

## Sexual Harassment

Board Policy: A-12  
Adopted: September 14, 1993  
Revised: May 10, 2005

### General Philosophy Statement

It is the policy of the Board that a learning and working environment free from sexual harassment shall be maintained. It shall be a violation of this policy for any staff member or student to harass another staff member or student through conduct or communications of a sexual nature.

#### A. Definitions:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the individual's performance within a course of study or other school-related activity; or
- such conduct is sufficiently severe, persistent or pervasive so that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance; limiting a student's ability to participate in or benefit from an educational program or environment; or creating an abusive, intimidating, hostile, or offensive work or educational environment.

#### B. Examples of sexually harassing conduct include, but are not limited to:

- deliberate, unwelcome touching of a sexual nature or that takes on sexual connotations;
- suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats;
- pressure for sexual activity;
- continued or repeated offensive sexual flirtations, advances, or propositions;
- continued or repeated verbal remarks about an individual's body;

- sexually degrading words used toward an individual or to describe an individual; or
  - the display of sexually suggestive objects or pictures.
- C. It is possible for sexual harassment to occur at various levels: between fellow students or co-workers; between supervisors and subordinates; between employees and students; or imposed by non-employees, including visitors, on employees and/or students. In addition, sexual harassment can occur between members of the opposite sex or the same sex.

D. Informal Resolution

The board acknowledges that reports of harassment including sexual harassment may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the school official responding to the complaint must notify the complainant of his or her option to request formal procedures at any time and must make a copy of this policy and other relevant policies available.

E. Formal Process for Reporting Student Sexual Harassment Complaints

In circumstances where informal procedures fail or are inappropriate or where the complainant requests formal procedures, complaints will be investigated promptly, impartially, and thoroughly according to the following procedures:

1. A complaint must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the complaint. For a complaint submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee will determine whether the complaint will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students and parents should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.
2. A parent or student should report complaints of sexual harassment to any of the following individuals:
  - a. Principal or Assistant Principal at the school attended by the student;
  - b. The Human Resource Director
  - c. The Title IX Coordinator
3. A student does not have to report an incident of sexual harassment to trigger an investigation. Any employee, including a teacher or counselor, who has reason to believe that a student may have been sexually harassed

including any employee who has witnessed possible sexual harassment or has received reports by the victim or other individual, will notify the principal immediately unless the principal is the accused party. In that case, the employee will notify the Human Resource Director or the Title IX Coordinator. An employee who fails to report a possible sexual harassment incident involving a student may be subject to disciplinary action. The principal, and/or Human Resource Director and/or Title IX Coordinator will promptly investigate any reports and take appropriate action. The process provided in this policy will be used for any complaint made by a parent or student. Failure to appropriately investigate and/or address claims of sexual harassment will result in disciplinary action. All reports will be maintained in accordance with this policy.

4. If the accused is a student or visitor, the principal will respond to the complaint and investigate. If the accused is an employee, the principal will notify the Human Resource Director or the Title IX Coordinator immediately.
5. If the accused is an employee, the immediate supervisor/and/or Human Resource Director and/or the Title IX Coordinator will respond to the complaint and investigate.
6. If the investigator is someone other than the Title IX Coordinator, the investigator will notify the Title IX Coordinator immediately of the complaint.
7. The investigator will explain the process of investigation to the complainant and inquire as to any proposed corrective action.

#### F. Investigation

1. The investigator will impartially, promptly, and thoroughly investigate the complaint. The investigator will individually interview (1) the student who is the victim of the alleged complaint; (2) any other individuals, including other possible victims who may have relevant information, and (3) the person accused of sexual harassment.
2. Information will be shared only with individuals who need the information in order to appropriately investigate and address the complaint. Any requests by the complainant for confidentiality will be evaluated within the context of the legal responsibilities of the school district. Any complaints withdrawn to protect confidentiality will be recorded in accordance with records required by this policy.
3. In assessing whether the conduct complained of was sexual harassment, the investigator will consider all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and other relevant circumstances. If the alleged harasser is a student, the

investigator also will consider the age and maturity of the person alleged to have sexually harassed another individual

#### G. Investigator's Report

1. The investigator will make a written summary report of the findings of the investigation. The investigator will notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The report will specify:

- (a) whether the complaint was substantiated;
- (b) whether the alleged offender violated relevant law or board policy by his or her actions (regardless of whether the complaint as submitted is substantiated); and
- (c) if the investigator determines that sexual harassment has occurred, the investigator also will specify: reasonable, timely, age-appropriate effective corrective actions intended to end the sexual harassment and prevent it from reoccurring.

2. If the student is dissatisfied with the investigator's findings, the complainant may appeal the decision to the superintendent. The appeal must be in writing within five days of receiving the investigator's report. The superintendent may review the documents and conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent will provide a written response within 10 days after receiving the complaint, unless further investigation is necessary.

