

## **HARASSMENT POLICY**

It is the policy of the West Central School District 49-7 that harassment is improper, unacceptable and shall not be tolerated and that no employee or student of the school district may harass another. Any employee or student will be subject to disciplinary action, including possible termination or expulsion, for violation of this policy.

### Definitions

1. Harassment: Harassment consists of physical or verbal conduct related to a person's race, color, religion, gender, sex, national origin, age, disability, or other basis prohibited by law when the conduct is so severe, pervasive, and objectively offensive that it:
  - a. has the purpose of effecting or creating an intimidating, hostile, or offensive working or academic environment;
  - b. has the purpose or effect of unreasonably interfering with an individual's work performance, which deprives the staff member or student access to employment or academic opportunities.
  
2. Sexual Harassment: Sexual harassment is any unwelcome sexual advance(s), request(s) for sexual favors and /or other verbal, physical, and/or visual contact(s) of a sexual nature, or communication of a sexual nature when:
  - a. submission to such conduct or communication is made, either explicitly or implicitly, a term of a person's initial employment; or
  - b. submission to or rejection of such conduct or communication by an individual is used as the basis for employment or educational decisions affecting the individual; or
  - c. such conduct or communication has the purpose or effect of interfering with an individual's work or education, creating an intimidating, hostile, or offensive working or educational environment; or
  - d. such conduct is so severe, pervasive, and objectively offensive that such conduct or communication has the purpose or effect of depriving the employee access to employment opportunities or benefits provided by the School District or depriving a student of educational opportunities.

Sexual harassment may include but is not limited to:

- a. unwelcome verbal harassment or abuse based upon gender;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, gender-motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of pupils by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- d. unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt threats concerning the individual's employment or educational status;

- e. unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

#### Responsibility

The school district officers, employees and students of the West Central School District are responsible for maintaining a working and learning environment free from harassment. It is the obligation of each employee and student to become fully informed of the provisions of this policy and to assure individual compliance. 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 this policy will be posted at appropriate locations throughout the district, and the policy will be announced in appropriate district publications, and at annual staff meetings. All staff members will sign a form indicating that they have read and understand their rights regarding this policy.

#### Legal References:

South Dakota Executive Order 81-08  
Federal Title VII, Title IX (1972 Education Amendment)

#### Policy:

Adopted: 12/12/1988  
Revised: 7/9/2001, 12/11/06  
Reviewed: 10/14/2019