

Descriptor Term: SEXUAL HARASSMENT/DISCRIMINATION COMPLAINTS -- PROCEDURES

Descriptor Code: GAC-P

Rescinds: N/A

Board Approved: 6/26/2006

Previously Approved: N/A

Employees in the Gulfport School District are protected from sexual discrimination, including sexual harassment, by Title VII of the Civil Rights Act. It is the intent of the Board of Trustees to maintain an environment free from sexual harassment of any kind. Therefore, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited.

This complaint procedure will provide a process for filing, processing and resolving complaints on such matters. Adherence to these procedures is mandatory. The failure of any person to follow these procedures will constitute a waiver of the right to pursue a complaint at any level, including review by the Board.

## I. DEFINITIONS

- A. "Sexual harassment" exists when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature meets one of the following criteria:
1. Submission to such conduct is made, either implicitly or explicitly, a term or condition for an employee's assignment of duties, promotion or other work-related benefit.
  2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual.
  3. Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive teaching or work environment.
- B. A "complaint" is a report by any employee which alleges that a policy or practice of the District or a practice or act of any of its employees has discriminated against the complaining employee on the basis of sex, including sexual harassment.
- C. The "complainant" is the employee who submits a complaint.
- D. The "respondent" is the person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those

areas covered in the complaint.

- E. The "Title IX Coordinator" (Assistant Superintendent) is the person(s) designated to coordinate the District's efforts to comply with and carry out responsibilities under state and federal laws addressing equal opportunity. The "Title IX Coordinator" will manage the complaint process for both employee complaints under this policy and student complaints under the Title IX complaint procedure.
- F. A "day" means a working day and does not include holidays and/or weekends.

## II. GENERAL RULES

- A. Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step are considered to be maximum and every effort will be made to expedite the process. At any step in the complaint procedure, the time limits may be extended only when necessary under the circumstances. In no event will these procedures be extended for more than a 90 day period.
- B. If a review is not requested at any step within the time allotted, and if the decision at the prior step found a reasonable basis to believe that an employee has engaged in any sexual misconduct or involvement with any student under the age of 18, the Title IX Coordinator will, immediately upon the expiration of the allotted time, submit such information to the Superintendent. The Superintendent will make such information available to the appropriate District Attorney as required by district policy and Mississippi law.
- C. Facts elicited during the complaint procedure are confidential and do not become part of a student's permanent record. A copy of documents, communications and records dealing with the processing of a complaint will be filed in a separate file as designated by the Superintendent.
- D. Facts elicited during the complaint procedure that result in adverse disciplinary action against an employee become part of that employee's personnel file.
- E. The failure of a complainant to proceed from one step to the next within the set time limits, without being granted an extension of time by the Title IX Coordinator, will be deemed to be an acceptance of the decision previously rendered and will eliminate any future review concerning that particular complaint.
- F. The failure of the Title IX Coordinator (Assistant Superintendent) to communicate his/her decision to the complainant or respondent within the time limits will permit the complainant or respondent to proceed to the next step.
- G. The complainant may withdraw his/her complaint at any step without reprisal. However, a complainant will not be permitted to re-file the same complaint once withdrawn unless it is within the initial time period.

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H. No reprisal will be invoked against complainant for filing a complaint or against any person for participation in any way in this procedure.

I. If the complaint is against the employee's supervisor, the complainant may go directly to the Title IX Coordinator.

III. PROCEDURES FOR PROCESSING A COMPLAINT

Party/Parties Involved

A.

Action Required

Compl  
ainant

Within 5 days from the time a complaint becomes known, the complainant must complete and submit to the Title IX Coordinator (Assistant Superintendent) a written "Title IX Report" form. The report must state the respondent's name, the nature and date of the alleged violation, the names of any witnesses to such alleged violation and requested action. Forms shall be available from all principals' offices and from the Title IX Coordinator.

B. Title IX Coordinator

Within 2 days from receipt of the written complaint, the Title IX Coordinator will notify the respondent.

