
HARASSMENT

Harassment

~~All employees of Albemarle County shall treat their peers and the public with respect and courtesy. Violent, profane, insolent or suggestive language or gestures, or language which is intended to demean a person because of race, color, religion, age, sex, disability, national origin, pregnancy, sexual orientation^{*}, or marital status shall not be tolerated. Any instances of verbal or physical harassment will be dealt with through appropriate disciplinary action. Instances of physical or verbal harassment will be treated as a major offense which could result in termination.~~

~~Complaints should be reported to the principal or other supervisory level employee, or may be reported directly to the Title IX Compliance Officer/Director of Human Resources and/or to the Superintendent/Designee.~~

Sexual Harassment

~~It is the policy of the Albemarle County School Board to prohibit any sexual harassment in relation to employment in the Albemarle County Public Schools. It is illegal for any employee, male or female, to harass another employee, regardless of sexual orientation^{*} by (1) making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical conduct of a sexual nature, or (2) making submission to or rejection of such conduct a basis for employment decisions affecting the employee, or (3) creating an intimidating, hostile or offensive working environment by such conduct. Any employee who believes that he has been subjected to sexual harassment should report the alleged act immediately to the Title IX Compliance Officer, who is also the Director of Human Resources and a confidential investigation of any complaint will be undertaken immediately.~~

~~If the complaint is against the Title IX Compliance Officer, the complaint shall be reported to the Superintendent. If the complaint is against the Superintendent, the complaint shall be reported to the Chairman of the School Board. The question of whether a particular action or incident is prohibited behavior or a purely personal, social relationship without a discriminatory employment effect requires a determination based on all the available facts in the matter.~~

~~Any administrator, teacher, or other employee who is found after appropriate investigation to have engaged in sexual harassment of another employee or a student will be subject to appropriate sanctions depending upon the circumstances, from a warning in his file up to and including immediate discharge.~~

~~The Albemarle County School Board is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. The Superintendent is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also that infractions of this policy may be in~~

~~violation of Federal or Virginia, civil and/or criminal laws. It is the intention of Albemarle County Public Schools to take whatever action may be needed to prevent or correct behavior which violates this policy, and, if necessary, discipline employees who violate this policy.~~

~~It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly, and effectively. Consequently, all Albemarle County administrative and supervisory staff in schools, offices, and other facilities shall be cognizant of, and responsible for, effectively implementing the sexual harassment complaint resolution procedures established in this policy.~~

~~Adopted: December 8, 1997~~

~~Amended: December 13, 2001; August 8, 2002~~

~~Legal Ref.: 20 U.S.C. Section 1681-1688
 29 U.S.C. Section 794
 42 U.S.C. Section 2000 d-2000 d-7
 42 U.S.C. Section 2000-e 2000-e-17
 34 C.F.R. Part 106~~

~~* Definition of Sexual Orientation: One's attraction to the same sex, opposite sex or both sexes, real or perceived. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia.~~

~~PROCEDURES OF COMPLIANCE AND ENFORCEMENT: SEXUAL HARASSMENT POLICY~~

~~A. Definition of Sexual Harassment~~

~~Sexual harassment is an unlawful form of discrimination on the basis of sex prohibited by Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991; Title IX of the Education Amendment of 1972, the Virginia Human Rights Act, and other applicable state law. Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties.~~

~~Sexual harassment is defined as unwelcome sexual advances, regardless of sexual orientation *, requests for sexual favors, and other inappropriate verbal, written, physical or other conduct of a sexual nature that takes place under any of the following circumstances:~~

- ~~1. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities.~~
- ~~2. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual advances.~~
- ~~3. When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive work or learning environment.~~

~~B. Implementation Principles and Guidelines and Strategies~~

~~1. Principles and Guidelines~~

- ~~a. Any employee or student in the Albemarle County Public Schools who believes that he has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of his complaint. In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with the division's responsibility to investigate and address such complaints.~~
- ~~b. Any Albemarle County Public Schools employee or student who believes that he has been subjected to sexual harassment should report such conduct promptly, orally or in writing, to the immediate supervisor/principal, a designated representative, or directly to the division's Title IX Compliance Officer. The supervisor/principal will~~

