

**Office of the Assistant Superintendent of Human Resources
Auburn School District No. 408**

TO: All Administrators
FROM: Jon Young
DATE: October 2023
SUBJECT: Sexual Harassment

The purpose of this memorandum is to highlight aspects relative to every administrator's need for awareness in the area of sexual harassment. To that end, this memorandum is divided into two separate areas. The first, what is sexual harassment? The second, how to handle a complaint.

What is Sexual Harassment?

Sexual harassment includes, but is not limited to, unwanted sexual attention on the job which makes a person uncomfortable, affects their ability to do the work, or interferes with employment opportunities. Sexual harassment can include but is not limited to the following:

- Sexually explicit looks or gestures
- Sexually teasing or jokes
- Pressure for dates
- Sexually demeaning comments
- Deliberate touching, cornering, pinching; attempts to kiss or fondle; pressure for sex; request for sex in exchange for grades, promotions, or salary increases, or to avoid demotions, lay offs, or terminations.

The Equal Employment Opportunity Commission issued the final interpretative guidelines on sexual harassment. The guidelines define sexual harassment, in employment, as unwelcomed sexual advances, request for sexual favors, and other verbal or physical conduct of a nature which constitutes harassment when:

- Submission to the conduct is either explicitly or implicitly a term of condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Though sexual harassment can occur in a variety of circumstances, you should be aware of the following factors:

- Any person may be the victim of sexual harassment and any person may be the harasser.

- The harasser does not have to be the victim's supervisor. He or she may also be a supervisory employee who does not supervise the victim, a non-supervisor employee, or even a co-worker.
- The victim does not have to be of the opposite sex from the harasser since sexual harassment is a form of sex discrimination. The crucial inquiry is whether the harasser treats a member of one sex differently from members of the other sex.
- The victim does not have to be the person to whom the unwelcome sexual conduct is directed. He or she may also be someone who is affected by such conduct when it is directed toward another person; i.e., the sexual harassment of one female employee may create an intimidating, hostile, or offensive working environment for another co-worker.
- Improper sexual advances, which do not result in the loss of a promotion or a job, still constitute sexual harassment if they interfere with the victim's work or create a harmful or offensive environment.
- Sexual stereotyping can lead to both sexual discrimination and sexual harassment; i.e., individuals who were passed over for promotion or who were not given the opportunity to perform higher-paying jobs because they were considered to be too emotional or too sensitive are taking their companies to court and winning.
- Even though the employee may voluntarily resign from a position, the district can still be held liable because it did not act to correct a harassing environment. Constructive discharge occurs when working conditions become so intolerable that a reasonable person couldn't be expected to remain in the situation.

How to Handle a Complaint

If, as a administrator, you receive concerns or an alleged complaint involving sexual harassment, you should be very careful to observe the following expectations:

- Contact a human resources administrator immediately.
- Never discourage or hinder an employee from reporting to any level in the organization what she or he perceives to be harassment.
- Treat the allegation in a serious manner. Do not minimize or rationalize away allegations.
- Listen carefully to what is said and take specific notes.
- Withhold judgment until an investigation has been properly completed.
- Assure the individual that they have a right to expect an environment free of harassing behaviors and that you will act accordingly.

Clearly, the district has a responsibility to ensure sexual harassment allegations are properly investigated and, when appropriate, ensure that preventive and disciplinary measures are taken. Critical to the process of involvement is to deal with all parties fairly and impartially and, if possible, confidentially. If you receive a complaint of alleged harassment, you should notify Jon Young or Chris Callahan before proceeding.