C. Respondent

Within 5 days, the Respondent will be required to respond in writing to the Title IX Coordinator, as follows:

1. Confirm or deny the facts as alleged;
2. Indicate acceptance or rejection of the complainant's requested action; or
3. Outline alternative actions.

D. Title IX Coordinator

Within 5 days from receipt of the respondent's response, the Title IX Coordinator will provide an initial response to the complainant and respondent, stating initial conclusions of fact and proposed action, if any.

E. Complainant or

Respondent the complainant or respondent may request, in writing, a hearing on the matter.

F. Title IX Coordinator

Upon receipt of a written request for hearing, the Title IX Coordinator will schedule a hearing to be held within 5-10 days before an unbiased panel of 3-5 District employees. The Title IX Coordinator will give written notice of such hearing to the complainant, respondent, student's principal

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or employee's supervisor, superintendent and other appropriate witnesses if applicable.

- G. Title IX Coordinator, Within 5-10 days of the receipt of the written request for a Grievant, Respondent, hearing by the Title IX Coordinator, a hearing will be Title IX Hearing Panel before an unbiased panel of 3-5 District employees. The Title IX Coordinator will facilitate the hearing, at which the following rules will apply:
1. The hearing will be informal and the legal rules of evidence and procedure will not apply.
  2. The complainant and respondent will be permitted to submit written evidence and to bring witnesses before the panel.
  3. The Title IX Hearing Panel members may question any witnesses brought before them.
  4. The complainant and respondent will be permitted to make a statement before the panel and may be permitted to examine their witnesses and to cross-examine witnesses actually presented by the other parties.
  5. Representation of the complainant or respondent by other individuals will not be permitted.
  6. The Title IX Coordinator will create and maintain a record of the hearing which will include the names of all witnesses, all investigation reports, a summary of all witness testimony and all documentary evidence.
- H. Title IX Hearing Panel Within 5 days after the hearing, the Title IX Hearing Panel will issue a written decision which will include findings of fact and recommended action.
- I. Title IX Coordinator Upon receipt of the decision of the Title IX Hearing Panel, the Title IX Coordinator will provide a copy of such decision to the complainant, respondent, the employees' supervisors and the Superintendent.
- J. Complainant or Respondent If the complainant or respondent is not satisfied with the decision, he/she may request a review by the Superintendent. The request for such review must be made in writing to the Title IX Coordinator within 5 days of receipt of the panel's decision.
- K. Title IX Coordinator Upon receipt of a request for review by the Superintendent, the Title IX Coordinator will notify the Superintendent of

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- such request and submit to the Superintendent the record of the hearing, the panel decision and all related documents.
- L. Superintendent  
Within 10 days of notice of request for review, the Superintendent will review the record and panel decision and shall issue a decision. The superintendent may concur in the findings and recommendations. The superintendent shall have his decision provided to the Title IX Coordinator, complainant, respondent and the employees' supervisors within the 10 day period.
- M. Complainant or Respondent  
Within 5 days of the receipt of the Superintendent's decision, if dissatisfied with the decision, the complainant or respondent must submit a written request for review by the Board to the Title IX Coordinator.
- N. Title IX Coordinator  
Upon receipt of the request for review, the Title IX Coordinator must schedule a review before the Board to be held at the Board's next regular or special meeting, but in no event more than 30 days from such request. The Title IX Coordinator will provide the Board members with copies of the hearing record, all investigation reports, the panel decision, the Superintendent's decision and all related documents.
- O. School Board, Title IX Coordinator, Complainant, Respondent  
Within 30 days of the request for review, the Board will review the hearing record, all investigation, all reports, the panel decision, the Superintendent's decision and all related records. The review is not a hearing and no party has the right to present further witnesses or other evidence or to examine any witness or party. However, the Board may, in its discretion, permit statements of limited duration from the respondent or his representative. All usual rules of Board procedure will apply. Furthermore, the Board may, in its discretion, require that the review be conducted in closed or executive session.
- P. School Board  
Within 10 days of the review, the Board will issue a final written decision. The Board may concur in the findings of the Superintendent and direct that the recommended actions be taken or may make alternative findings and direct appropriate actions be taken by the Superintendent or other appropriate administrator. The decision of the Board is final.

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