

Sexual Harassment - Policy KM

SEXUAL HARASSMENT

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for any student or employee of the school district to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers, between students, and between students and employees. This policy shall be in force on and off school district property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. This district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of this district. It is no defense to claim of sexual harassment that the alleged harasser did not intend to harass.

1. SEXUAL HARASSMENT DEFINED

For purposes of this policy, the following definitions shall apply:

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including inappropriate or adverse conduct or communication directed to an individual because of that individual's sexual orientation (i.e., lesbian, gay, bisexual) when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Any sexual harassment as defined when perpetrated on any student or employee by a student or employee will be treated as sexual harassment under this policy.

Sexual harassment may include but is not limited to:

1. verbal harassment or abuse;
2. subtle pressure for sexual activity;

3. inappropriate patting, touching or pinching;
4. intentional brushing against a student's or an employee's body;
5. demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status;
6. demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
7. any sexually motivated unwelcome touching; or
8. sexual violence which is a physical act of aggression that includes sexual act or sexual purpose.

II. REPORTING PROCEDURES - RE: ALLEGATIONS OF SEXUAL HARASSMENT

Any person who believes (s)he has been the victim of sexual harassment by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute sexual harassment shall immediately report the allegations to an appropriate school district official as designated by this policy. The district encourages the reporting party or complainant to use the report form available from the principal of each school building or available from the district office.

In each school building: The verbal or written report of sexual harassment at the building level may be given to either the building principal or to the Guidance Counselor who can be located through the building secretary. The person to whom the report is made shall conduct an investigation to follow up the report or, alternatively, if the report is made to the building principal, the building principal may assign the investigation of the report to the Guidance Counselor (the same person who is named above). Either person to whom a report is made shall notify the principal of the employee alleged to have done the harassment or, in the case of a student, the building principal, and the Superintendent of Schools immediately upon receiving the report. If the report was given verbally, the person to whom the report is made shall reduce it to written form within 24 hours and forward it to the Superintendent. Failure to do so will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Superintendent or, if the complaint involves the Superintendent, the complaint shall be filed directly with the Chairperson of the Board of Trustees.

District-wide: The School Board hereby designates the High School Principal as the District Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee, or victim of sexual harassment and also from the building principals and/or other persons to whom reports may be made as outlined above. If any person would prefer to report to an individual other than the Superintendent, the report may be made to the High School Principal (same as above), who shall thereafter notify the Superintendent in the same manner as provided for above. The person to whom the report is made shall conduct an investigation or, in the event the report is made to the Superintendent, he may delegate the investigation of the report to any Administrator to conduct the investigation. In the event of any complaint involving the Superintendent, the complaint shall be filed directly with the Chairperson of the Board of Trustees.

Freedom from retaliation: Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades, work assignments, or subject complainant to retaliation of any kind.

Reporting: Use of formal reporting forms is encouraged but not mandatory.

The District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with the District's legal obligations and the necessity to investigate any/all allegations of sexual harassment. Both the complainant and the alleged harasser are strongly encouraged to keep the matter confidential. The District cannot and will not prevent either from gathering information to support the claim or defend against the claim but would urge both parties to exercise the utmost care and caution in gathering information in order to keep the matter as confidential as possible.

III. INVESTIGATIONS OF ALLEGATIONS OF SEXUAL HARASSMENT:

It is the goal of this policy to have a process in place that is sensitive to the needs of the students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an Administrative Procedure as developed by the Superintendent. No retaliation will be taken against individual(s) involved in the investigation process.

IV. RECOMMENDATIONS AND ACTION(S) TAKEN:

Upon determination that a complaint is valid, the Principal or, in the case of a District complaint, the Superintendent, will take such action as appropriate based on the results of the investigation.

The results of the investigation of each complaint filed under these procedures will be reported, in writing, to the complainant by either the Principal, in the case of a building-level complaint or Superintendent, in the case of a district-level complaint. The report will document whether or not disciplinary action was taken as a result of the complaint. A copy of this report will be placed in either:

- a. the student files of both the complainant and the accused or
- b. the personnel files of both the complainant and the accused

In inconclusive cases in which no harassment can be proven against the accused or malice established against the accuser, the incident report will remain in the files referred to above in order to fully document the complaint so that any future occurrences may be examined in light of a possible pattern. In inconclusive cases where there are no subsequent reports of similar incidents within five (5) years from the date of the original report, the report, at the sole discretion of the Superintendent, may be purged from the file.

V. DISCIPLINARY ACTION:

A substantiated charge against an employee of the District shall subject such employee to disciplinary actions which may result but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling and suspension or expulsion, consistent with the Student Disciplinary Code.

Adoption Date: September 22, 2005

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ADMINISTRATIVE PROCEDURES FOR SEXUAL HARASSMENT INVESTIGATION

1. At such time as a student, employee or other individual reports an incident of sexual harassment or conduct which the reporting party believes constitutes sexual harassment to either the building principal, Guidance Counselor or the Superintendent, the person to whom the report is made shall, if a verbal report, encourage the complaining party to fill out the sexual harassment complaint form. If the report is made to someone other than the Superintendent, principal shall provide either the written report or shall reduce the verbal report to written form and, within twenty-four (24) hours, forward it to the Superintendent.
2. Within twenty-four (24) hours after the report is made, the person to whom the report is made, if the Principal or the Superintendent shall determine whether or not they will investigate the complaint or assign it to the appropriate Guidance Counselor to be investigated.
3. The person who is responsible for conducting the investigation shall, within five (5) school days, attempt to contact all witnesses whom the reporting party believes can provide information and/or evidence to support the claim of harassment. The investigator shall attempt to get the witnesses to fill out the Witness Disclosure Form.
4. Within ten (10) school days after the report, the investigator shall contact the alleged harasser and notify him/her of the sexual harassment that has been alleged and provide an opportunity for that individual to provide a response to the allegation of sexual harassment. The investigator shall notify the alleged harasser not only of the specific conduct alleged by the reporting party and/or alleged victim but also of any conduct which supports the claim for sexual harassment or which may support any defense of the alleged harasser which has been reported by witnesses interviewed by the investigator.
5. Within fifteen (15) school days after the original report is made, the individual against whom the complaint is made shall provide to the investigator, a response to the allegations and any information, including names of witnesses, whom the person against whom the complaint is made believes are supportive of his/her position.
6. The investigator shall, within twenty (20) school days, conduct such further investigation as the investigator determines is appropriate and/or conduct

such meetings or conferences between the complainant and the person against whom the complaint is made as the investigator feels is appropriate.

7. Within twenty-four (24) school days after the original report, the investigator shall prepare a written report containing the results of the investigation of the complaint and provide a copy to one or both of the Principal or Superintendent if they are not the investigator.

8. Within four (4) school days after receipt of the report, the Principal or the Superintendent shall report the results of the investigation to the complainant and the person against whom the complaint is made. The report shall document whether or not disciplinary action was taken as a result of the complaint.

9. A copy of the report will be placed in either the student files of both the complainant and the accused or the personnel files of both the complainant and the accused.

10. Reference in this administrative procedure to day shall mean business days.

11. The investigator may consult with such other sources, including other personnel in the District and/or the school's legal counsel as the investigator deems appropriate, keeping in mind the need to keep the matter as confidential as reasonably possible.