

Article V.D.1. Policy Prohibiting Sexual Harassment

A. 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., 20 U.S.C. 1681-86 (Title IX), and the Utah Anti-Discrimination Act, Utah Code 34-35-2 et seq.

It is policy of Granite School District to maintain a learning and working environment that is free from sexual harassment. Granite School District prohibits any form of sexual harassment. The District will train staff and students appropriately, and will take appropriate disciplinary action including warning, suspension, or termination, to prevent the occurrence or recurrence of sexual harassment.

It shall be a violation of this policy for any student or employee of Granite School District to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy.

Granite School District will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of Granite School District.

42 U.S.C. 2000 et seq., Utah Code 34-35-2 et seq.

B. Sexual Harassment Defined

1. Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

a. The conduct takes the form of Quid Pro Quo (something in exchange for something):

i. Submission to the conduct is made explicitly or implicitly a term or condition of employment or a student's education (including any aspect of the student's participation in school-sponsored activities);

ii. Submission to or rejection of the conduct is used as the basis for employment decisions or a student's education (including academic performance, participation in school-sponsored activities, or any other aspect of a student's education).

b. The conduct unreasonably interferes with an individual's work or academic performance, or creates an intimidating, hostile, or offensive environment.

It will also be considered sexual harassment for any staff member to have romantic contact with a student, regardless of the student's age.

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

2. Sexual Harassment may include but is not limited to:

a. Criminal Behavior such as:

Rape, attempted rape, sexual abuse, sexual assault, attempted sexual assault, lewdness, hazing, and other sexual and gender-based criminal activities as defined by the Utah Criminal Code.

b. Quid Pro Quo (something in exchange for something) such as:

Sexual invitations or requests for sexual activity in exchange for grades, favors, selection for extra-curricular activities, promotions, evaluations, etc.;

c. Actions creating an Hostile Environment such as:

i. Unwelcome or offensive public displays of affection, including kissing, inappropriate touching of oneself or others, massages, etc.;

ii Offensive communication, leers, stares, or gestures that are sexually suggestive, sexually degrading, or imply sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance, or activities; sexual gestures; public conversations about sexual activities; sexual rumors; catcalls or whistles; sexually graphic messages or games; etc.;

iii. Offensive name calling, slang, or profanity of a sexual nature;

iv. Offensive physical contact or closeness of a sexual nature such as spanking, pinching, hugging, following, etc.;

v. Offensive physical pranks such as touching or pulling the clothes of another, bra-snapping, "pantsing," etc.;

vi. Offensive exposure such as "mooning" or streaking;

vii. Offensive written or visual displays or distribution of pornographic or sexually explicit materials such as magazines, videos, films, posters, etc.;

d. Other Behavior

Any other offensive or unwelcome gender-based behavior that is degrading, intimidating, demeaning, or based on sexual stereotypes or attitudes, or any romantic contact between a staff member and a student.

Utah Code 76-5-401 through 76-5-407 and 76-9-702 through 76-9-702.5

C. Reporting Procedures

Any person who believes he or she has been sexually harassed by a student or an employee or other person under the control of Granite School District, or any third person with knowledge or belief of conduct which may constitute sexual harassment may submit a written report of the alleged acts immediately to an appropriate Granite School District official as designated by this policy. Granite School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the District office.

1. In Each School Building. 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 District Equity Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the District Equity Officer. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the District Equity Officer. If the complaint involves the building principal, or the complainant is otherwise uncomfortable notifying the principal, the complaint may be filed directly with the District Equity Officer.

2. District-Wide. The Granite School District Equity Officer/Title IX Compliance Officer shall 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. Members of the District Committee for the Prohibition of Sexual Harassment, may also receive reports or complaints of sexual harassment. If the complaint involves the District Equity Officer or other member of the District Committee, the complaint shall be filed directly with the Superintendent. Granite School District shall conspicuously post the name of the District Equity Officer, including a mailing address and telephone number.

3. Good faith submission of a complaint or report of sexual harassment will not adversely affect the individual's future employment, grades or work assignments.

4. Use of formal reporting forms is not mandatory.

Reporting Checklist

1. Principal or District Equity Officer receives a harassment complaint.
 - A. Is harassment sexual in nature?
yes – ask complainant to write complaint.
no – investigate and discipline harasser as per school or district policy.
 - B. Is victim a student?
yes – notify parents or guardians.