~~report to the Title IX Compliance Officer and the appropriate Assistant Superintendent any complaint received regarding sexual harassment. If the complaint involves employees, the Title IX Officer will conduct the investigation in coordination with the County Attorney's office. If the complaint involves only students, usually the investigation will be conducted by the school principal/designee in coordination with the Title IX Compliance Officer and the County Attorney's Office unless the circumstances of a particular complaint require otherwise.~~

- ~~c. The full circumstances of the situation will be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.~~
- ~~d. Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or who participates in or cooperates with an investigation is strictly prohibited. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws and the division's responsibility to investigate and address such complaints promptly and effectively.~~
- ~~e. Any employee who violates any aspect of this policy shall be subject to appropriate disciplinary action, including but not limited to oral or written reprimand, professional counseling, reassignment, demotion, suspension, or termination.~~

~~2. Strategies~~

~~The Title IX Compliance Officer will coordinate the implementation of this policy. Implementation activities will include, but not be limited to:~~

- ~~a. Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications.~~
- ~~b. Publication and dissemination of information to all employees and students that will inform them of this policy, what sexual harassment is, what the individual can do, and where to go for help.~~
- ~~c. Development of mandatory training seminars and in-service programs for all principals, supervisors, and administrators to ensure the appropriate implementation of this policy. These training programs shall be designed to:~~

- ~~(1) — Inform them of their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment.~~
 - ~~(2) — Assist them in developing training programs for employees dealing with sexual harassment to inform them of the policy, what sexual harassment is, what the individual can do, and where to go for help. The aim of such training is to ensure increased awareness of inappropriate behaviors prohibited by this policy and other state and federal laws on sexual harassment.~~
 - ~~(3) — Provide clear guidelines and assistance for handling appropriately all incidents of sexual harassment in Albemarle County Public Schools.~~
- ~~d. — Appropriate opportunities to educate students about matters related to sexual harassment in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings. Programs and curricula such as a Comprehensive Guidance and Counseling Program, which already include related competencies or objectives, should include student materials regarding sexual harassment.~~

~~C. — Review~~

~~These regulations will be reviewed, at a minimum, every three years.~~

~~Adopted: — December 8, 1997~~

~~Amended: — December 13, 2001; August 8, 2002~~

~~* Definition of Sexual Orientation: One's attraction to the same sex, opposite sex or both sexes, real or perceived. This definition is intended to describe the status of persons and does not render lawful any conduct prohibited by the laws of the Commonwealth of Virginia.~~

SEXUAL HARASSMENT – ADMINISTRATIVE PROCEDURES

A. Application to Employees

1. ~~The policy, regulation, and administrative procedures on sexual harassment apply to all sexual harassment incidents involving employees of Albemarle County Public Schools. The policy, regulation, and administrative procedures address incidents committed by a person of either sex against a person of the opposite or same sex and establish that it is against policy and recognize that it is unlawful for employees to commit acts of sexual harassment.~~
2. ~~It is the responsibility of supervisory staff to recognize acts of sexual harassment and take prompt necessary action in accordance with the foregoing procedures, regulations, and policies of Albemarle County Public Schools.~~
3. ~~Filing a Complaint~~
 - a. ~~Any employee of Albemarle County Public Schools who believes that he has been subjected to sexual harassment should report the incident promptly.~~
 - b. ~~Every complaint will be reported promptly to the Title IX Compliance Officer either by the complainant or by the person receiving the complaint.~~
 - c. ~~An investigation will be made by the Title IX Officer in coordination with the County Attorney's Office.~~
 1. ~~The full circumstances of the situation will be considered in the investigation of possible sexual harassment incidents.~~
 2. ~~In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incidents occurred.~~
 - d. ~~Findings and recommendations will be rendered in as timely a manner as practicable.~~
 - e. ~~There will be no adverse action against an individual who reports an incident in good faith or who participates in or cooperates with an authorized investigation of an alleged incident.~~

