

Sexual Harassment

All students and employees must be able to learn and environment free from unsolicited and unwelcome sexual Sexual harassment is deemed unacceptable conduct in the educational environment and will not be tolerated. It violation of this policy for any student or employee of harass a student or an employee through conduct or communication of sexual nature as defined by this policy. This policy is applicable to sexual harassment between supervisors and between co-workers, between students, and between students and employees. This policy shall be in force on and off NWBOCES i.e., at school activities and/or school sponsored events occur away from school, and whenever school employees have jurisdiction over students. NWBOCES will act to investigate complaints, either formal or informal, verbal or written, harassment and to discipline any student or employee who harasses a student or employee of NWBOCES. It is no defense of sexual harassment that the alleged harasser did not intend to harass.

I. Sexual Harassment Defined

For purposes of this policy, the following definitions shall apply:

- o Sexual harassment consists of unwelcome sexual advances for sexual favors, sexually motivated physical contact or verbal or physical conduct or communication of a sexual nature when:
 1. submission to that conduct or communication is a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining or continuing education; or
 2. submission to or rejection of that conduct or communication by an individual is used as a basis for decisions affecting that individual's employment or education; or
 3. that conduct or communication has the purpose or effect of substantially or reasonably 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 by a student or employee by a student or employee treated as sexual harassment under this policy.

- o Sexual harassment may include but is not limited to:
 1. verbal or written harassment or abuse;
 2. subtle pressure for sexual activity;
 3. inappropriate patting, touching or pinching;
 4. intentional brushing against a student's or an employee's body;
 5. demanding sexual favors accompanied by implied promises of preferential treatment with regard to an individual's employment or educational status; and
 6. sexually motivated unwelcome touching; or
 7. sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.

II. Reporting Procedures re: Allegations of Sexual Harassment

Any person who believes she/he has been the victim of sexual harassment by a student or an employee of the NWBOCES, or any person with knowledge or belief of conduct which may constitute sexual harassment shall report the allegations to the NWBOCES Administrative Director. NWBOCES encourages the reporting party or complainant to use the report form available from the NWBOCES school office.

- o The verbal or written report of sexual harassment shall be submitted to the NWBOCES Administrative Director, whose office is located at 250 East Arapahoe, Thermopolis, Wyoming. The Administrative Director shall conduct an investigation or arrange for a competent investigator to conduct an investigation and report on the report. The supervisor of both the person who was harassed and the person alleged to have committed the harassment shall be notified of the report.

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shall be made aware of the charges. If the report was verbally to anyone other than the Administrative Director, the person to whom the report was made shall reduce it to writing within 24 hours and forward it to the Administrative Director. Failure to do so will result in disciplinary action. If the complaint involves the Administrative Director, the complaint shall be filed directly with the Chairman of the NWBOCES Board of Directors.

Freedom from retaliation. Submission of a complaint of sexual harassment or sexual violence will not affect an individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.

Reporting. Use of formal reporting forms is encouraged but not mandatory.

NWBOCES will respect the confidentiality of the complainant and individual(s) against whom the complaint is filed as much as possible consistent with NWBOCES's legal obligations and the need to investigate any/all allegations of sexual harassment. Both the complainant and the alleged harasser are strongly encouraged to keep the matter confidential. NWBOCES cannot and will not prevent either party from gathering information to support the claim or defend the claim but would urge both parties to exercise the utmost discretion and caution in gathering information in order to keep the matter confidential as possible.

III. Investigations of Allegations of Sexual Harassment.

It is the goal of this policy to have a process in place that is sensitive to the needs of the students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an Administrative Procedure as defined by the Administrative Director. No retaliation will be taken against any individual(s) involved in the investigation process.

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IV. Recommendations and Action(s) Taken.

Upon determination that a complaint is valid, the Administrative Director will take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed and the procedures will be reported, in writing, to the Administrative Director. The report will document whether disciplinary action was taken as a result of the complaint. This report will be placed in either:

- a. the student files of both the complainant and the accused
- b. the personnel files of both the complainant and the accused

In inconclusive cases in which no harassment can be proven or malice established against the accuser, the incident will remain in the files referred to above in order to follow up on the complaint so that any future occurrences may be examined for a possible pattern. In inconclusive cases where the subsequent reports of similar incidents within five (5) years of the date of the original report, the report, at the sole discretion of the Administrative Director, may be purged from the file.

V. Disciplinary Action

A substantiated charge against an employee of NWBOCES shall be subject to disciplinary actions which may result in actions limited to verbal warnings, letters of reprimand, suspension without pay, and dismissal.

A substantiated charge against a student shall be subject to disciplinary actions including verbal warnings, reprimand, suspension or expulsion, consistent with the Student Discipline Code.

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