2. Incident Report (or other report) in hand.

A. Contact District Equity Officer to authorize investigation.

D. Investigation

1. Investigation Time-Line. The District Equity Officer, upon receipt of a report or complaint alleging sexual harassment, shall immediately authorize an investigation. This investigation may be conducted by District officials or by a third party designated by the District. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools and the District Equity Officer.

2. Investigation Scope. In determining whether alleged conduct constitutes sexual harassment, the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred should all be considered.

The investigation may consist of personal interviews with the complainant, the individuals against whom the complainant filed, and others who 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 District may take steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged sexual harassment.

3. Confidentiality. The District will respect the confidentiality of the complainant and the individual(s) against whom a complaint is filed as much as possible, consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred. In addition, all persons involved in a sexual harassment complaint or investigation shall refrain from discussing the matter, except with those who have a legal need to know.

4. Investigation Report. The District Equity Officer shall make a report to the Superintendent upon completion of the investigation.

Investigation Checklist

1. Discover and consider:

A. surrounding circumstances,

B. nature of the harassment,

C. relationship between involved parties, and

D. history of the involved parties.

2. Report the investigative conclusions to the District Equity Officer and the Superintendent.

E. School District Action

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

2. The result of each complaint investigated under these procedures will be reported in writing to the complainant by the District. The report will document any disciplinary action taken as a result of the complaint.

3. If the complainant is an employee, no record of the complaint shall be kept in the complainant's personnel file.

4. When an employee has been the subject of an investigation, the substantive record of the investigation shall be classified as a "Protected Record," accessible only to employees of Granite School District (1) for whom the record is necessary to perform their duties and functions (e.g. Superintendent, Superintendent's Designee, Director of Personnel, District Equity Officer); or (2) who will use the record for continuing or additional investigations (e.g. designated investigator, subsequent investigator). The record shall be sealed, marked "Protected Record" and placed in a Protected Record file maintained by the District Equity Officer. If the employee accused of sexual harassment is exonerated there shall be no reference to the accusation in the personnel file. If the employee is not exonerated, the employee's personnel file shall reference the allegation, the results of the investigation, and the presence of the accompanying Protected Record.

5. The District Equity Officer shall wait a reasonable period of time after the conclusion of the investigation and then check back with the complainant to ensure that sexual harassment has in fact ceased.

Utah Code 63-2-101 through 63-2-909

District Action Checklist

1. Under the direction of the District Equity Officer, consider that the purpose of this Policy is to stop sexual harassment and prevent its recurrence and use disciplinary actions including warnings, suspensions, or terminations accordingly.

2. Invoke appropriate related disciplinary policies and procedures such as discipline, safe schools, and corrective discipline.

3. The District Equity Officer reports the result of the investigation to each complainant, including disciplinary action taken as a result of the complaint.

4. If the alleged harasser is an employee of the District, the District Equity Officer places a record of the complaint, the outcome of the investigation, and report of disciplinary action (if complaint was substantiated) in the employee's personnel file. The District Equity Officer maintains all other substantive records gathered during the investigation in a Protected Record file.

5. The District Equity Officer checks back with the complainant.

F. Non-Harassment

Granite School District recognizes that not every advance or communication of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment or educational 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 and false, malicious complaints may subject the complainant to discipline.

G. Prohibition of Reprisal

The District will discipline any individual who retaliates against any person who reports alleged sexual harassment or 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.

H. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse. Complainants may also register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The Office of Civil Rights may be reached at the following address and phone number:

U.S. Department of Education
Office of Civil Rights, Region VIII
Federal Office Building
1244 Speer Boulevard, Suite #310
Denver, CO 80204

I. Sexual Harassment as Sexual Abuse

When a Granite District school principal or the District Equity Officer receives a report which gives "reason to believe that a child has been subjected to incest, molestation, sexual exploitation, sexual abuse, physical abuse, or neglect," or "observes a child being subjected to conditions or circumstances which would reasonably result in sexual abuse, physical abuse, or neglect," the principal or District Equity Officer shall immediately notify the Granite Police Department at 481-7122 or a local law enforcement agency.

Utah Code 62A-4a-403

J. Notice

Notice of this policy shall be communicated to all employees at the time of hire and in annual updates. Notice of this policy shall be communicated to all students annually.