

Staff Harassment and Violence Policy

GENERAL STATEMENT OF POLICY

It is the policy of Sweetwater County School District Number One, State of Wyoming (the "District") to maintain an employment environment free of violence of any kind, and free from harassment based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability. The District prohibits such harassment as unlawful discrimination.

It shall be a violation of this policy for any school personnel (for purposes of this policy, "school personnel" includes members of the Board of Trustees, teachers, administrators, or other school employees, contractors, agents, volunteers, or persons subject to the supervision and control of the District, hereinafter also referred to as "staff") to harass a student, teacher, administrator or other school-staff through acts of violence or harassment based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability as defined by this policy.

It shall be a violation of this policy for any staff to intentionally inflict, threaten to inflict, or attempt to inflict violence upon any student or staff.

The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence as stated above, and to discipline or take appropriate action against any staff found to have violated this policy. Such action may include, but is not limited to: warning, suspension, exclusion, expulsion, transfer, and/or remediation.

HARASSMENT DEFINED

- A. Sexual Harassment: Sexual harassment is unsolicited, nonreciprocal behavior which consists of unwelcomed or unwanted sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature which is offensive or objectionable to the recipient when:
1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or maintaining employment, social or other status, or of obtaining an education; or
 2. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or of obtaining an education, or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include, but is not limited to:

1. Unwelcome verbal or written harassment or abuse including sexually suggestive or derogatory communications;

2. Unwelcome pressure for sexual activity;
3. Unwelcome, sexually motivated or inappropriate patting, pinching, hugging or other physical contact;
4. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment, social, or educational status;
5. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or social, or educational status; or
6. Unwelcome behavior or words directed at an individual because of gender, gender identity, sexual orientation or marital status.

B. Racial Harassment: Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

C. Religious Harassment: Religious harassment consists of physical or verbal conduct which is related to an individual's religion or lack of religion when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

D. National Origin Harassment: National Origin harassment consists of physical or verbal conduct relating to an individual's national origin when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

E. Disability Harassment: Disability harassment consists of physical or verbal conduct relating to an individual's physical or mental disability when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
3. Otherwise adversely affects an individual's employment or educational opportunities.

VIOLENCE DEFINED

Violence: The intentional use of physical force or power, threatened or actual, against another person, or a group or community, which either results in or has a high likelihood of resulting in injury, death, or psychological harm. Per this policy violence includes, but is not limited to the defined terms below.

Assault is:

- a. An act done with intent to cause fear in another of immediate bodily harm or death;
- b. An attempt to inflict bodily harm upon another; or
- c. The threat to do bodily harm to another with present ability to carry out the threat.

B. Battery is: The intentional infliction of bodily harm upon another.

C. Property destruction: The intentional destruction, defacement or injury to property of another, or the District, without the owner's consent.

D. Disability is: Disability means any physical or mental impairment that substantially limits a major life activity. Individuals may be deemed disabled if they have serious difficulty walking, seeing, hearing, breathing, learning, speaking, doing manual tasks, sitting, standing, lifting, reaching or are suffering from certain disabling illnesses.

E. Sexual Violence: Any unwanted, intentional touching of a person's intimate parts (genitals, breasts, or buttocks), or unwillingly and intentionally causing the person's intimate parts to be touched by a person. Touching of intimate parts, for purposes of this policy, may occur over or under a person's clothing. Wyo. Stat. §6-2-301(a)(ii), as well as the clothing covering these areas. Sexual violence may include, but is not limited to: (i) touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex; (ii) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts; (iii) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or (iv) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

F. Sexual Orientation Violence: Sexual orientation violence is a physical act or the threat thereof upon another because of, or in a manner reasonably related to, gender, gender identity, sexual orientation or marital status.

G. Racial Violence: Racial violence is a physical act or the threat thereof upon another because of, or in a manner reasonably related to, race.

H. Religious Violence: Religious violence is a physical act or the threat thereof upon another because of, or in a manner reasonably related to, religion.

I. National Origin Violence: National Origin violence is a physical act or the threat thereof upon another because of, or in a manner reasonably related to, national origin.

J. Disability Violence: Disability violence is a physical act or the threat thereof upon another because of, or in a manner reasonably related to, physical or mental disability.

REPORTING PROCEDURE

The District will promptly and reasonably investigate all reports and complaints, either formally or informally of harassment and/or violence in violation of this policy.

An individual who knows or believes a staff member has been the victim of harassment and/or violence under this policy may report the alleged acts immediately. The District encourages the reporting party or complainant to submit the complaint in written form; however, verbal, anonymous, or other informal reports shall be considered complaints and investigated as well. Nothing in this policy shall prevent any person from reporting harassment and/or violence directly to the responsible supervisory personnel, District Human Resource Director, or Superintendent.

- A. Upon receipt of a report, the responsible supervisory personnel shall notify the District Human Resource Director, or the Superintendent. The responsible supervisory personnel may request the reporting party or complainant to prepare a written statement. A written statement of the facts alleged will be forwarded as soon as practicable by the responsible supervisory personnel to the Human Resources Director or the Superintendent. If the report was not given in written form, the responsible supervisory personnel shall personally reduce it to written form within twenty-four (24) hours, or within a reasonable time thereafter if extended for good cause, and forward it to the Human Resources Director or the Superintendent. If the complaint involves the responsible supervisory personnel, the complaint shall be made or filed directly with the Human Resources Director or the Superintendent by the reporting party or complainant.
- B. The Board of Trustees hereby designates the District Human Resources Director to receive reports or complaints of harassment and/or violence under this policy. If the complaint involves the Human Resources Director, the complaint shall be filed directly with the Superintendent.
- C. If a report or complaint involves the Superintendent, the complaint shall be filed directly with the Chair of the Board of Trustees.
- D. Submission of a good faith complaint or report of harassment and/or violence shall not affect the reporter or complainant's employment, result in discipline or have any other negative consequences by the District.
- E. False reporting of harassment and/or violence, done with malicious intent, is a violation of this policy and may result in discipline up to and including suspension or termination.

INVESTIGATION

By authority of the Board of Trustees, the Human Resource Director or Superintendent, upon receipt of a report or complaint alleging harassment and/or violence under this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted by the responsible supervisory personnel, a designated investigator of the District, other designated District officials, or a third party designated by the District.

The investigation may consist of personal interviews with the complainant, the staff member against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also utilize other methods of investigation or resources deemed pertinent by the investigator, and documents deemed pertinent by the investigator.

In determining whether the alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on the relevant facts and surrounding circumstances.

The District may take immediate steps to protect the complainant, students, or school personnel pending completion of an investigation of harassment and/or violence.

The investigation will be completed as soon as practicable. The designated investigator shall make a written report to the Human Resources Director or Superintendent upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

RETALIATORY CONDUCT

The District will discipline or take other appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged harassment and/or violence, or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment and/or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment and/or violence, or bullying.

DISSEMINATION OF POLICY

This policy shall be available on the District website and posted within each District building.

The District will inform staff members of this policy.

OTHER

Under certain circumstances, alleged harassment and/or violence under this policy may also constitute reportable abuse under Wyoming law.

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged harassment and/or violence.

LEGAL REFERENCES: Civil Rights Act of 1964 (Titles IV, VI, VII)
 Americans with Disabilities Act (ADA)
 Equal Pay Act
 Rehabilitation Act of 1973 (Section 504)
 Immigration Reform and Control Act
 Individuals with Disabilities Education Act (IDEA)
 Education Amendments of 1972 (Title IX)

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Sweetwater District Number One, Sweetwater County, Wyoming

