

EMPLOYEE WELFARE:  
FREEDOM FROM HARASSMENT

DIA (REGULATION)  
(EXHIBIT)

The following exhibits provide forms to be used in investigating claims of sexual harassment:

Exhibit A: Sexual Harassment – Investigation Checklist – 2 pages

Exhibit B: Employee Report of Sexual Harassment – 1 page

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EXHIBIT A

<b>Northwest Independent School District Sexual Harassment – Investigation Checklist</b>
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Name of Complainant	Date of Complaint
Name of individual(s) against whom complaint is made:	
Name of witnesses indicated by complainant:	
Nature of complaint	

**If allegations of sexual abuse of a student are made or suspected, follow the procedures at FFG (REGULATION) and FFH (REGULATION).**

**Assign an investigator**

- This should be a person with whom the complainant will feel comfortable discussing the situation – if possible, same sex. Allow the complainant to be accompanied by a friend, advisor, etc. Investigator should possess strong interpersonal skills and sensitivity, be articulate and thorough in conducting an interview. This person is likely to be a key witness should litigation arise.
- Name of Investigator: \_\_\_\_\_

**Conference with complainant** – as soon as possible, but within seven (7) calendar days – see “Assign an Investigator” for conference setting

- Date of Conference: \_\_\_\_\_
- Discuss the following:
  - District will not tolerate sexual harassment.
  - Help complainant feel secure about presenting allegations.
  - Assure complainant that retaliation is not tolerated.
  - Assure complainant that confidentiality will be maintained to the extent possible.
  - Assure complainant that limited disclosure may be necessary in order to investigate.
- Interview complainant first and ascertain credibility.
- Request complainant to make a written complaint (sworn statement if possible; see Exhibit B); if refuses, investigator shall document; record date and circumstances of interview.

**Protect Complainant**

- Take action to protect complainant from alleged situation.
- Warn accused in writing, if necessary, to avoid contact with complainant pending disposition of complainant.
- Inform accused that the District will not tolerate retaliation.

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**Notifications**

- If sexual abuse is suspected, notify the appropriate law enforcement agency and the District's Title IX Coordinator.
- Inform the complainant of the investigation process, their rights, and provide name of District's Title IX Coordinator -- **provide employee with a copy of Board Policy DIA (EXHIBIT).**
- Notify the employee if extenuating circumstances will delay the investigation beyond seven (7) calendar days.
- Notify the District's Title IX Coordinator of sexual harassment reports.
- Provide the employee with periodic written updates.

**Investigation --** Investigate complaint promptly and thoroughly -- **Investigation should be completed within seven (7) calendar days of conference.** *Divulge no information regarding identity of victim or accused unnecessarily when interviewing witnesses.*

- Secure any physical evidence.
- Note taking
  - Take detailed notes.
  - Read notes to witness to verify accuracy.
  - Audio-tape, if possible.
  - Summarize interview notes; ask witness to view them for accuracy and sign.
  - If witness refuses to sign or allow use of name, retain document for record.
- Interview witnesses to corroborate complainant's testimony.
- Interview accused
  - Take written or sworn statement, if possible.
  - Present each allegation and permit opportunity to respond.
- Interview witnesses identified by accused to corroborate his/her version.

**Documentation**

- Document all efforts made in the investigation.
- Prepare a written investigation report.

**Results of Investigation**

- Complaint Dismissed**
  - Follow up to assure that behavior giving rise to the allegations does not recur.
  - Advise the employee of right to appeal through Board policy DGBA and their right to file a complaint with the Office of Civil Rights.
- Complaint Warranted**
  - Employee perpetrator
    - ✓ Appropriate course of disciplinary action may include a warning, formal reprimand, reassignment, paid or unpaid suspension, nonrenewal, or termination.
    - ✓ Report findings to Commissioner of Education if employee is nonrenewed, terminated, or if the employee resigned.
  - Student perpetrator
    - ✓ Appropriate course of disciplinary action may include verbal warning, reprimands, counseling, in-school suspension, out-of-school suspension, placement in a DAEP, expulsion, or other sanction consistent with the student code of conduct and state law.
  - Advise the employee that while the perpetrator was disciplined, the specifics are confidential.

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EXHIBIT B

Northwest Independent School District  
**Employee Report of Sexual Harassment**

Sexual harassment is a violation of law and District policy. The purpose of this form is to assist you in describing your allegations of sexual harassment and to guide the person investigating your complaint.

Name of Person Filing Complaint		Position/Department	
Length of time in Position/Department	Length of time in Northwest ISD	Name of Immediate Supervisor	
Name(s) and position(s) of the individual(s) against whom you are filing this complaint.			
For each person listed above, please describe in detail the following (Please use additional paper if necessary):			
a. The specific act(s) complained of:			
b. The approximate date(s) of each specific act:			
c. Your response(s) or reaction(s) to each act:			
Did you inform your immediate supervisor of your complaint(s)?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Date of your report to the supervisor: _____			
Indicate the supervisor's response:			
Name(s) of any individual(s) who might have information about your allegations or who might have witnessed the alleged act(s) of misconduct:			
Are there any written documents, notes, or letters relevant to your complaint?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, please bring the documents to the conference with the person assigned to investigate this complaint for the investigator to make photocopies of the documents for the investigation file.			

My signature indicates that the above information is true and correct to the best of my knowledge.

Signature of Complainant	Date
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**For Administrative Use Only**

Date Received	Investigator Assigned
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Copies: Supervisor/Person Receiving Complaint  
Title IX Coordinator  
Employee Filing Compliant

APPROVED: (date)