- ~~f. Confidentiality will be preserved consistent with applicable laws and school division's responsibility to investigate and address such complaints.~~

~~B. Application to Students~~

- ~~1. Sexual harassment committed by students against students or staff is inappropriate and prohibited behavior, regardless of the gender of the persons involved.~~

~~2. Filing a Complaint~~

- ~~a. Any student who believes that he has been subjected to sexual harassment should report such conduct promptly.~~

- ~~1. The report can be made verbally or in writing.~~
- ~~2. The report can be made to any staff member who will assist the student in reporting to the principal or designee.~~
- ~~3. Every complaint will be reported to the Title IX Compliance Officer either by the principal or designee.~~
- ~~b. An investigation will be conducted by the Title IX Compliance Office/Designee in accordance with this policy and applicable regulations and procedures.~~
- ~~c. Findings and appropriate action will be rendered within as timely a manner as practicable by the Title IX Compliance Officer/Designee.~~
- ~~d. There will be no adverse action against an individual who reports an incident in good faith or who participates in or cooperates with investigation of an alleged incident.~~
- ~~e. Any student who violates the sexual harassment policy will be subject to appropriate disciplinary and/or legal action. Depending on the severity of the offense, such action could include but not be limited to counseling, suspension, or expulsion.~~

~~C. Overall Coordination~~

~~The Title IX Compliance Officer/Designee will coordinate the implementation of the policy and will:~~

- ~~1. Disseminate information on the policy of the Albemarle County School Board, complaint resolution, and implementation procedures regarding sexual harassment.~~
- ~~2. Support the development of training programs and guidelines for investigating and for resolving allegations of sexual harassment.~~
- ~~3. Support the development of student materials to be used in schools.~~
- ~~4. Support the development of K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems.~~
- ~~5. Facilitate the investigation, documentation, and notification to the Superintendent of both employee and student sexual harassment complaints in Albemarle County Public Schools.~~
- ~~6. Monitor the application of the procedures for responding to complaints of sexual harassment.~~
- ~~7. Maintain a recordkeeping system of complaints, reports, and subsequent management action in conformance with privacy requirements.~~

~~D. Dissemination of Information~~

~~There will be publication and dissemination of information to all employees and students of Albemarle County Public Schools that will inform them of the sexual harassment policy, what sexual harassment is, what the individual can do, and where to go for help. Information about sexual harassment will be developed by the Department of Human Resources in conjunction with the Staff Development Coordinator and the Office of the Assistant Superintendent of Instruction.~~

~~Information will be disseminated in a variety of ways including, but not limited to:~~

- ~~☐ Training workshops~~
- ~~☐ Video-based training programs~~
- ~~☐ Brochures~~
- ~~☐ Bulletins~~
- ~~☐ Applications~~
- ~~☐ Announcements~~
- ~~☐ Other communications, as appropriate~~

~~E. Training~~

- ~~1. Training for administrative supervisory, and teaching staff will be mandatory and will be provided at least every two years. This training will include, but not be limited to:
 - ~~a. A review of the applicable laws and policies with regard to sexual harassment.~~
 - ~~b. A review/explanation of their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment.~~
 - ~~c. Guidelines for training their staff.~~
 - ~~d. Guidelines for responding to complaints of sexual harassment.~~
 - ~~e. Guidelines for investigating student complaints.~~
 - ~~f. Guidelines for providing follow up support.~~~~
- ~~2. School principals will be responsible for developing and implementing a plan to help students recognize, understand, and prevent sexual harassment that will include:
 - ~~a. Guidelines for responding to complaints of sexual harassment.~~
 - ~~b. Opportunities designed to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings.~~
 - ~~c. Using available Albemarle County Public Schools student materials regarding sexual harassment.~~~~

