

**POST FALLS SCHOOL DISTRICT NO. 273**

Series 400: Certified Personnel: Instructional Considerations

Policy No. 405.17

Policy Title: Harassment/Sexual, Racial, Ethnic and Other

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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.

All persons are to be treated with respect and dignity.

Post Falls School District is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, which are free from sex and gender-based harassment, discrimination, and retaliation. Accordingly, the District prohibits harassment and discrimination on the basis of sex, sexual orientation, gender, gender identity, and pregnancy, as well as retaliation against individuals who report allegations of sex and gender-based harassment and discrimination, file a formal complaint, or participate in a grievance process.

Students, employees, or other members of the District community who believe 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 process(es). Violations of this policy may result in discipline for both students and/or Post Falls School District employees.

Unlawful harassment and discrimination will not be tolerated.

Legal References: Title VII, Civil Rights Act of 1964 as amended, I.C. Title 67, Chapter 59

20 U.S.C. §§ 1681 - 1682

Title IX of the Education Amendments of 1972

34 CFR Part 106

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Applicable Procedural Regulations: 405.17a

Date of Adoption: 11/13/95

Reviewed 2011, 2017, 2020

Revised 1/11/2021

## **POST FALLS SCHOOL DISTRICT NO. 273**

Procedure Title: Certified Personnel: Instructional Considerations

Section Title: Harassment/Sexual, Racial, Ethnic and Other

Sub-Section No. 405.17a

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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.

### **Mandatory Reporters**

Post Falls School District has classified all employees as mandatory reporters of any knowledge they have regarding a member of the District community who has experienced sex or gender-based harassment, discrimination, and/or retaliation. Accordingly, all District employees must promptly report actual or suspected sex and gender-based harassment, discrimination, and/or retaliation to the Title IX Coordinator. District employees must share with the Title IX Coordinator all known details of a report made to them in the course of their employment, as well as all details of behaviors under this policy they observe or have knowledge of. Failure of a District employee to report an incident of sex or gender-

based harassment, discrimination, or retaliation to the Title IX Coordinator is in violation of this policy and can be subject to disciplinary action for failure to comply.

#### 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.

**Racial, Ethnic and Other Harassment:**

In addition to sexual harassment, other harassment is prohibited.

Other harassment is defined as torment or derogatory, intimidating or demeaning action or conduct in a way that is related to a person's sex, race, ethnicity and/or any other type of harassment that causes physical injury, places that person in fear of harm to his/her person or property, creates a hostile offensive environment or substantially interferes with an individual's rights.

**Reporting:**

Complaints by an employee or student who believes that he or she has been subject to harassment by an employee or a student of this school district should report the alleged acts to an appropriate school district official.

**Investigation:**

Upon receipt of a report or complaint alleging harassment, the building principal (or other designee) shall conduct an investigation.

Upon completion of the investigation, the principal shall report his/her recommendations to the superintendent (or other designee).

**School district actions:**

Upon receipt of recommendations, the school district will take such action as appropriate based on the results of the investigation.

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

Adopted: 11/13/95

Reviewed 2011, 2017, 2020

Revised 1/11/2021

## 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 \_\_\_\_\_

## RACIAL, ETHNIC AND OTHER HARASSMENT COMPLAINT FORM

### Complainant

Name: \_\_\_\_\_

Student? What School: \_\_\_\_\_ Grade: \_\_\_\_\_

Employee  Parent  Other \_\_\_\_\_

### Complaint Received By

Name \_\_\_\_\_

Position Held \_\_\_\_\_

Building \_\_\_\_\_

Time Received \_\_\_\_\_

Date Received \_\_\_\_\_

Witnesses \_\_\_\_\_

### Incident

Date of Incident \_\_\_\_\_

Time of Incident \_\_\_\_\_

Location of Incident \_\_\_\_\_

### Brief Summary of Complaint

### Remedy Requested