



Administrative Regulations

South San Antonio Independent School District

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Employee Welfare: Freedom from Harassment and Retaliation - 2023	

DISCRIMINATION AND HARASSMENT

This regulation addresses discrimination, harassment (to include sexual harassment, and sexual assault including those carried out via electronic communications), and retaliation raised by employees, students, or third parties against a faculty or staff member, employee, student, or third party. In this regulation, the term “employees” includes former employees and applicants for employment. For discrimination, harassment, and retaliation involving students, see FFH. For reporting requirements related to child abuse and neglect, see FFG.

STATEMENT OF NONDISCRIMINATION

The District prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District policy.

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator or ADA/Section 504 coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to investigate.

The district Title IX Coordinator is the Executive Director of Human Resources and Administration and the 504 Coordinator is the Director of Special Programs.

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District’s ability to investigate and address the prohibited conduct.

HARASSMENT

Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, gender, sexual orientation, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:



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1. Has the purpose or effect of unreasonably interfering with the employee's work performance;
2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

EXAMPLES

Examples of prohibited harassment may include offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, gender identity, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a condition of an employee's employment, or when submission Statement of Nondiscrimination Harassment to or rejection of the conduct is the basis for an employment action affecting the employee; or
2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment. Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; a series or pattern of jokes or conversations of a sexual nature; or other sexually motivated conduct, communication, or contact that creates a hostile work environment

Any District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate District official listed above and take any other steps required by this policy.



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SEXUAL HARASSMENT COMPLAINT REPORTED BY AN EMPLOYEE

The following steps are intended to assist you in responding to a sexual harassment concern expressed by an employee. They are intended to provide guidance while you conduct the investigation. The goal of your investigation is to gather as much information as possible regarding the complaint so that you can form a conclusion and determine a plan of action. You may want to ask other questions or expand on the questions listed.

1. Direct the administrators, counselors, teachers, paraprofessionals and any other staff member to report to you immediately any conduct that they feel may have the elements of sexual harassment. This should be done at the beginning of the year.
2. Call the Human Resources Department to assist you with the entire process.
3. Ask the person reporting the offense to prepare a written statement describing their allegations. If they will not, indicate that you will take notes and investigate. Ask the person if he/she has any witnesses that they want you to talk with when you conduct your investigation.
4. Remember, once an outcry has been made you are obligated to follow through with an investigation, per board policy.
5. Follow up with the employee in a non-threatening manner in the presence of another female or male depending on the gender of the employee reporting the offense. Ask clarifying questions. Have this person witness the meeting with you and the employee and ask the person to take notes reflecting what the employee says as closely as possible. Direct the employee not to discuss the allegation with anyone except you or his/her representative.
6. Call the alleged perpetrator into your office and inform him/her that an employee has made some very serious allegations against him/her. Tell him/her exactly what the allegations are. Describe the allegations made by the employee so that the alleged perpetrator knows exactly what he/she is being accused of. Ask him/her to give you a verbal response regarding each of these allegations. Make notes of the person's responses and what you observe about the person's demeanor when he/she is answering your questions. Ask the employee to give you a written statement in response to the complaint. Be sure they sign and date the statement. Direct the alleged perpetrator not to talk with the employee and not to discuss this with anyone on the campus except for the employee representative if he/she requests to meet with him/her.
7. Update the Human Resources Department to determine whether the employee should be placed on administrative leave until the investigation is concluded.
8. If the employee or the alleged perpetrator identified any witnesses, call the witnesses in individually and ask them to tell you what they saw regarding the employee and the alleged



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perpetrator. Be cautious not to lead them in the questions you ask. Ask open-ended questions. Ask someone to be present to help you write notes regarding the witnesses' responses.

9. Ask the witnesses to give you written statements regarding what they know about the incident or the situation. Remind the witnesses to sign and date their statements. Direct the employee not to discuss this with anyone except their representative, if they feel it is necessary. If you interview students, direct them not to discuss the investigation with anyone but their parents.
10. Follow-up with the employee making the allegations within a day or so to ask them if they are feeling alright and/or if they have felt any retaliation for bringing forward their complaint. After you have gathered all the statements from the employee, the witnesses, and the alleged perpetrator, call the Human Resources Department for them to review all the documentation that you have collected and advise you if additional documentation is necessary.
11. After a thorough review of the documentation collected, you must reach a conclusion and formulate a plan of action to address the concerns with the employee and the alleged perpetrator. The Human Resources Department will assist you with any follow up written documentation and will finalize any recommended disciplinary action.

RETALIATION

The District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding harassment or discrimination is subject to appropriate discipline.

EXAMPLES

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

REPORTING RETALIATION

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor or campus principal. Alternatively, the employee may report the alleged acts to one of the District officials below.



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Title IX Coordinator

Name: Rita Uresti

Position: Executive Director of Human Resources

Email: rita.uresti@southsanisd.net

Phone: 210-977-7000 Ext. 3542

504 Coordinator

Name: Christopher Douglas

Position: Director of Special Education

Email: christopher.douglas@southsanisd.net

Phone: 210-977-7000 Ext. 3583

SUPERINTENDENT

The Superintendent will serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

ALTERNATIVE REPORTING

An employee will not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX Coordinator or ADA/Section 504 Coordinator, may be directed to the Superintendent.

A report against the Superintendent may be made directly to the Board. If a report is made directly to the Board, the Board will appoint an appropriate person to investigate.

TIMELY REPORTING

Reports of prohibited conduct will be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate and address the prohibited conduct.