

## PERSONNEL

## IN GENERAL

§7-2        Sex Discrimination and/or Sexual Harassment

The School Division is committed to maintaining a working environment for employees free from sexual harassment and sex discrimination. The School Board hereby establishes a policy, and the Division Superintendent shall implement procedures, for resolving complaints arising from alleged sexual harassment or discrimination or alleged violations of Title IX of the Educational Amendments of 1972 (P.L. 92-318), as amended.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance.

The U.S. Department of Education gives grants of financial assistance to schools and colleges. The Title IX regulation describes the conduct that violates Title IX. Examples of the types of discrimination that are covered under Title IX include sexual harassment, the failure to provide equal opportunity in athletics, and discrimination based on pregnancy. The Title IX regulation is enforced by U.S. Office of Civil Rights and is in the code of federal regulations at 34 CFR Part 106. This policy also provides a local grievance process for employee use. Non-probationary employees may also use the grievance procedures outlined in School Board Policy 7-4, Procedure for Adjusting Grievances.

A.        Compliance Officers

The Assistant Superintendent for Personnel Services, the Assistant Superintendent for Business and Financial Services and the Assistant Superintendent for Instruction are designated as the Compliance Officers to coordinate the efforts of the Loudoun County Public Schools to comply with and carry out its responsibilities for implementing the law, including investigation of any oral or written complaints of noncompliance with the law or regulation. Staff may be designated to assist the Compliance Officers in carrying out their duties.

Employees shall be notified of the name, office address and telephone number of the Compliance Officers and of the procedures for filing a complaint in the Employee Handbook. This notification may also be made through other Loudoun County Public Schools' publications and there shall be information on the school division webpage. The Compliance Officers shall implement continuing steps to notify employees that Loudoun County Public Schools does not discriminate on the basis of sex in educational programs or employment. Procedures for making and resolving such complaints shall comply with all applicable federal and state laws and regulations.

## PERSONNEL

## IN GENERAL

§7-2        Sex Discrimination and/or Sexual Harassment (continued)B.    Policy

The Loudoun County Public Schools shall maintain a working and learning environment for its employees and students which provides for fair and equitable treatment, including freedom from sex discrimination and sexual harassment. No employee or student, male or female, shall discriminate on the basis of sex or harass another employee or student by making unwelcome sexual advances or requests for sexual favors or engaging in other verbal or physical conduct of a sexual nature, including:

1.    submission to or rejection of such conduct as a basis for employment or academic decisions affecting the employee or student,
2.    such conduct creates an intimidating, hostile, or offensive working or learning environment; or
3.    submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

Examples that may constitute sexual harassment are as follows:

- (a)    Unwelcome physical contact of a sexual nature;
- (b)    Unwelcome ongoing or repeated flirtations or propositions or remarks;
- (c)    Sexual slurs, leering, epithets, threats, verbal abuse derogatory comments or sexually degrading descriptions;
- (d)    Graphic comments about a person's body;
- (e)    Jokes, pictures, drawings, notes or gestures of a sexual nature;
- (f)    Impeding or blocking movement in a sexually suggestive or intimidating manner.

## PERSONNEL

## IN GENERAL

§7-2      Sex Discrimination and/or Sexual Harassment (continued)C.      Complaint Procedure

1.      Filing a Complaint. Any employee who believes they have been subjected to sexual harassment or discrimination should file a complaint of the alleged act immediately with their Supervisor or Principal, or with the Assistant Superintendent for Personnel Services. The Principal receiving the complaint shall report it immediately to the Assistant Superintendent of Personnel Services. The Principal or Supervisor will advise all persons making a report that it shall be reported to the Compliance Officers who may request that the complaint be in writing; however, refusal to put the complaint in writing shall not preclude an investigation. The complaint should state in detail the basis for the complaint, the names of the persons involved or who have knowledge of the facts, and the dates of any specific incidents. A complaint form shall be developed and available on the school division webpage specifically for sexual harassment and sex discrimination complaints.
2.      An investigation of all reported incidents shall be undertaken promptly and shall be completed and a report provided to the Division Superintendent within 30 days from the filing of the complaint, except that if the allegations involve the Division Superintendent, the report shall be provided to the Chairman of the School Board. The Division Superintendent shall make the determination whether the complaint is founded or unfounded, and that a violation of this policy occurred, within 15 days of receipt of the Compliance Officers' report and so notify the complainant and the employees who are the subject of the complaint within 5 working days of the determination. In the event a complaint is determined to be unfounded, the employee or student who is the subject thereof shall be notified of the results, and in such event, no record of such complaint shall be maintained in the employee's personnel file or the student's file subject to any appeal. The complainant shall be informed of whether or not the complaint was founded or unfounded.
3.      The confidentiality of the all interviewees will be observed, provided that it does not interfere with the investigation or with the ability to take corrective action. Investigators shall complete a memorandum for record for each interview conducted under this assurance of confidentiality and note that such assurances were given to the interviewee to the extent allowed by law.

(continued)

## PERSONNEL

## IN GENERAL

§7-2      Sex Discrimination and/or Sexual Harassment (continued)

4. If the complaint is against one's immediate supervisor or principal, it may be filed with the next supervisory level or with the Assistant Superintendent of Personnel Services. Employees of the Department of Personnel Services may file a complaint with any of the other Compliance Officers. If the complaint is against a Compliance Officer, it shall be filed with the Division Superintendent. If the complaint is against the Division Superintendent, the complaint shall be filed with the Chairman of the School Board. The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts.
5. If the Division Superintendent determines no prohibited sexual harassment or sex discrimination occurred, the complainant may request a review by the School Board within 15 days from the receipt of the Division Superintendent's decision. The School Board shall make a determination to uphold, reverse or modify the Superintendent's decision within 30 days of the request for review.
6. At any time in the process, the Compliance Officers or the Division Superintendent may attempt to mediate by mutual agreement a complaint with the individuals involved.
7. Any administrator, teacher, employee or student who is found after appropriate investigation to have engaged in the sexual harassment or sex discrimination of a student will be subject to prompt and appropriate disciplinary action.
8. Any individual filing a sexual harassment complaint shall be free from retaliation for filing such a complaint. Retaliation against anyone reporting or thought to have reported harassment is prohibited. Such retaliation is a serious violation of this policy and shall be independent of whether a charge or informal complaint of sexual harassment is substantiated. Encouraging others to retaliate also violates this policy. An employee may not be fired, demoted, harassed or otherwise "retaliated" against for filing a charge of discrimination, participating in a discrimination

(continued)

## PERSONNEL

## IN GENERAL

§7-2            Sex Discrimination and/or Sexual Harassment (continued)

proceeding, or otherwise opposing discrimination. Examples of protected opposition include:

- Complaining to anyone about alleged discrimination against oneself or others;
  - Threatening to file a charge of discrimination;
  - Picketing in opposition to discrimination; or
  - Refusing to obey an order reasonably believed to be discriminatory
9. Students or school personnel who knowingly make false charges of sexual harassment shall be subject to disciplinary action.

Legal References: Code of Virginia §§ [22.1-78](#) and [2.2-3900](#) et seq.; Title IX of the Civil Rights Act, [20 USC §1681](#), Title VII of the Civil Rights Act, [42 USC §2000e](#), [34 C.F.R. Part 106](#)