~~Adopted: December 8, 1997~~

~~Amended: December 13, 2001; August 8, 2002~~

Exhibit 1

**~~GUIDELINES FOR PRINCIPALS/DEPARTMENT HEADS DESIGNEES
AND MANAGERS/SUPERVISORS~~**

~~When Receiving a Report of A Sexual Harassment Complaint~~

~~EMPLOYEE/EMPLOYEE~~

Notification

- ~~Notify your immediate supervisor, the Title IX Compliance Office/Director of Human Resources, and the appropriate Assistant Superintendent of the complaint.~~

Investigation

- ~~The principal/department head/designee or the manager/supervisor should inform the complainant and the alleged harasser of the investigative process.~~
- ~~The Title IX Compliance Office/Designee, with the appropriate assistance of the County Attorney's Office, will conduct the investigation.~~
- ~~Appropriate, prompt corrective action will be taken.~~

Exhibit 2

GUIDELINES FOR PRINCIPAL/DESIGNEE

When Receiving a Report of A Sexual Harassment Complaint

EMPLOYEE/STUDENT

Identification

- ~~Interview the complainant. Try to get a written, signed statement. Get the basic facts—who, what, when, where. Ask for evidence and witnesses, if any. Assure the complainant that confidentiality will be maintained in all phases of the complaint process in accordance with policy and Albemarle County Public Schools' obligation to investigate and address complaints. Any retaliation against the complainant for reporting will not be permitted. During the fact-finding stage, the complainant and alleged harasser should not be interviewed together, and the names of the complaining parties shall not be shared with or otherwise communicated to the alleged harasser without the prior approval of the Title IX Compliance Officer and School Board Attorney.~~

Notification

- ~~Notify the parents of any students involved. Keep the parents and the complainant informed of the progress of the investigation in order to minimize rumors and speculation.~~
- ~~Notify the Title IX Compliance Officer and the appropriate Assistant Superintendent of the complaints.~~

Counseling

- ~~Provide ongoing counseling and support for all students involved.~~
- ~~Offer the resources of the Employee Assistance Program (EAP) to the employee if needed for guidance and support.~~

~~Exhibit 3~~

~~GUIDELINES FOR PRINCIPAL/DESIGNEE~~
~~When Receiving a Report of A Sexual Harassment Complaint~~

~~STUDENT/STUDENT~~

~~Notification~~

- ~~• Notify the parents of the students involved. Keep the parents and the complainant — informed of the progress of the investigation in order to minimize rumors and — speculation.~~
- ~~• Notify the Title IX Compliance Officer, the appropriate Assistant Superintendent, and the School Board Attorney of the complaints.~~

~~Counseling~~

- ~~• Provide ongoing counseling and support for all students involved.~~

~~Action~~

- ~~• Take appropriate action based on the assessment of the incident in consultation with the Title IX Compliance Officer, the appropriate Assistant Superintendent, and the School Board Attorney, and in accordance with the provisions in the School Board policy.~~
- ~~• Advise the Superintendent of the outcome of the complaint in writing.~~

~~Follow Up~~

- ~~• Monitor the situation for a reasonable period of time to assure that there is no reoccurrence or retaliation.~~

Exhibit 4

~~ALBEMARLE COUNTY PUBLIC SCHOOLS~~
~~SEXUAL HARASSMENT COMPLAINT FORM~~

NOTICE OF COMPLAINT

~~Please print or type all information. Return completed form, in sealed envelope (labeled~~
~~CONFIDENTIAL) to: Albemarle County Public Schools, Title IX Compliance Officer,~~
~~Department of Human Resources, 401 McIntire Road, Charlottesville, Virginia 22902.~~
~~Forms may be returned in person or by mail.~~

~~Name of Person Making the Charge:~~

~~School/Department:~~

~~Name of Person Who Committed the Alleged Harassment:~~

~~Date(s) When Alleged Harassment Occurred:~~

~~Explanation of Charges (attach additional pages, if necessary):~~

~~Signature of Person Making Charge~~

~~Date Received by Title IX Officer:~~