

SEXUAL HARASSMENT OF OR BY EMPLOYEES

A. **Prevention and Education.** The district shall seek to prevent sexual harassment from occurring by providing information and education to district employees. The district policies 3211 “Sexual Harassment of or by Students,” and 5275 “Sexual Harassment of or by Employees” shall be conspicuously posted in each school and department and a copy shall be provided to each employee and volunteer. A copy of the policies shall appear in any publication of the school or district which sets forth rules, regulations, procedures, or standards of conduct for the school or district. Each school/department shall develop a process for reviewing the district’s policies with employees and volunteers, which shall include information on recognizing and preventing sexual harassment, including those behaviors considered to be sexual harassment.

1. Staff shall be informed of the formal and informal report processes and their roles and responsibilities under the policies and procedures. Certificated staff shall be reminded of their legal responsibility to report suspected child abuse.
2. Staff may be required to provide age-appropriate information to students of the recognition and prevention of sexual harassment and student’s rights and responsibilities under this and other district policies and applicable laws. Such information may be provided in the classroom, at student orientation sessions, or on other appropriate occasions, which may include parents.
3. When information on the recognition and prevention of sexual harassment is provided to staff, or when staff presents information to students, volunteers, and parents/guardians, they will be informed that sexual harassment may include, but is not limited to the following:
 - a. Demands for sexual favors in exchange for preferential treatment or something of value or threat of loss of the same;
 - b. Making unwelcome, offensive or inappropriate sexual comments, gestures, jokes or remarks;
 - c. Using unwelcome, offensive or derogatory sexual terms;
 - d. Unwelcome, offensive or inappropriate physical contact or nearness;
 - e. Displaying offensive or inappropriate sexual illustrations or objects;
 - f. Limiting a student’s access to educational materials or courses based upon gender; or unwelcome teasing or sexual remarks about a student;
 - g. Basing academic and/or student activity privileges on submission to unwanted or unwelcome conduct from staff or other students;
 - h. Assault or rape, attempted or otherwise.

B. **Reporting Requirements.** All staff are responsible for promptly reporting any complaints or reports of sexual harassment to the appropriate district personnel for investigation and resolution. An employee may choose to use the Informal or Formal Action procedures to report and/or resolve concerns related to sexual harassment.

1. **Initial Complaint.** An employee should feel free to informally report a concern related to sexual harassment to a colleague, supervisor, or personnel administrator, either anonymously or in person, for the purposes of gaining or sharing information including the provisions of this policy. Any employees who are recipients of such a report are encouraged to direct a potential complainant to an appropriate administrator who can explain the informal and formal report processes. When a staff member receives a report of sexual harassment that is beyond their training to resolve or alleges serious

misconduct, he or she is expected to inform their supervisor, the Assistant Superintendent for Personnel and Labor Relations or other appropriate administrator.

Informal reports may become formal reports at the request of the complainant or because the district believes the allegations need to be more thoroughly investigated.

a. If an employee has received a complaint of sexual harassment, or has witnessed sexual harassment, or believes he or she has been sexually harassed, the employee shall:

1. Encourage the reporter to complete Form 5275, "Sexual Harassment Initial Complaint Report". Persons are strongly encouraged to complete Form 5275. However, whether or not the complainant completed Form 5275, the employee receiving the complaint is required to complete the initial information on Form 5275A, "Sexual Harassment Informal Action Report". If the employee is the observer or believes he or she has been sexually harassed, the employee shall complete Form 5275; and

2. After receiving/hearing the initial complaint and completing form 5275A, the employee shall report the matter to his/her supervisor for further action. The employee's report shall include forms 5275 and 5275A, as completed to date.

a. Employees are encouraged and should feel free to informally report any concern related to sexual harassment to a principal, supervisor, manager, or a district administrator, either anonymously or in person, for the purposes of gaining or sharing information, including information concerning the provisions of this policy.

b. If a staff member receives a report of sexual harassment that is beyond his/her training to resolve or alleges serious misconduct, he/she is expected to immediately inform his/her supervisor, the district's Title IX Officer, assistant superintendent for personnel and labor relations or other appropriate administrator. A sexual harassment complaint may, when appropriate, be processed at the Informal Action level.

2. Informal Action. To begin the Informal Action process, the district administrator or designee (principal, supervisor, manager, or district administrator) should make notes from direct observation, or while the complainant/employee is reporting the alleged sexual harassment event(s). The district administrator may designate an individual to assist with or conduct an investigation. In designating an individual, the administrator should take care to assure that the individual is appropriately trained in sexual harassment issues and/or investigative procedures.

a. The investigating district administrator or designee shall, in consult with the district's Title IX Officer or assistant superintendent for personnel and labor relations if necessary, determine if the complaint can be processed and resolved at the Informal Action level, or if the complaint should be referred to the Formal Action level. Informal complaints may become formal complaints at the request of the complainant or the district administrator or designee or if the district believes the allegations warrant a formal complaint.

