

5275-R Student Sexual Harassment

Reporting Procedure

1. In each school building

The building principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Any teacher, administrator, or school personnel who receive a report of sexual harassment under this policy ~~shall~~ **must** inform the building principal immediately. Upon receipt of a report, the principal must **immediately** notify the Director of Student Support Services **and Deputy Superintendent**, ~~immediately,~~ or in **their his/her** absence, notify the ~~deputy or associate superintendent or the S~~superintendent, without screening or investigating the report. The principal may request the reporting party or complainant ~~to~~ prepare a written statement. A written statement of the **alleged** facts ~~alleged~~ will be forwarded as soon as practicable by the principal to the Director of Student Support Services **and Deputy Superintendent**. If the report was given verbally, the principal shall personally ~~reduce~~ **transfer** it to written form within 24 hours or within a reasonable time thereafter and forward it to the Director of Student Support Services **and Deputy Superintendent**. If the complaint involves the building principal, the complaint shall be made or filed directly with the Director of Student Support Services ~~or~~ **and** the **Deputy Superintendent** by the reporting party or complainant.

2. In the District

The Board of Trustees hereby designates the Director of Student Support Services **and Deputy Superintendent** to receive reports or complaints of sexual harassment under this policy. If the complaint involves the Director of Student Support Services, the complaint shall be filed directly with the **Deputy Superintendent**.

3. Submission of a good faith complaint or report of sexual harassment will not affect the complainant or reporter's future employment, grades, or work assignments.

4. Use of formal reporting forms is not mandatory.

5. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the **School** District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Investigation

By authority of the Board of Trustees, the Director of Student Support Services or **Deputy Superintendent**, upon receipt of a report or complaint alleging sexual harassment under this policy, shall immediately undertake or authorize an

investigation. The investigation may be conducted by the building principal, a designated investigator of the District, other District officials, or by a third party designated by the District.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. **All parties will be given the opportunity to provide a written statement.** The investigation may also utilize other methods or resources deemed pertinent by the investigator and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other school personnel pending completion of an investigation of alleged sexual harassment under this policy. **Law enforcement may be contacted.**

The investigation will be completed as soon as practicable. The designated investigator shall make a written report to the Director of Student Support Services, **Deputy Superintendent**, and building principal upon completion of the investigation. If the complaint involves the building principal, the report may be **field filed** directly with the **Deputy S**uperintendent. If the complaint involves the Director of Student Support Services, the report may be filed directly with the **Deputy** Superintendent. If the complaint involves the Superintendent, the report may be filed directly with the Chair of the Board of the Trustees. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

District Action

1. Upon receipt of a report, the District will take appropriate action as determined by the responsible supervisory personnel. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. **In addition, consequences may escalate for continued violations of this policy.** The action taken by the District for violation

of this policy will be consistent with requirements of applicable federal and state law and other District policies.

2. The result of the investigation by the District of each complaint filed under these procedures may be reported to the complainant by the District in accordance with state and federal law regarding data or records privacy.

Retaliatory Conduct

The District will discipline or take other appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports alleged, sexual harassment; or any person who testifies, assists, or participates in an investigation; or who testifies, assists, or participates in a proceeding or hearing relating to such sexual harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Equal Employment Opportunity Commission, initiating civil action, or seeking redress under applicable federal or state laws.

Dissemination of Policy and Training

1. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
2. This policy shall appear in the student handbooks.
3. The District will develop a method of informing students and staff members of this policy.

ADOPTION DATE: January 10, 1994; Major Revision June 14, 2011; Editorial revision October 28, 2014; **Revised December 11, 2018.**

LEGAL REFERENCE(S): Title VII of the 1964 Civil Rights Act Title IX

CROSS REFERENCE(S): 5275

ADMINISTRATIVE REGULATION: