HARASSMENT

The technology center is committed to providing all students and employees with a safe school environment in which all members of the technology center community are treated with respect. Harassment is unlawful discrimination and will not be tolerated. Both state and federal law specifically prohibit harassment of employees and students in connection with their employment by or enrollment in schools.

It is the policy of the technology center to prohibit, without qualification, unlawful harassment based on real or perceived race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. Students, employees and board members of the technology center have a duty not to harass on the above listed grounds.

This policy sets forth the rules to be followed by all students, employees and board members of the technology center with regard to the issue of sexual harassment. Harassment of students or employees of either sex by employees or other students of the same or opposite sex is strictly prohibited. All students, employees and board members are strictly prohibited from engaging in any form of sexual harassment of any student, employee and applicant for employment, vendor representative, or patron of the technology center.

Sexual harassment is prohibited regardless of whether or not the harassment occurs inside or outside the classroom. For example, sexual harassment is prohibited during technology center hours, extra-curricular activities, school-sponsored events, field trips, athletic competitions, and in the cafeteria, classroom, hallways, and technology center buses. Harassment is prohibited in both academic and non-academic settings.

Definitions

“Employee” means any person who is authorized to act on behalf of the technology center, whether that person is acting on a temporary or permanent basis, regardless of whether or not the person is compensated. Employee denotes all staff of the technology center, both full-time and part-time, and includes board members and technology center volunteers.

“Student” means any person who is enrolled in any technology center participating in a program of the technology center.

“Sexual Harassment” is a form of unlawful harassment which means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment also includes conduct that is criminal in nature such as rape, sexual assault and stalking.
A. Sexual Harassment of an Employee of the Technology Center

“Sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by one employee toward another employee which:

1. is made an explicit or implicit term or condition of an employee’s employment; or
2. is used as a basis for employment decisions affecting that employee; or
3. has the purpose or effect of unreasonably interfering with an employee’s work performance, or creating an intimidating, hostile, or offensive working environment.

B. Sexual Harassment of a Student of Technology Center

“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 toward a student which:

1. is made a term or condition, either implicitly or explicitly, of obtaining an education; or
2. is used as a basis for decisions affecting an individual’s education; or
3. has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile, or offensive learning environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between an elementary age student and an adult employee will not be considered welcome. In addition, conduct between a secondary age student and an adult is presumptively unwelcome.

Examples of Sexual and Other Harassment

Examples of sexual harassment include, but are not limited to: unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person’s alleged sexual activities. For example, demeaning comments about a student’s ability to excel in a class historically considered a “boy’s” or a “girl’s” subject may constitute sexual harassment.

Examples of harassment because of race, national origin, religion or disability include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse of a person; intimidation (physical, verbal or psychological); or impeding or blocking movement of a person.
This prohibition against sexual harassment does not preclude legitimate, nonsexual physical contact such as the use of necessary interventions to avoid physical harm to persons or property.

Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents.

Any employee engaging in sexual or other harassment will be subject to disciplinary action, including but not limited to suspension, demotion, forfeiture of pay or benefits (as permitted by law) and termination.

Any student engaging in sexual or other harassment is subject to any and all disciplinary action which may be imposed under the technology center’s student discipline policy.

Reporting to Technology Center

A. By Students

The technology center encourages students who have been sexually or otherwise harassed or who know of sexual or other harassment to report the claim. Students should report any incident of sexual or other harassment to any teacher, guidance counselor, program coordinator, technology center administrator, or superintendent.

B. By Employees

Any employee who witnesses, overhears, suspects or receives a report of harassment shall immediately report the incident to either their supervisor or the director of human resources. If the report of the incident occurs after normal technology center hours, an employee should contact their supervisor or director of human resources at home.

C. The Report

If possible, the report should 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 anonymously in writing by mailing the reports to the personal attention of either the superintendent or deputy superintendent.

All reports should state:

1. the name of the alleged harassing student, employee, board member, or other person;
2. the person(s) being harassed;
3. the nature, context and extent of the prohibited activity;
4. the dates of the prohibited activity, and;
5. any other information necessary to a full report and investigation of the matter.

Reports to Outside Officials

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Likewise, a concerned employee may report an allegation to both technology center officials and to the United States Equal Employment Opportunity Commission, or the Oklahoma Human Rights Commission.

Good faith reporting of charges of sexual or other harassment will not result in reprisals or retaliation. Reprisals and retaliation, due to a sexual harassment allegation, are prohibited.

Administrative Responsibility and Action

The technology center is committed to promptly and thoroughly investigating all reports of harassing conduct. When a report is received, the technology center will conduct a thorough and impartial investigation. To ensure impartiality, no person who is the subject of a complaint shall conduct the investigation.

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, non-renewal hearing or resulting litigation.

After all facts and circumstances are reviewed, the technology center shall take any and all disciplinary actions to prevent further harassment. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Upon receipt of a formal or informal report of sexual or other harassment, the person who received the report shall do the following as quickly as possible:

1. Obtain an oral or written statement from the individual who allegedly was sexually harassed. The statement should contain information necessary to conduct a full investigation of the matter. Relevant information includes, 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 prohibited activity; the dates of the prohibited activity; and the names of any witnesses;
2. 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;
3. Keep the individual who is allegedly being sexual harassed 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;

4. Conduct a full and complete investigation, to the extent reasonably possible, regarding the alleged sexual harassment. This investigation includes, but is not limited to: interviewing the allegedly harassed individual, interviewing any witnesses, interviewing the alleged harasser, and reviewing supporting documents;

5. Review the facts of the investigation and take into account the totality of the circumstances. Nature, extent, context and gravity of activities must be taken into account. Based on both the facts of the investigation and the surrounding circumstances, the superintendent shall take or recommend the taking of appropriate measures. Appropriate measures include but are not limited to: suspension, demotion, forfeiture of pay or benefits (as permitted by law), termination, or reassignment;

6. Report the allegations to appropriate authorities, including law enforcement and the Department of Human Services.

In instances where the report is received by a technology center official, the report shall be promptly relayed to the superintendent for investigation except in instances where the report names the superintendent as a person responsible for harassment. In any instance in which the superintendent is deemed to have a conflict with regard to the investigation of a report of harassment, the report may be conveyed to the technology center’s legal counsel for investigation or for designation of an appropriate investigator.