

HARASSMENT PROCEDURES

A. Definitions

1. **Harassment:** Harassment consists of physical or verbal conduct related to a person's race, color, religion, creed, ancestry, gender, national origin, age, disability, or other basis prohibited by law when the conduct is so severe, pervasive, and objectively offensive that it:
 - a. has the purpose of effecting or creating an intimidating, hostile, or offensive working or academic environment;
 - b. has the purpose or effect of substantially or unreasonably interfering with an individual's performance which deprives the individual access to employment or academic opportunities.

2. **Sexual Harassment:** Sexual harassment is any unwelcome sexual advance(s), request(s) for sexual favors and/or other verbal, physical, and/or visual contact(s) of a sexual nature, or communication of a sexual nature when:
 - a. submission to such conduct or communication is made, either explicitly or implicitly, a term of a person's initial employment; or
 - b. submission to or rejection of such conduct or communication by an individual is used as the basis for employment or educational decisions affecting the individual; or
 - c. such conduct or communication has the purpose or effect of interfering with an individual's work or education, creating an intimidating, hostile, or offensive working or educational environment; or
 - d. such conduct is so severe, pervasive, and objectively offensive that such conduct or communication has the purpose or effect of depriving the employee access to employment opportunities or benefits provided by the School District or depriving a student of educational opportunities.

Sexual harassment may include but is not limited to:

- a. unwelcome verbal harassment or abuse based upon gender;
- b. unwelcome pressure for sexual activity;
- c. unwelcome, gender-motivated, or inappropriate patting, pinching, or physical contact, other than the necessary restraint of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- d. unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or other threats concerning the individual's employment or educational status;
- e. unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

B. Reported Incidents of Harassment

Any person who believes he or she has been the victim of harassment as defined above by a student or an employee of the School District shall report the alleged acts immediately to the building principal, the department director, or the Superintendent. Students may also report such incidents to a guidance counselor. The report shall be on a form available from the principal of each building or available from the Superintendent.

1. **Designated Personnel.** The building principal is the person designated by the School District for receiving written reports of harassment at each school building. All other written reports shall be directed to the applicable department director. Upon receipt of a report, the principal or director shall immediately notify the Superintendent and forward the written report from to the Superintendent. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal or department director, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed with the President or Vice President of the School Board.
2. **Confidentiality.** The School District will make attempts to respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with the School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary actions when the conduct has occurred.
3. **Procedure.** The complaining employee will be asked to put the facts surrounding the conduct in writing on a form provided by the School District that includes the following: Complainant's name and address; date of the incident; type of harassment; description of the incident; name of any witnesses; what action, if any, has been taken; and signature of the complainant.
4. **Required Reporting.** If the accusations include possible criminal activity such as molestation, sexual battery, or similar contact, the Superintendent shall comply with all mandatory state reporting requirements including, but not limited to, contact with the State Department of Social Services.

C. Investigation

Upon receipt of a written report alleging harassment, the Superintendent shall immediately authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent.

In determining whether alleged conduct constitutes harassment, the School District should consider the surrounding circumstances, the nature of the advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) 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 consist of any other methods and documents deemed pertinent by the investigating party.

In addition, the School District may take immediate steps at its discretion to protect the complainant, students, and employees pending completion of an investigation of alleged harassment.

D. School District Action

1. Upon receipt of the recommendation that the allegations of the complaint constitute a violation of School District policy, the School District will take such action as appropriate based upon the results of the investigation.
2. The results of the investigation of each complaint will be reported in writing and kept on file in the Superintendent's Office. The report shall include findings of fact and will document the disciplinary action taken, if any, as a result of the complaint.
3. The complainant will be advised of the District decision in writing.
4. If either party is not satisfied with the decision rendered by the Superintendent, he or she may request a hearing in executive session with the School Board. The request for hearing must be submitted in writing through the Superintendent's Office within ten (10) working days following receipt of the Superintendent's response. The appeal must include the original complaint form, a copy of the written decision from the Superintendent, and a written statement as to the reasons for appeal. The hearing will be scheduled within thirty (30) working days of the request for hearing. The parties involved will be notified in writing of the time and date of the scheduled hearing.
5. The School Board will render a decision in writing within ten (10) working days of the hearing.

E. Prohibition again Retaliation

The School District will discipline any individual who retaliates against any person who reports alleged harassment or who retaliates against any person who testifies, assists, or participates in any investigation, proceeding, or hearing related to a harassment complaint.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against an individual.

If any school personnel or student who has filed a complaint or has testified, assisted, or participated in the investigation of harassment believes that he or she has been retaliated against because of his or her participation, he or she should follow the procedures set forth above for violations of the Harassment Policy.

F. False Charges

Charges found to have been intentionally dishonest or made maliciously without regard for truth may subject complainants to disciplinary action.

G. Discipline

Any School District action taken pursuant to this policy will be consistent with requirements of any applicable collective bargaining agreement and School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including but not limited to, warning, suspension, or immediate discharge to end harassment and prevent its recurrence.

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