

POST FALLS SCHOOL DISTRICT NO. 273

Procedure Title: Conduct/Discipline

Section Title: Sexual Harassment

Sub-Section No. 504.11a

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The Post Falls School District will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to appropriately discipline any student or employee who sexually harasses a student or employee of the school district.

Students, employees, or other members of the District community who believe that they have been subjected to sex or gender-based harassment, discrimination, or retaliation should report the incident to the Title IX Coordinator, who will provide information about supportive measures and the applicable grievance procedure. Violations of this District procedure or its related policy may result in discipline to either students or employees.

Sexual Harassment - Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. “Quid pro quo” harassment, which occurs when a District employee conditions the provision of a District benefit, service, or assistance on an individual’s participation in unwelcome sexual conduct;
2. “Hostile Environment,” which is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to District education program or activity; or
3. Physical threats and attacks, including “sexual assault,” defined as forcible and non-forcible sex offenses as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

Title IX Coordinator

The Title IX Coordinator oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the District’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex and gender-based harassment, discrimination, and retaliation prohibited under this policy. The Title IX Coordinator acts with independence and authority and is free from bias and conflicts of interest.

To raise any concern involving bias, conflict of interest, misconduct or discrimination committed by the Title IX Coordinator, contact the Superintendent or designee.

Notice/Formal Complaints of Sex and Gender-Based Harassment, Discrimination, and/or Retaliation

Notice or formal complaints of sex or gender-based harassment, discrimination, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to, the Title IX Coordinator. Such a report may be made at any time, including during non-business hours, by using the telephone number, email address, or by mail to the office address listed for the Title IX Coordinator.
2. Report online, using the reporting form posted on the district's Title IX webpage.
3. Report by phone at 208-773-1658.

When notice is received regarding conduct which may constitute Title IX sexual harassment, the District shall provide information about supportive measures and how to file a formal complaint, as described in 405.17a.

A formal complaint means a document filed/signed by the alleged victim or signed by the Title IX Coordinator alleging an individual violated this policy and requesting the District investigate the allegation(s). As used in this paragraph, the phrase "document filed/signed by the alleged victim" means a document or electronic submission (such as by electronic mail) containing the alleged victim's physical or digital signature, or otherwise indicates the alleged victim is the person filing the complaint. For example, an alleged victim may send an email to the Title IX Coordinator, identify himself/herself as the alleged victim and the one sending the email, to file a formal complaint. If notice is submitted in a form not meeting this standard, the Title IX Coordinator will contact the alleged victim to ensure it is filed correctly.

Parents and legal guardians of primary and secondary school students who have the legal authority to act on their child's behalf may file a formal complaint on behalf of their child.

Grievance Processes

When a formal complaint is made alleging this policy was violated, the allegations are subject to resolution using one of Post Falls School District's grievance processes noted below, as determined by the Title IX Coordinator. All processes provide for a prompt, fair, and impartial process.

1. For formal complaints regarding conduct which may constitute Title IX sexual harassment involving students or employees, the District will implement procedures detailed in the Title IX Procedures Manual.
2. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where students are the accused party, and do not constitute Title IX sexual harassment, the District will implement procedures described in Board Policy 504.11b.

3. For formal complaints regarding sex and gender-based harassment, discrimination and/or retaliation where employees are the accused party, and do not constitute Title IX sexual harassment, the District will implement procedures described in Board Policy 406.4, Board Policy 604.7, the Negotiated Master Agreement, and the Code of Ethics for Idaho Professional Educators.

Retaliation - Retaliation exists when an individual harasses, intimidates, or takes other adverse actions against a person because of that person's participation in an investigation or because of their support of someone involved in an investigation. The District will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation, and on individuals who encourage third parties to retaliate on their behalf.

References: 34 CFR Part 106 Nondiscrimination on the Basis of Sex in Educational Programs or Activities Receiving Federal Financial Aid

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SEXUAL HARASSMENT REPORT FORM

General Statement of Policy Prohibiting Sexual Harassment: It is the policy of the Board of Trustees to promote working and learning environments free from sex and gender-based harassment, discrimination, and retaliation, and to affirm the Post Falls School District's commitment to non-discrimination, equity in education and equal opportunity for employment.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Who was responsible for the harassment or incident(s)?

Describe the incident(s):

Date(s), time(s), and place(s) the incident(s) occurred:

Were other individuals involved in the incident? If yes, name the individual(s) and explain their roles:

Did anyone witness the incident(s)? If yes, name the witnesses:

Did you take any action in response to the incident? If yes, what action did you take?

Were there any prior incidents? If yes, describe any prior incidents:

I hereby certify that the information I have provided in this complaint is true, correct and complete to best of my knowledge and belief.

Complainant Signature _____ Date _____

Parent/Legal Guardian _____ Date _____