

EMPLOYEE WELFARE:
FREEDOM FROM HARASSMENT

DIA
(REGULATION)

FREEDOM FROM
HARASSMENT

Employees are encouraged to report claims of harassment as soon as possible to their supervisor. If the supervisor is the person for whom the employee is complaining, the employee should address the complaint to the administrator who supervises the supervisor. Failure to report claims of harassment in a timely manner may impair the administrator's ability to investigate the matter.

The District will not tolerate harassment of any kind. Administrators receiving a complaint of harassment should investigate the claim as quickly as possible and, when necessary, take appropriate personnel action to correct any violations. Administrators should report serious cases of harassment to the Assistant Superintendent for Administrative Services to ensure that appropriate personnel action is taken.

Harassment includes any verbal or physical conduct based on a person's sex, race, color, age, gender, disability, religion, or national origin that creates an intimidating, hostile, or offensive work environment, interferes with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

SEXUAL
HARASSMENT

Employees are encouraged to report allegations of sexual harassment/sexual abuse as soon as possible. Complaints may be brought to the employee's supervisor, principal, or the District's Title IX coordinator (Assistant Superintendent for Administrative Services). If one of these persons is the subject of the complaint, the employee should go to that person's immediate supervisor.

If an employee is accused of sexual abuse or sexual harassment of a student, the guidelines at FFG (REG) and (EXHIBIT) and FFH (REG) and (EXHIBIT) should be followed.

ASSIGNING AN
INVESTIGATOR

When handling a complaint of sexual harassment or sexual abuse brought by an employee against an employee or a complaint of student-to-employee sexual harassment, the District's Title IX coordinator or designee should consider the following guidelines.

GENERAL
CONSIDERATIONS

The investigator should allow the employee to be accompanied by a friend or advisor throughout the complaint process.

If at all possible, the investigator should be of the same sex as the employee complainant.

Careful consideration should be given to the selection of the investigator, as the individual is likely to be a key witness in any subsequent litigation. The investigator should possess strong interpersonal skills and sensitivity. He or she should be articulate and thorough in his or her interviewing of witnesses.

REPORTING
REQUIREMENTS

If there is cause to believe that the employee has been sexually abused, notify the appropriate law enforcement agency and the District's Title IX coordinator.

INVESTIGATIVE

In conducting an investigation, the District's Title IX coordinator or designee

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GUIDELINES

should consider the guidelines set forth below and the checklist at Exhibit A. The following are guidelines only and may not be practicable or useful in every investigation. The investigator handling each investigation should determine on a case-by-case basis whether to employ a particular guideline:

1. Investigate all complaints promptly and thoroughly. If the investigation is delayed beyond the time set out in policy, the employee will be notified.
2. Inform the complainant of the steps necessary in conducting an investigation and keep him/her apprised during the process through periodic written updates.
3. Notify the complainant of his/her rights and provide the name of the District's Title IX coordinator (see the Exhibit accompanying Board Policy DIA).
4. Maintain confidentiality to the extent possible and as allowed by law and advise the complainant that limited disclosure may be necessary to complete a thorough investigation.
5. Assure complainant of protection from retaliation.
6. Advise complainant that the District will not tolerate sexual harassment and help the complainant feel secure about presenting allegations of wrongdoing.
7. Reduce all complaints to writing (see Exhibit B). If the complainant refuses to make or sign a written complaint, the administrator will carefully document the allegations in writing and record the date and circumstances of the interview.
8. Take a sworn statement from the complainant if at all possible.
9. Secure any physical evidence.
10. Take immediate action to protect the complainant from the alleged situation including, if necessary, warning the accused in writing to avoid contact with the complainant pending disposition of the complainant.
11. Interview the complainant first and ascertain credibility.
12. Interview witnesses identified by the complainant to corroborate the complainant's testimony.
13. Interview the accused and take a written or sworn statement, if possible. The accused will be presented with all allegations and allowed the opportunity to respond to each.
14. Interview any witnesses identified by the accused to corroborate his or her version of the events in question.
15. During interviews, take detailed notes and read the notes to witnesses to

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verify accuracy. In addition, the interviewer may audio-record the interview.

16. Summarize interview notes, then ask witnesses to view them for accuracy and to sign the summary if it accurately reflects their statements. If the witness declines to sign the summary or to allow use of his or her name, that will be noted; and the unsigned document will be retained.
17. Divulge no information regarding the identity of the victim or accused unnecessarily when interviewing other witnesses.
18. Document all efforts made to investigate the alleged abuse or harassment.
19. Prepare a written investigation report.
20. If the conclusion of the investigation warrants dismissal of the complaint, follow up to assure that behavior giving rise to the allegations does not recur.
21. If the complaint is dismissed, advise the complainant how to utilize the employee complaint process to appeal the decision and notify him/her of the right to file a complaint with the Office of Civil Rights.
22. If the conclusion of the investigation warrants discipline of an employee perpetrator, proceed with the appropriate course of action. Appropriate discipline may include a warning, formal reprimand, reassignment, paid or unpaid suspension, nonrenewal, or termination.
23. If the conclusion of the investigation warrants discipline of a student perpetrator, proceed with the appropriate course of action. Appropriate discipline may include verbal warnings, reprimands, counseling, suspension, placement in a disciplinary alternative education program, expulsion, or other sanction consistent with the student code of conduct and state law. As always, students are to be treated fairly and equitably, with consideration given to the seriousness of the offense, the student's age, frequency of misconduct, the student's attitude, and the potential effect of the misconduct on the school environment.
24. Report the finding to the commissioner of education if the investigation leads to the nonrenewal, termination, or resignation of an employee for sexual abuse.
25. Records of sexual harassment will be maintained by the District's Title IX coordinator.