

9110.2-R SEXUAL HARASSMENT OF EMPLOYEES

District Complaint Procedure

I. Complaint Officer(s)

The Board of Education shall appoint Title IX/Title VII Complaint Officer(s) at its annual reorganization meeting, or as needed during the year. Reasonable attempts shall be made to appoint at least one male and one female Complaint Officer.

II. Reporting of Complaints

All complaints of gender discrimination and/or sexual harassment must be reported to one of the Title IX/Title VII Complaint Officers appointed by the Board of Education.

1. An employee who believes that he/she has been subjected to gender discrimination and/or sexual harassment or who becomes aware of a possible incident of gender discrimination and/or sexual harassment should immediately consult with their immediate supervisor, Building Principal, the Superintendent of Schools or a Title IX/Title VII Complaint Officer.
2. Any individual, as referenced above, who is consulted with in accordance with paragraph "1," above, shall:
 - a. Provide a copy of the Employee Gender Discrimination and Sexual Harassment Policy (9110.2) and Regulations to the complainant.
 - b. Promptly report the complainant or inquiry to one of the Title IX/Title VII Complaint Officers.
 - c. Maintain complete confidentiality and secrecy that a complaint or inquiry has been made.
 - d. NOT attempt to influence any further actions on the part of the employee.
3. Any individual, as referenced above, who fails to report a possible incident or complaint of gender discrimination and/or sexual harassment may be subjected to disciplinary action in accordance with law and any collectively negotiated agreement.

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III. Investigation of a Complaint

1. Upon receipt of a complaint, the Title IX/Title VII Complaint Officer shall:
 - a. Conduct a preliminary investigation to determine whether to proceed personally or to

designate or request a different investigator.

b. Determine whether or not the complaint can be handled in an informal manner with the Title IX/Title VII Complaint Officer acting as a mediator.

c. Discuss the above actions with the Superintendent, unless the Superintendent is the subject of the complaint, in which case the Title IX/Title VII complaint Officer should consult with the President of the Board of Education.

d. Report the incident to the police or other appropriate authorities if the behavior constitutes or may constitute a crime.

e. Ensure that any investigation or mediation is conducted within 30 calendar days from receipt of the complaint.

2. If, after consultation, the Title IX/Title VII Complaint Officer determines that a more formal investigation is warranted, any investigation must adhere to the following:

a. During the investigation, the investigator must protect the confidentiality of the complaint, the victim, the accused and all witnesses to the extent practicable. The investigator shall inform all parties of the need for confidentiality.

b. The investigator must conduct a thorough, prompt and impartial investigation.

c. The investigator must seek out relevant documents.

d. The investigator must interview any and all witnesses, including the accused, the victim and the complainant.

e. The investigator must keep accurate documentation and records.

f. The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings. Anyone who is under 18 years of age may also be accompanied by their parents/guardian.

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g. The investigator must notify the accused that he/she is the subject of a gender discrimination sexual harassment complaint investigation when appropriate.

3. As soon as possible upon completion of any investigation, the investigator shall issue a written factual report containing:

a. A summary report for distribution to the parties and School District officials as needed. The report shall contain:

i. A summary of the complaint and findings.

- ii. A determination of whether or not the behavior constitutes gender discrimination or sexual harassment. (The investigator may find that the evidence is inconclusive.)
 - iii. Recommended action, if any.
- b. The investigative information shall be sealed and kept on file by a Title IX/Title VII Complaint Officer so designated by the Superintendent to maintain such files, including:
- i. Copies of all related written documents, including the summary report.
 - ii. Copies of any handwritten notes taken during the investigation and interviews.
 - iii. Any further written details deemed by the investigator to be informative or useful to a better understanding of his/her findings.
4. The following individuals shall be given a copy of the summary report:
- a. The victim.
 - b. The complainant (if applicable).
 - c. The accused.
5. The Superintendent (or President of the Board of Education, if the Superintendent is the subject of the investigation) shall review the summary report and shall determine whether or not formal disciplinary action is needed. Formal discipline of students or staff shall be in accordance with law, district policy and any applicable collectively negotiated agreement.

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IV. Appeal Procedure

The victim and/or the accused may appeal the findings and/or recommendations of the investigation, as contained in the summary report.

1. The appeal must be in writing.
2. The appeal must be made within 30 calendar days from the date of receipt of the written results of the investigation.
3. The appeal is made to the Board of Education, who shall review all relevant information within 30 calendar days of the date of the filing of the appeal.
4. The determination of the Board of Education is final insofar as the District Policy is concerned.

V. District Training and Distribution of Policy

1. The Superintendent of Schools shall implement specific and continuing actions to notify

students, parents/guardians, employees and prospective students and employees that the district does not discriminate on the basis of sex in the educational programs or activities which it operates, as required by Title IX/Title VIII. Such actions may include, but are not limited to:

- a. Annual publication in local newspapers and School district publications.
 - b. Announcements in school sponsored publications.
 - c. Memoranda or other written communications distributed to students and employees.
2. The Superintendent shall provide for student and staff training in accordance with policy.
 3. The Superintendent shall insure that all students, parents/guardians and staff are informed the name, office address and office telephone numbers of any and all Title IX/Title VII Complaint Officers, and that such information is posted conspicuously and updated as needed.
 4. The district policies on gender discrimination and sexual harassment of student/employees shall always be distributed with a copy of the applicable regulations.

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