

Dell Rapids School District #49-3

Policies and Regulations Code: A – Foundations & Basic Commitments



ACAA SEXUAL HARASSMENT

It is the policy of the Dell Rapids School District that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee or student of the school district may sexually harass another. Any employee or student will be subject to disciplinary action including possible expulsion or termination for violation of this policy.

Definition of Sexual Harassment:

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

1. Submission to such conduct is made either explicitly or as a term or condition of a person's employment or educational development.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or conditions relating to employment or education decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment.

Responsibility:

School district officers, employees and students are responsible for maintaining a working and learning environment free from sexual harassment. Careful scrutiny will be undertaken of all allegations of sexual harassment. False allegations that are malicious or ill founded may constitute libel or slander. Copies of the policy will be displayed throughout district facilities and will be available at all administrative offices.

Complaint Procedure:

Any employee who believes that he/she has been a subject of sexual harassment by a district employee or officer should report this incident immediately to his/her immediate supervisor. If the immediate supervisor is involved in the activity, the alleged violation should be reported to the supervisor's immediate supervisor. Students should report such incidents to the guidance counselor and/or the responsible administrator. Resolution of complaints or problems may be pursued informally or formally at the option of the person who feels he/she has been subject to sexual harassment.

If the guidance counselor receives a report of sexual harassment he/she may pass the report on to the building administrator. If the building administrator is involved in the activity, the alleged violation should be reported to the building administrator's immediate supervisor.

After receiving a complaint of sexual harassment, the grievance officer will attempt to resolve the problem in an informal manner through the following process (For purposes of clarity, the grievance officer shall be the supervisor or administrator receiving the complaint):

1. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts.
2. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
3. The grievance officer may hold as many meetings with the parties as is necessary to gather facts.
4. On the basis of the grievance officer's perception of the situation, he/she may:
 - a. Attempt to resolve the matter informally through conciliation.
 - b. Report the incident and transfer the record to the superintendent or his/her designee, and so notify the parties by certified mail.

After reviewing the record made by the grievance officer, the superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the Board for termination or expulsion.

All matters involving sexual harassment complaints will remain confidential to the extent possible.

If an employee or student files a written complaint because of dissatisfaction with the handling of the complaint, he/she may utilize any applicable grievance procedure.

LEGAL REFS.: SD Executive Order 81-08 Federal Title IX (1972 Education Amendments)

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