Sexual Harassment

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also in- form an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

Formal Complaint Process: Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the district hold their identity confidential shall be informed that the district will almost assuredly face due process requirements that will make available all of the information that the district has to the accused. The district will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in his or her possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

A. The compliance officer shall receive and investigate all formal, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.

B. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.

C. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

D. The superintendent shall respond in writing to the complainant and the accused within thirty days stating:

1. That the district does not have adequate evidence to conclude that harassment occurred:
2. Corrective actions that the district intends to take; and/or
3. That the investigation is incomplete to date and will be continuing.

E. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

Appeal Procedure
Level One

If a complainant remains aggrieved as a result of the action or inaction of the superintendent in resolving a complaint, the complainant may appeal to the board of the district by filing a written notice of appeal with the secretary of the board by the 10th calendar day following:

A. The date upon which the complainant received the superintendent's response, or

B. The expiration of the 30-calendar day response period based on the receipt of the complaint by the school district, whichever occurs first.

C. The board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board shall render a written decision by the 10th calendar day following the termination of the hearing and shall provide a copy to the complainant.

Level Two

If a complainant remains aggrieved as a result of the decision of the board in resolving a complaint, the complainant may appeal to the superintendent of public instruction by filing a written notice of appeal with the superintendent of public instruction by the 10th calendar day following the date upon which the complainant received written notice of the board's decision.

The superintendent of public instruction shall schedule a hearing to commence by the 40th calendar day following the filing of the written notice of appeal. The notice of appeal must state the areas of disagreement and the relief requested.

Appeals to the superintendent of public instruction shall be conducted de novo and in compliance with the state Administrative Procedures Act. The complainant shall present his or her case and the school district shall defend the decision rendered by the board.

A fixed component of all district orientation sessions for staff, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and

rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

A. Demands for sexual favors in exchange for preferential treatment or something of value;
B. Stating or implying that a person will lose something if he or she does not submit to a sexual request;
C. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
D. Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
E. Using derogatory sexual terms for a person;
F. Standing too close, inappropriately touching, cornering or stalking a person; or
G. Displaying offensive or inappropriate sexual illustrations on school property.

Annually the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent shall prepare a report to the board including, if necessary, any recommended policy changes. The superintendent shall consider adopting changes to this procedure if recommended by the committee.