of a student of TTC, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature by any person towards a student.

In the case of an employee of TTC, unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature by one employee to another employee constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is not limited to demands for sexual favors. It also may include such actions and behaviors as:

1. Sexually-oriented verbal "kidding," teasing," or jokes;
2. Repeated offensive sexual flirtations, advances, or propositions;
3. Continued or repeated verbal abuse of a sexual nature;
4. Graphic or degrading comments about an individual or his or her appearance;
5. The display or distribution of sexually suggestive objects or pictures;
6. Subtle pressure for sexual activity;
7. Physical contact, sexual gestures, touching or blocking movement;
8. Touching oneself sexually or talking about one's sexual activity in front of others, and
9. Spreading rumors about or rating others as to sexual activity or performance.

Sexual harassment may occur in a variety of circumstances, including but not limited to the following:

1. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
2. The harasser can be the victim's supervisor, a contractor of the employer, a supervisor in another area, a coworker or a non-employee.
3. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
4. Unlawful sexual harassment may occur without economic injury to or measurable material harm of the victim.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature or consensual personal and social relationships without a discriminatory employment effect. It refers to behavior which is not welcome and which is personally intimidating, hostile or offensive.

## **II. PROHIBITION AND PENALTY**

All students, employees and Board of Education members are strictly prohibited from engaging in any form of sexual harassment of any student, employee, or applicant for employment, vendor representative, Board of Education member or patron of TTC.

Any employee engaging in sexual harassment is subject to disciplinary action, including but not limited to suspension, demotion, forfeiture of pay or benefits and termination. Such penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context, gravity of such activities or incidents, and appropriate Board policy and School Law.

Any student engaging in sexual harassment is subject to any and all disciplinary action which may be imposed under TTC's Student Discipline Code for adult and/or secondary students.

Any employee, student or Board member who is or has been subjected to sexual harassment should, if possible, communicate directly and immediately to the harasser that the action and/or words of the harasser make the person uncomfortable and are unwelcome. Otherwise, the employee, student or Board Member who has been subjected to sexual harassment, or who knows of a student, employee or Board Member who has been subjected to sexual harassment shall immediately report all such incidents to either the Superintendent, Associate Superintendents, Chief Financial Officer, Chief Operations Officer, any Director, any Supervisor, or any Campus Compliance Officer.

**III. REPORTING**

If an employee believes that he/she has been subject to sexual harassment or any unwanted sexual attention, the employee should:

1. Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
2. Report the incident to the Director of Human Resources, a Campus Compliance Officer, the employee's supervisor, or any one of the above titled members of Administration.
3. All incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of its perceived seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint is prohibited and could lead to disciplinary action if said publication of information is done in bad faith.

If an incident occurs after normal school hours, the employee may make the report by contacting the above titled members of Administration at home. It is preferred that all such reports be made in person or in writing signed by the reporting party. However, in order to encourage full, complete and immediate reporting of such prohibited activities, any person may report such incidents in

writing and anonymously by mailing such reports to the personal attention of any of the above-designated persons.

All such reports should state the name of the alleged harassing student, employee or board member, the person(s) being harassed, the nature, context and extent of the prohibited activity, the dates of the prohibited activity and any other information necessary to a full report and investigation of the matter. The employee is not required to follow chain of command in reporting incidents of conduct defined as sexual harassment.

## **PROCEDURES**

### **I. RESPONSE TO COMPLAINT**

A member of Administration, upon receiving a report (formal or informal) of conduct defined as sexual harassment shall do the following as quickly as reasonably possible:

- A. Obtain a statement, oral or written, from the individual who is alleged to have been sexually harassed which contains information necessary to conduct a full investigation of the matter. This information should include, but is not limited to, the name of the alleged harassing student, employee or board member, the person(s) being harassed, the nature, context and extent of the prohibited activity, the dates of the prohibited activity and the names of any witnesses;
- B. Take appropriate and reasonable steps to separate and protect the individual who is allegedly being sexually harassed from the alleged harasser, until the matter can be fully investigated and the appropriate remedial steps taken. This may include staffing reassignments until such time as the investigation is complete and a determination made related to the results of the investigation;
- C. Report the complaint to the Director of Human Resources or the Chief Operations Officer for an investigation of the allegations.

### **II. INVESTIGATION**

The Director of Human Resources or other representative of the Administration shall investigate as quickly as reasonably possible all allegations of sexual harassment.

- A. The investigation shall be as full and complete as reasonably possible regarding the alleged sexual harassment, and include, but not be limited to, interviewing the individual allegedly harassed, any witnesses, reviewing any supporting documents, and interviewing the alleged harasser.
- B. If the Director of Human Resources determines that it is appropriate and reasonable, the individual who is allegedly being sexually harassed and the

alleged harasser may be separated until the investigation has been completed.

- C. Based on the facts, as revealed by the investigation, taken as a whole and the totality of the circumstances, such as the nature, extent, context and gravity of such activities or incidents, the Director of Human Resources shall take or recommend the taking of appropriate measures, including but not limited to, suspension, demotion, forfeiture of pay or benefits, reassignment or termination.

**III. AFTER THE INVESTIGATION**

- A. The individual who is allegedly being sexually harassed shall be reasonably apprised, to the extent allowed under federal and state privacy laws and regulations, of the investigation and the actions taken as a result of the investigation.
- B. If a decision maker in the investigation procedure is the person alleged to have committed the reported acts, a different decision maker will be appointed to fulfill his or her role in processing the complaint.

**IV. CONFIDENTIALITY**

During and after the investigation, confidentiality shall be maintained, as far as reasonably possible; provided however, nothing in this policy shall preclude public disclosure of any information of a personal or confidential nature during the course of any suspension, dismissal or nonrenewal hearing or in any litigation.

**V. NO RETALIATION**

No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment. Disciplinary action will result if reprisals or retaliation occur following a report made in good faith.