3. If the student is dissatisfied with the superintendent's response, the complainant may appeal the decision to the board within five days of receiving the superintendent's response. The board may review the documents, direct any further investigation be conducted before making a determination, or take any other steps the board determines to be appropriate in order to respond to the complaint. The board will hold a hearing pursuant to Board Policy A-2, Appeals to the board upon request of the complainant or at the board's discretion. The board will provide a written response within 30 days after receiving the complaint, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

#### H. Formal Process for Reporting Employee Complaints

1. An employee or job applicant who believes he or she has been sexually harassed may make a complaint orally or in writing to any of the following:
  - a. Immediate supervisor; or
  - b. Human Resource Director; or
  - c. Title IX Coordinator
  
2. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints
  
3. Any supervisor who receives a sexual harassment complaint, or has reason to believe an employee is being sexually harassed, shall notify the Human Resource Director or the Title IX Coordinator immediately. Any supervisor who fails to report promptly allegations or claims of sexual harassment, may be subject to disciplinary action.

#### I. Investigation

1. Upon receiving notification of a sexual harassment complaint, the immediate supervisor and/or Human Resource Director and/or Title IX Coordinator (herein referred to as the investigator) will investigate the complaint.
2. The investigator will impartially, promptly and thoroughly investigate the complaint. Failure to investigate and/or address claims of sexual harassment will result in disciplinary action. The investigator will interview (1) the complainant; (2) any other persons the investigator has reason to believe may have relevant knowledge concerning the complaint; and (3) the accused.
3. Information will be shared only with individuals who need the information in order to investigate and address the complaint appropriately.
4. The investigation will review the factual information gathered through the investigation to determine whether the alleged conduct constitutes sexual harassment, giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incident(s) occurred.

#### J. Investigator's Report

1. The investigator will make a written summary report of the findings of the investigation. The investigator will notify the complainant of the results of the investigation within 15 days of receiving the complaint unless additional time is necessary to conduct an impartial, thorough investigation. The report to the complainant will specify:
  - (a) whether the complaint was substantiated;
  - (b) whether the accused violated relevant law or board policy by his or her actions (regardless of whether the complaint as submitted is substantiated); and
  - (c) if the investigator determines that sexual harassment has occurred, the investigator also will specify:
    - reasonable, timely, effective corrective action intended to end the sexual harassment;
    - if needed, reasonable steps to address the effects of the sexual harassment on the complainant; and
    - if needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
2. Information regarding disciplinary action imposed on the accused will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the accused not to have contact with the complainant).
3. The investigator will submit the full report and investigative findings to the Title IX Coordinator (if the investigator is someone other than the Title IX Coordinator).
4. If the corrective steps involve actions outside the scope of the investigator's responsibilities, the superintendent also will be notified so that responsibility for the corrective steps can be delegated to the appropriate individual.
5. The accused will be informed of the results of the investigation in regard to whether the complaint was substantiated, whether the accused violated board policy or law (regardless of whether the complaint was substantiated), and what, if any, disciplinary actions or consequences will be imposed upon the accused in accordance with board policy. The accused may appeal any disciplinary action or consequences in accordance with board policy and law.

#### K. Appeal

1. If the complainant is dissatisfied with the investigator's report, the complainant may appeal the report to the superintendent. The appeal must be in writing within

five days of receiving the investigator's report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent will provide a written response within 10 days after receiving the complaint, unless further investigation is necessary.

2. If the complainant is dissatisfied with the superintendent's response, the complainant may appeal the decision to the board within five calendar days of receiving the superintendent's response. The board may review the documents, direct any further investigation be conducted before making a determination or take any other steps the board determines to be appropriate in order to respond to the complaint. The board will hold a hearing in accordance with Board Policy A-2, Appeals to the Board upon the request of the complainant or at the board's discretion. The board will provide a written response within 30 days after receiving the complaint, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

#### L. Non-Retaliation

The board prohibits reprisal or retaliation against any person who reports an act of sexual harassment. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the principal in the case of a student and immediate supervisor and/or the Human Resource Director and/or the Title IX Coordinator in the case of an employee after consideration of the nature and circumstances of the act, in accordance with applicable federal, state or local laws, policies and regulations.

#### M. Records and Reporting

The superintendent or his or her designee shall maintain confidential records of complaints or reports of discrimination that identify the names of individuals accused of discrimination and the resolution of such reports or complaints. The superintendent also shall maintain records of training, corrective action, or other steps taken by the district to help provide an environment free of sexual harassment.

Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amendment Guidelines on Discrimination Because of Sex"; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); *Davis v. Monroe County Board of Education*, 119 S. Ct. 1661 (1999)