

EXPECTATIONS FOR EMPLOYEES TO REPORT DISCRIMINATION AND HARASSMENT

113-Rule 2

The guidelines and expectations established in this rule apply to all District employees and to all non-employee authorized agents of the District who perform a compensated role for the District that requires a DPI license (e.g., licensed professionals working for the District in the capacity of contracted service provider) or who hold a volunteer position that is regularly offered as a paid position/assignment (e.g., a volunteer coach. The District may further apply this rule to other non-employees who provide services to the District by including appropriate provisions in any applicable contract, memorandum of understanding, or other agreement, or by issuing any other sufficient notice or directives to such persons.

In the remainder of this rule:

1. "Agent" means any non-employee agent, contractor, or service-provider to whom the guidelines and expectations established in this rule apply.
2. "District nondiscrimination policy" includes the following School Board policies: Identify and list applicable local policies: Policy 113, Policy 411, Policy 411.1, Policy 511, Policy 512.

Reporting Responsibilities

Any employee or agent of the District who has knowledge of conduct by any other person that constitutes, or is reasonably suspected to constitute, unlawful discrimination in violation of a legal obligation of the District, or in violation of any District nondiscrimination policy, is responsible for promptly reporting such conduct. Similarly, an employee or agent who reasonably suspects that any District policy or District operating procedure unlawfully discriminates against any person in violation of a legal obligation of the District, or in violation of any District nondiscrimination policy, is also responsible for promptly reporting that knowledge, claim, or concern.

The District's established procedures for making a report or complaint of prohibited discrimination, or alleged discrimination, are found in Policy 113. Employees and agents of the District may, and generally should, use those established methods to satisfy the reporting obligations established in this rule. However, an employee or agent may also satisfy the reporting obligations established in this rule if they submit the relevant report directly to the District Administrator, provided that the person to whom the report is made is someone other than a person who is alleged to be responsible for the reported discrimination. Particularly if such a report was not submitted in person (e.g., it was submitted via mail or electronic mail), employees and agents are strongly encouraged to personally contact the intended recipient to confirm that the report was received as intended.

The obligation established in this Rule to report conduct by any other person that constitutes, or that is reasonably suspected to constitute, unlawful discrimination (including unlawful harassment) applies to such conduct occurring within any aspect of the District's programs, activities, or operations and also applies regardless of:

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1. Whether the person alleged to be responsible for the conduct is a student, an employee, a supervisor/administrator, a School Board member, or other person over whom the District exercises relevant authority, control, or responsibility;
2. Whether the person alleged to be the victim of the conduct is a student, an employee, or other person who is legally protected from the alleged discrimination;
3. How the employee or agent obtained their knowledge of the conduct or alleged conduct (e.g., as a direct witness to the conduct/incident, as a victim or target of the conduct, or after receiving a report or other relevant information from a third-party); and
4. Whether the employee or agent making the report considers (or does not consider) themselves to be an alleged victim or target of the conduct, or to have been otherwise harmed in some way by the conduct, except that an employee or agent who is an alleged victim of conduct that could constitute sexual harassment, as defined under section 106.30 of the federal Title IX regulations, is permitted, at their discretion, to make their report in a manner that either does, or does not, constitute a "formal complaint" of sexual harassment, as defined in section 106.30.

As further established in the Board's nondiscrimination policies, an employee or agent is protected from any form of unlawful retaliation for making a good-faith report of known, alleged, or reasonably suspected discrimination under this rule.

The reporting obligations established in this Rule do not apply when the employee or agent has direct and certain knowledge that the relevant conduct or other allegations of unlawful discrimination have already been reported to at least the Title IX Coordinator and/or the District Administrator. For example, an employee or agent is not required to submit another report of the same conduct, incident, or allegation when they have knowledge that the District has already started an investigation into (or otherwise initiated an appropriate response to) the same matter.

To the extent applicable to the employee's or agent's position/role and to the facts of a specific situation, employees and agents of the District remain responsible for adhering to any other mandatory reporting requirements established under a District policy and/or under state or federal law (e.g., reports of child abuse or neglect, threats of school violence, or educator misconduct).

In the course of their duties and in attempting to adhere to the expectations established by this rule, employees and agents will witness or otherwise become aware of incidents involving conduct that may be inappropriate, but that may or may not also constitute unlawful harassment or some other form of discrimination that is prohibited by law and/or District policy. In some situations, the relevant conduct (or alleged conduct) will be so severe or pervasive, or present such a significant threat to someone's health, safety, or wellbeing, that reporting as required by this rule will clearly be the necessary course of action. However, it is also the case that not every unkind action, statement that someone might find offensive, ill-advised attempt at humor, or incident of interpersonal conflict, teasing, or name-calling amounts to unlawful harassment that requires a report to be submitted under this rule.

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Due to the continuum of potentially problematic incidents and conduct that employees and agents may encounter, the District recognizes that there will be borderline situations where employees and agents will need to exercise reasonable professional judgment when deciding whether the situation should be further reported as possible discrimination under this rule. In exercising such judgment, under a reasonable person standard for someone holding the employee's or agent's position/role, the employee or agent is expected to:

1. Make efforts to be reasonably consistent in making such reporting decisions;
2. Refer to and apply any policy-based standards that may be relevant to the situation, including considering whether policies in addition to the District's nondiscrimination policies may be relevant: a policy prohibiting student bullying, a school safety policy, a policy addressing staff-student communications/interactions, or a policy that prohibits workplace violence, as well as any reporting expectations that may apply with respect to such other policies;
3. Seek assistance from appropriate supervisory or administrative personnel, including but not limited to any District-designated nondiscrimination coordinator, whenever the employee or agent encounters any questions regarding the scope or application of this rule, and the employee or agent is unsure how to fully assess or otherwise handle the situation; and
4. Follow any lawful supervisory or administrative directives or guidance that they may receive.

Adoption Date: