

SALEM SCHOOL DISTRICT
Salem, Connecticut

PERSONNEL – CERTIFIED AND NON-CERTIFIED

HARASSMENT

Complaint Procedure

If an individual believes that he/she is being or has been harassed, that person should immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, unprofessional, or highly inappropriate.

If the offensive behavior is repeated following a request to the harasser that it cease, the student or employee shall have the option of pursuing either an informal complaint procedure designed to educate the harasser and to eliminate the problem, or a formal complaint procedure that is defined below.

Any student or employee who makes an informal oral complaint of harassment to his or her supervisor, building principal, counselor, teacher, or the Superintendent or his/her designee will be provided a copy of these regulations and will be encouraged to pursue the formal procedure should the informal investigation and intervention, if required, prove unsuccessful in eliminating the objectionable behavior. However, it is not necessary for the person being harassed to wait until the offensive behavior is repeated before filing a complaint. Offensive behavior of an egregious nature would warrant an immediate and formal complaint be filed.

If, following requests to cease objectionable, harassing behavior, said behavior continues, and if the informal procedure has also proven unsatisfactory, or unacceptable, the student or employee may pursue the formal complaint procedure which involves submitting a written complaint to his or her supervisor, building principal, counselor, teacher, or the Superintendent or his/her designee. The complaint should list the name of the complainant, the date of the complaint, the date of the alleged harassment, the name(s) of the harasser(s), where such harassment occurred, and a detailed statement of the circumstances constituting the alleged harassment.

If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.

All formal complaints and informal complaints involving staff are to be forwarded immediately to the Superintendent or his/her designee. If the Superintendent is the subject of the complaint, it shall be submitted to the Board of Education and the Board of Education shall appoint the investigator.

Upon receiving a formal complaint, the building level administrator in concert with the Superintendent or his/her designee, will, as soon as possible, commence an effective, thorough, objective and complete investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the complainant and the

alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist.

The investigation shall be free of stereotypical assumptions about either party. The investigation shall be carried on discreetly, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigative process, the due process rights of the alleged harasser will be upheld. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.

If the complainant is dissatisfied with the result of the investigation, he or she may file a written appeal to the Superintendent, who is authorized by the Board of Education to review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Superintendent may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witnesses with relevant information. After completing this review, the Superintendent shall respond to the complainant, in writing, as soon as possible.

If after a thorough investigation, there is reasonable cause to believe that harassment has occurred, the district shall take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to situations of harassment may include reprimand, reassignment, transfer, suspension, expulsion, disciplinary action, or discharge from employment.

The harasser and any other involved individuals, if appropriate, will be informed that appropriate action shall be taken if further acts of harassment or retaliation occur. If further acts of harassment or retaliation do occur, appropriate action shall be taken.

All employees and supervisors shall be provided copies of the Board of Education policy concerning harassment and the policy will be reproduced in all employee and student handbooks.

Procedures 1st Reading: January 7, 2013

Procedures Adopted: January 22, 2013

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GUIDELINES
FOR INVESTIGATING
SEXUAL AND OTHER HARASSMENT

The following guidelines should be reviewed with respect to any investigation of sexual or other unlawful harassment involving school personnel.

Qualities of a Fair Investigation

The investigator (who shall be the Title IX coordinator or his/her designee, as the case may be) is a fact-finder. His or her objectives are to discover the truth and to provide information so that the school system can prevent further harassment. In preparing for and conducting the investigation, the investigator should keep in mind that an effective and legally defensible investigation is:

- Promptly initiated,
- Thoroughly performed,
- Free from bias,
- Consistent with the school system's policies and procedures,
- Confidential to the extent practical, and
- Well documented.

General Procedure

A typical investigative procedure is set forth below.

Step One: Interview the Complainant.

The investigator's job is to obtain an extensive and detailed account of the charges levied against the Offender. Therefore, to the extent practical, press the complainant to give precise descriptions and do not settle for bald accusations or unsupported conclusions. At the conclusion of the interview, inform the employee that he or she will be contacted again to sign a written statement confirming the allegations.

Step Two: Document the Complaint.

Confidentially prepare a statement memorializing the facts of the Complainant's statement. Ask the Complainant to carefully review the statement and to correct any misinterpretations. After the Complainant is in agreement with the statement, ask him or her to sign it.

Step Three: Prepare for further investigation.

Before further investigation, determine the parameters of future work and set an appropriate deadline for completing it. Consider the documents that should be reviewed. The following documents may be potentially relevant:

- The complaint and notes regarding it;
- Specific school system rules, policies, and procedures;
- Memoranda, notes or statements about the incident;
- Prior investigative files;
- Records of prior complaints by the Complainant;
- Personnel files of the individuals involved;
- School records, such as time cards, calendars, diaries, tape recordings, photographs, logs, etc.
- Physical evidence.

Identify potential interviewees and their relationship to the matter under investigation. At a minimum, consider:

- People who raised the issue,
- People identified by the person who raised the issue,
- People identified by the person being investigated,
- Supervisors of the people involved,
- Observers of the incident,
- Authors of relevant documents,
- Co-workers of people involved, and if appropriate,
- Other people who reportedly have been subjected to similar activity.

