


**Board Policy GAEB: Sexual Harassment of Employees** 

Status: DRAFT - 1st  
Reading

Original Adopted Date: 01/01/1900 | Last Revised Date: 12/07/2020 | Last Reviewed Date: 12/07/2020

**REDLINE VERSION**

**Sexual Harassment of Employees**

All employees of the DeKalb County School District are entitled to work in an environment free from harassment, including sexual harassment and all other forms of discrimination. The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

The District's nondiscrimination policy and grievance procedures can be located at Board Policy GAAA.

Reports, complaints or inquiries about conduct that may constitute sex discrimination under Title IX, may be referred to the District's Title IX Coordinator, The U.S. Department of Education's Office for Civil Rights, or both. The District's Title IX Coordinator can be reached at :

DeKalb County School District  
Title IX Coordinator  
1701 Mountain Industrial Blvd.  
Stone Mountain, Georgia 30083  
678 676-1200  
titleixcoordinator@dekalbschoolsga.org

The grievance procedure is outlined in GAEB-R(1)

**DEFINITIONS**

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

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions are consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- (1) Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit,

or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred; and

(v) Other sex-based harassment in the recipient's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

(1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or

(2) Provide support during the recipient's grievance procedures or during an informal resolution process.

In accordance with state and federal laws, the District prohibits harassment and discrimination on the basis of race, color, sex, gender, sexual orientation, national origin, ancestry, religion, age, disability, genetic information, service in the uniformed service or any other legally protected status.

Harassment is a form of misconduct that undermines the integrity of the employment relationship and is prohibited by this policy. This prohibition includes, but is not limited to, offensive verbal or physical conduct by supervisory or non-supervisory staff.

Sexual harassment is a form of misconduct based on sexual overtures that undermines the integrity of the employment relationship. No employee, male or female, shall be subjected to unsolicited and unwelcomed sexual overtures or conduct of a verbal or physical nature.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Such conduct, whether committed by supervisors or by non-supervisory personnel, is specifically prohibited by law and by this policy. This prohibition includes, but is not limited to, unwelcome sexual flirtations or propositions, verbal abuse or abusive physical conduct of a sexual nature, graphic or degrading verbal comments about an individual's appearance, or the display of sexually suggestive objects or pictures. Furthermore, no supervisor or employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, work shifts, or any other condition of employment or career development.

It is the duty of all employees to promptly report harassment forbidden by this policy. If employees believe they have witnessed or have been subjected to any act of harassment, they should immediately report the behavior in accordance with Administrative regulation GAEB-R(1).

The District should promptly, thoroughly and impartially investigate claims of harassment or discrimination. The District should take appropriate disciplinary action when it is determined harassment or discrimination has occurred.

No one will be subjected to, and the District prohibits, any form of discipline, reprisal, intimidation or retaliation for good faith reporting of incidents of any kind, pursuing a harassment claim or cooperation in related investigations. Any employee who retaliates against such person as a result of their participation in the process will be subject to disciplinary action.

The Superintendent, his/her designee, and/or the appropriate designated staff are authorized to develop the processes and procedures that are regulations necessary to implement this policy.

Nothing in this policy is intended to create rights beyond those already created by federal and/or state law.

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### Supporting Links

FIRST READ ~ Amendment to the Bylaws & Policies: Board Policy GAEB, Sexual Harassment of Employees - [https://simbli.eboardsolutions.com/SB\\_Meetings/ViewMeeting.aspx?S=4054&MID=88982](https://simbli.eboardsolutions.com/SB_Meetings/ViewMeeting.aspx?S=4054&MID=88982)