1. If the complaint is processed and resolved informally, the district administrator or designee shall complete the bottom section of Form 5275A, submit the original to the building file, with copies to the complainant, and assistant superintendent for personnel and labor relations, and keep a copy for the building file.

2. If the complaint is referred to the Formal Action level, the district administrator or designee shall complete the bottom section of Form 5275A, distribute copies as noted in *a* above, and forward all pertinent data to the designated administrator promptly and efficiently.
 3. The district administrator or designee and the complainant shall sign Form 5275A. If the complainant refuses to sign the form, the district representative should note that on the signature line before distributing the form.
- 3 Formal Action. The Formal Action procedures are used when 1) the complainant requests, or 2) a district administrator or designee has recommended such action upon completion of the Informal Action procedures when it is believed that the allegations warrant a formal complaint. A formal complaint shall be made in writing, signed by the complaining party, and set forth the specific acts, conditions, or circumstances alleged to constitute sexual harassment. Form 5275B may be used to record the formal complaint.
- a. Only one of the following employees are authorized to conduct a Formal Action investigation: 1) building/department administrator; 2) district's Title IX Officer; 3) assistant superintendent for personnel and labor relations; or 4) the superintendent or designee. An administrator receiving a formal complaint may request assistance from the superintendent or designee to ensure that proper procedures are followed in the investigation of the complaint.
 - b. The district administrator investigating an incident of sexual harassment at the Formal Action shall first review these procedures and all data known to date, including any report from an Informal Action investigation and Forms 5275 and 5275A. The investigating administrator shall gather additional facts regarding the incident(s) through investigation procedures, including interviews as appropriate. The investigating administrator is responsible for the completion of Form 5275B, "Sexual Harassment Formal Action Report". Upon completion of the investigation, the investigating administrator will prepare and submit Form 5275B, including the required detailed report, to the superintendent's office.
 - c. All sexual harassment complaints shall be investigated in a reasonable and prompt manner, in accordance with district policy, state and federal regulations. The superintendent or designee shall provide a written response at the Formal Action to the complainant within thirty (30) calendar days following receipt of the Formal Action written complaint.
- C. Appeals Procedures.** If an individual is dissatisfied by the written response from the investigation, he or she may file a written appeal to the board of directors within ten (10) days of receipt of the superintendent's notification, or the expiration of the thirty (30)-day response period, whichever occurs first. The notice of appeal shall set forth specific reasons as to why the complainant disagrees with the written response and the remedies sought from the board of directors. The notice of appeal shall be filed with the superintendent.
- D. Sexual Harassment as Sexual Abuse.** Under certain circumstances, sexual harassment may constitute sexual abuse. Nothing in this policy will prohibit the district from taking appropriate action to protect victims of alleged sexual abuse.
- E. Confidentiality.** A report of sexual harassment and the investigation thereof are to be kept confidential to the extent possible, practical, or permissible by law, for the protection of all parties involved. However, the superintendent and/or the Title IX Officer or the assistant superintendent for personnel and labor relations may take action deemed necessary to protect the

alleged victim or other employees or students consistent with the requirements of applicable regulations and statutes.

1. Potential complainants who wish to have the district hold their identity confidential shall be informed that every effort will be made to preserve confidentiality in the investigation process, but that the district may be required to make some information available to the accused. All documents related to sexual harassment investigations shall be treated as confidential documents to the extent permitted by law, district policies, and district procedures.

F. Disciplinary Action. Any employee who permits or engages in the sexual harassment of any person may be subject to disciplinary action, up to and including dismissal consistent with collective bargaining agreements and state and federal laws. Any employee who receives a report of sexual harassment and who does not act promptly to forward that report pursuant to these procedures shall be disciplined appropriately and consistent with collective bargaining agreements and state and federal laws.

South Kitsap School District #402
SEXUAL HARASSMENT INITIAL COMPLAINT REPORT
CONFIDENTIAL

Instructions: An individual who believes he or she has been sexually harassed or has witnessed sexual harassment is strongly encouraged to complete this Initial Complaint Report and submit it to a District administrator or other employee regardless of the severity of the issue.

Today's Date: _____

COMPLAINANT INFORMATION

Form with fields for Complainant Name, school/work location, Complainant Address, City/Zip, Area Code, and Phone.

Statement of Complaint: List below the nature of the complaint, being as specific as possible in stating what occurred, dates, locations, witnesses, verbal comments or physical contacts made, etc.

Horizontal lines for writing the statement of complaint.

List the names of any individuals the complainant spoke with about the incident(s):

Horizontal lines for listing names of individuals.

