

CAMBRIAN SCHOOL DISTRICT
Board Policy

Administrative Procedure 5145.7
Adopted: June 11, 2002
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STUDENTS

Student Sexual Harassment

Procedure for Sexual Harassment Complaints

Sexual harassment is a matter requiring prompt attention by administrators since the failure to act may cause further personal damages to the alleged victim. Further, the issues involved are typically very personal and sensitive, and many victims will not risk the delays, publicity and complications attendant to regular grievance procedures. Since the Cambrian School District recognizes the delicate nature of such situations, each step in the complaint procedure will be conducted with discretion in order to maintain a high degree of confidentiality. It is the intent of the procedure to result in prompt recourse and to ensure fairness and equity to the student alleging the sexual harassment, the person accused of the sexual harassment, and witnesses.

- A. Any student who believes he/she is being sexually harassed should notify his or her site principal. Site principals are required to immediately report complaints of sexual harassment to the Superintendent or any member of the investigative team. Whenever a complaint of harassment occurs, the person receiving the complaint shall promptly and fully inform the alleged victim and the parents or guardians of their rights pursuant to this policy and current law.
- B. If the principal or member of the team believes the complaint can be resolved through informal means, then every effort will be made to do so.
- C. Investigation of Students
 - 1. Any complaint involving allegations of sexual harassment of a student by another student(s) shall be processed informally by the investigative team, until such time as formal suspension or expulsion of the offender(s) is recommended. The purpose of the informal investigation is to resolve the problem between the students.
 - 2. Any situation in which sexual harassment is alleged to have occurred and the District investigative team believes informal resolution will not resolve the problem shall be resolved by a recommended suspension or expulsion of the student perpetrating the harassment. Supervision and/or expulsion shall be conducted pursuant to all the due process timelines and procedures set forth in Education Code Section 48900 et seq. and Cambrian School District Board of Education Policy #5405.

Informal Investigation

- A. The District shall process complaints involving sexual harassment of a student by a District employee utilizing the following informal and formal procedures.

The informal investigation shall include gathering information from witnesses to the incident, if any, and from victims, if any, of similar conduct. The purpose is to determine whether informal resolution of the problem is possible.

The complainant will be advised in advance of the date and time that the accused will be informed of the complainant's complaint, and will be given an opportunity to be away from the school site when the accused is informed of the complaint.

The accused will be explained his/her rights pursuant to this policy, at the earliest appropriate time, and will be immediately informed that any retaliation against the complaint and witnesses is strictly prohibited, regardless of the accuracy of the complaint.

The team shall then inform the person alleged to have committed harassment of the complaint and explain his/her rights pursuant to this policy. The team will also endeavor to obtain all possible information from the individual named by the complaint.

The team shall make a written determination regarding the acts and whether sexual harassment did occur. This determination will be communicated to the complainant and the parents or guardians, the alleged harasser, and as appropriate, all others directly concerned.

- B. A written report of the information investigation, signed and dated by the person accused of harassing, will be filed with the team by the supervisor or member of the team. The signature of the accused on the report is merely an indication of receipt of the report of a written complaint. The purpose of this report is to document resolution of the complaint at the informal level.

Formal Investigation

- A. Once a written complaint of sexual harassment has been reviewed by the investigative team and if the team determines a formal investigation is necessary, a complete and thorough investigation shall begin immediately.

The complaint will be resolved by this investigation, which shall also include gathering information from witnesses to the incident, if any, and from victims, if any of similar conduct.

The complainant will be advised in advance of the date and time that the accused will be informed of the complaint, and will be given an opportunity to be away from the school site when the accused is informed of the complaint.

The accused will be explained his/her rights pursuant to this policy, at the earliest appropriate time, and will be immediately informed of the complaint.

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prohibited, regardless of the accuracy of the complaint.

- B. The investigative team shall make a written determination regarding the acts and whether the sexual harassment did occur, and this determination will be communicated to the complainant, the alleged harasser, and as appropriate, all others directly concerned. If, after the investigation, the investigative team shall be expunged of all relevant documents. However, if the investigative team makes a finding that the sexual harassment did in fact occur, the alleged harasser shall have the opportunity to respond to this written determination prior to placement in his/her file.

- C. If the alleged harasser is determined to have engaged in sexual harassment, appropriate disciplinary action is recommended by the Superintendent or his designee may be taken by the District. The discipline that will be appropriate will be determined in part, by the severity of the facts and whether or not the harassment is of chronic nature. The employee against whom disciplinary action is taken shall be entitled to due process provided by law, Board policy and current employee agreements. The disciplinary action will be made known to the complainant and parents or guardians when final. Appropriate action will be made known to the complainant when final. Appropriate action may include remedies for the complainant's loss, if any.