Decide the order of the interviews and the format for recording information from witnesses. Establish a system for organizing and maintaining files. Determine the matters to be addressed in the finding report and the appropriate format to use. Review the investigation plan as the investigation continues to ensure that it is comprehensive.

Step Four: Interview the Offender.

The investigator has a responsibility to protect the rights of the Offender as well as the rights of the Complainant. Communicate to the Offender that a harassment complaint has been filed and that the school system is investigating it under its policy prohibiting such conduct. Clearly communicate each allegation and provide the Offender full opportunity to admit, deny or explain each allegation and to identify any witnesses who can corroborate his or her version of the events.

Take copious notes. Inform the Offender that charges will be kept confidential to the extent an adequate investigation is permitted. Instruct the Offender not to discuss the matters with anyone for the purpose of protecting those involved and the integrity of the investigation itself. Tell the Offender that retaliation will not be tolerated and that he or she should not contact the complainant or his or her witnesses concerning the complaint.

Step Five: Review Relevant Documents and Re-interview the Complainant.

Review physical evidence that is relevant to the complaint and collect further evidence if appropriate. Identify the issues that are in dispute. Re-interview the Complainant if clarification is needed.

Step Six: Interview Witnesses.

Witness interviews generally are not necessary if the Offender admitted to the conduct in question. In circumstances where witness interviews are, inform the witness that a harassment complaint has been filed and that he or she has been named as a witness. Instruct the witness as to confidentiality. Begin the interview with open-ended questions about the areas of which the Claimant or Offender contends the witness is knowledgeable and probe to elicit the extent of the witness' knowledge.

Take copious notes. Reveal details of the charges only to the extent the witness has a need to know in order to provide information. Do not provide the witness with a copy of the Complainant's statement. Ask the witness if the Complainant or the Offender would have reason to provide inaccurate or misleading information. Solicit relevant documentation or other physical evidence the witness may have. Later document the interview, have the witness review his or her statement for accuracy, and then ask the witness to sign it.

Step Seven: Re-interview witnesses and the Offender as necessary.

After interviewing witnesses and reviewing documents, inconsistencies may appear. Re-interview those from whom clarification is needed.

Step Eight: Assess the findings and recommend action.

With the assistance of the Title IX Coordinator or Personnel Officer and/or legal counsel, answer the following questions:

- Did the alleged conduct occur?
- If the alleged conduct occurred, did it constitute a violation of the school system's harassment policy?
- What steps must be taken to eradicate the harassment?
- What type of discipline should be imposed?
- What other personnel steps must be taken in light of the discipline imposed?

Poor or abusive behavior may not necessarily be unlawful harassment, but may otherwise violate school policy or regulation. If a violation of the school system's Sexual and Other Harassment policy is found, the action taken to end the harassment may not only include job reassignment, a verbal or written reprimand, suspension or termination for the Offender, but other remedies as well. Additional remedies may include:

- Reinstatement of the Complainant's job or restoration of other benefits;
- Cleansing of the Complainant's personnel file;
- Sensitivity training;
- Counseling for the Offender;
- Removal of offensive papers, pinups, etc.
- Clarification of the school district's Sexual and Other Harassment policy;
- Apology and/or printing of retraction.

Document your methodology, findings, conclusions and recommendations. Prepare a summary report.

Step Nine: Provide for internal review.

Forward the report and supporting documentation to the Superintendent of Schools and/or outside legal counsel for a review of the investigation and results.

Step Ten: Communicate the findings.

Upon completion of the investigation, in conjunction with the administration, communicate the findings to the Complainant and the Offender and implement the determined corrective actions.

Step Eleven: File and retain all documents.

Review the documentation of the investigation for completeness and clarity. Typical components of an investigative file include:

- Log of investigator's actions and calls by day,
- Interview notes for each witness, Complainant, and Offender and all draft and final statements,
- Communications to and from the Complainant, Offender and witnesses,
- Complaints,
- Supporting documents,
- Relevant physical evidence,
- Investigator's report,
- Documents reflecting notification of investigation results and any remedy made.

Retain such documentation in an investigative file. Documentation of employee discipline should be placed in a personnel file.

Date Received by Building Administrator: _____

Date Received by District Title IX Coordinator: _____

SALEM SCHOOL DISTRICT

HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant: _____

Date of the complaint: _____

Name(s) of Alleged Harasser(s): _____

Date(s) of Alleged Harassment: _____

Location where such harassment occurred _____

Name(s) of any witness(es) to the harassment _____

Detailed statement of the circumstances constituting the alleged harassment: _____

Has the incident been reported before? If yes, when? _____

To whom? _____

What was the resolution? _____

Reasons for dissatisfaction: _____

Complainant's Signature: _____

Date Signed: _____

Date Received by Building Administrator: _____

Date Received by District Title IX Coordinator: _____

SALEM SCHOOL DISTRICT

HARASSMENT COMPLAINT – APPEAL FORM

Name and position of complainant: _____

Date of appeal: _____

Date of original complaint: _____

Have there been any prior appeals? _____

If yes, when? _____

To whom? _____

Description of decision being appealed: _____

Why is the decision being appealed? _____

Complainant's Signature: _____

Date Signed: _____