What efforts, if any, have been taken to date to remedy the situation?

Horizontal lines for describing efforts taken to remedy the situation.

What remedy does the complainant now seek?

Horizontal lines for describing the remedy sought.

Received by: _____ Date _____
Signature of District Employee/Administrator

District Employee or Administrator Instructions

- Step 1: Read the District's sexual harassment policies and procedures, 3211, and 5275. Encourage the individual to complete this Initial Complaint Report. Most situations are first processed at the Informal Action level. The District employee or Administrator receiving the complaint must complete Form 5275A, "Sexual Harassment Informal Action Report." Only a District Administrator or trained designee can continue the process. If this situation can be remedied at the Informal Action level, the District Administrator or designee shall record the action taken on Form 5275A, distribute copies as indicated below, keep a copy of the report at the building level, and forward a copy to Personnel.
Step 2: If after initial review, or upon immediate judgment, the District representative determines that Formal Action is necessary, the District Administrator/designee shall complete the appropriate sections of Form 5275A and make immediate contact with the District's Title IX Officer or Assistant Superintendent for Personnel and Labor Relations.

Distribution: Original-District Administrator/Building Yellow-Complainant (if appropriate) Pink-Title IX Officer (Copy to Assistant Superintendent for Personnel and Labor Relations)

South Kitsap School District #402
SEXUAL HARASSMENT INFORMAL ACTION REPORT
CONFIDENTIAL

Instructions: An individual who believes he or she has been sexually harassed, has witnessed sexual harassment, or has received a complaint of sexual harassment is strongly encouraged to report the incident to a District administrator. The district administrator or designee should make notes from direct observation or while the individual is reporting the events. Information from those notes may then be used to complete this "Informal Action Report" Form 5275A. The district administrator or designee should encourage the complainant to complete Form 5275, "Sexual Harassment Initial Complaint Report." Employees should immediately report the incident to their supervisor. The district administrator or designee is required to complete this Form 5275A *regardless of whether Form 5275 is provided or not*. The first step of a sexual harassment complaint is to process the complaint at the Informal Action level. However, should the district administrator or designee believe this complaint should be advanced to the Formal Action level, he/she should complete the appropriate section of this form and immediately contact a district higher level authority.

Today's Date: _____

Complainant(s)/observer(s) - *please print*: Employee Student Other

Name: _____

Address/Location: _____ Telephone: _____

Name of District administrator or designee - (*please print*) _____

Nature of Concern. Attach a detailed report containing data as follows:

- **Who did specifically what?**
- **On what date(s) and at what time(s) did the alleged harassment incident(s) occur?**
- **Where did the alleged incident(s) occur?**
- **Witnesses' names.**
- **Any initial action taken by complainant? If so, what?**

After the initial intake of information (Form 5275 "Initial Complaint Report") and this Form 5275A, "Informal Action Report", the District administrator or designee shall review the situation and indicate further action as follows:

REMEDY: (Select the appropriate action)

This incident will be processed and resolved as an Informal Action complaint. The following activity has occurred to remedy the situation:

OR

This incident should be referred to the Formal Action level. I am submitting this concern to the following person for further action:

Name: _____

Position: _____ Location _____

Signature of Complainant: _____ Date _____

Signature of District administrator or designee _____ Date _____

South Kitsap School District #402
SEXUAL HARASSMENT FORMAL ACTION REPORT
CONFIDENTIAL

Instructions: Many sexual harassment complaints can be processed at the Informal Action level and recorded on Forms 5275 "Initial Complaint Report", and 5275A "Informal Action Report." However, should the complainant or the district administrator/designee determine that the Formal Action process is necessary, then this Form 5275B "Formal Action Report" shall be completed by one of the following parties:

- Building/Department Administrator
- District's Title IX Officer
- Assistant Superintendent For Personnel and Labor Relations
- Superintendent Or Designee

Complainant Information

Name of Complainant: _____
Last *First* *MI*

Employee Position _____ Grade: _____

Student School/Dept. _____

Other Address _____
city/zip

Telephone (____) _____

Investigation Information

Specific acts, conditions, or circumstances: _____

At the conclusion of the data gathering and investigation, attach a detailed report of the following:

1. The alleged incident (event, date, time, location, witnesses, etc.)
2. A report of investigation activities and factual findings (who was interviewed, date, time, facts determined.)
3. Action taken to date to remedy.
4. A report of your findings and recommendations for responding to or remedying the situation.
5. The final report shall be submitted to the Superintendent.

Signature of Investigating Administrator: _____ Date _____

Complainant Decision:

- OR* a) I have received the District's report and **agree with the remedy**,
- b) I have received the District's report and **do not accept the remedy**.

Signature of Complainant: _____ Date _____

