



FAST FORWARD

CHARTER HIGH SCHOOL

Sexual Harassment by an Employee General Statement of Policy

Sexual harassment is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, [42 U.S.C. § 2000e, et seq.](#) and [§ 34A-5-101 et seq.](#) of the Utah Antidiscrimination Act.

It is the policy of the LEA to maintain learning and working environment that is free from sexual harassment. The LEA prohibits any form of sexual harassment.

It shall be a violation of this policy for any student or employee of the LEA to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. The LEA will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the LEA.

[42 U.S.C. § 2000e et seq.](#)

[Utah Code § 34A-5-101 et seq.](#)

Sexual Harassment Defined

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or visitors when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by any employee will be treated as sexual harassment under this policy.

Sexual harassment may include but is not limited to:

- Verbal harassment or abuse, including any offensive communication that is sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities
- Sexual gestures
- Subtle pressure for sexual activity including sexual invitations or requests for sexual activity in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc.



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- Physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, spanking, pinching, stalking, frontal-body hugs, intentional brushing against a student's or an employee's body; etc.
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status or any unwelcome sexually motivated touching
- Unwelcome gestures that are sexually suggestive, sexually degrading or imply sexual motives or intentions
- Written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, etc.

Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment by a student or an employee of the LEA, or any third person with knowledge or belief of conduct which may constitute sexual harassment should submit a written report of the alleged acts immediately to an appropriate LEA official as designated by this policy. The LEA requires the reporting party or complainant to use the report form available from the principal of each building, on the LEA website, or from the school LEA office.

Complaints must be made to the appropriate supervisor within 45 calendar days after the date of the alleged act of discrimination.

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Upon receipt of a report, the principal must notify the Director of Human Resources immediately without screening or investigating the report. If the report was given verbally, the principal shall encourage the complainant to complete the report form available from the principal, on the LEA website, or from the LEA office and submit it to the Director of Human Resources. Failure to forward any sexual harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Director of Human Resources.

The School Board hereby designates the Director of Human Resources to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from the building principals as outlined above. If the complaint involves the Director of Human Resources, the complaint shall be filed directly with the Principal/Director. The LEA shall conspicuously post the name of the Director of Human Resources, including a mailing address, telephone number, and email address.



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Submission of a complaint or report of sexual harassment will not affect the individual's future employment, grades or work assignments.

Confidentiality

It is LEA policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's right to confidentiality must be balanced with the LEA's obligations to cooperate with police investigations or legal proceedings, or to investigate and take necessary action to resolve a complaint, the LEA retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances.

Where a complaint involves allegations of child abuse, the complaint shall be immediately reported to appropriate law enforcement authorities and the anonymity of both the complainant and school officials involved in the investigation will be strictly protected as required by [Utah Code § 62A-4a-412](#).

Investigation and Recommendation

By authority of the LEA, the Director of Human Resources, upon receipt of a report or complaint alleging sexual harassment, shall authorize an investigation. This investigation may be conducted by LEA officials or by a third party designated by the LEA.

An investigation shall be completed as quickly as practicable, but within 30 working days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified if an extension becomes necessary.

In determining whether alleged conduct constitutes sexual harassment, the LEA should consider:

- The surrounding circumstances
- The nature of the sexual advances
- Relationships between the parties involved
- The context in which the alleged incidents occurred.

The investigation may consist of 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. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the LEA may take immediate steps, at its discretion, to protect the complainant, students, and employees pending completion of an investigation of alleged sexual harassment. The Director of Human Resources shall make a report to the Principal/Director upon completion of the investigation.

LEA Action

Upon receipt of a recommendation that the complaint is valid, the LEA will take such action as appropriate based on the results of the investigation.



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The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the LEA.

Support for Victims of Harassment

When it is determined that an individual has been subject to sexual harassment, consideration should be given to what support, counseling, or other assistance the individual may need to prevent such mistreatment from adversely affecting the individual's ability to function in the (work) setting.

Reprisal

The LEA will 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 includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Non-Harassment

The LEA 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.

False accusations of sexual harassment can have a serious detrimental effect on innocent parties. Employees who file frivolous, unfounded, retaliatory or malicious sexual harassment complaints shall subject themselves to disciplinary action.

If an investigation reveals that the accusations are frivolous, unfounded, retaliatory or malicious in nature, this information shall be documented, all parties notified, and the investigation shall be terminated.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Division of Antidiscrimination and Labor, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment may constitute sexual abuse and require reporting to appropriate authorities.

Discipline

Any LEA action taken pursuant to this policy will be consistent with requirements of applicable Utah statutes and LEA policies. The LEA will take such disciplinary action it deems necessary



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and appropriate, including warning, suspension, or immediate termination to end sexual harassment and prevent its recurrence.

Notice

Notice of the LEA's sexual harassment policy shall be communicated to all employees and students.

Adopted: April 26, 2021

Notes & Updates:

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