

SEXUAL HARASSMENT OF STUDENTS REGULATION

Procedures

The District shall designate a Compliance Officer to carry out the responsibilities associated with compliance with Title IX and policy _____. If the alleged harasser is the Compliance Officer, the Superintendent will act as the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone number of the Compliance Officer. In addition, the District through this regulation has established a grievance procedure that provides for prompt investigation and equitable resolution of student sexual harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or 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. Such notification shall include publication in: publications operated by the District or by student, alumnae, or alumni groups for or in connection with the District; and memoranda, handbooks or other written communications distributed to every student and employee.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the District policy manual and collective bargaining agreements. Consistent with federal and state law, and all applicable provisions contained in the District policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment:

Students who believe they have been subjected to sexual harassment are to report the incident to the Compliance Officer. The Compliance Officer shall notify the Building Principal or Program Director and the Superintendent of all complaints. The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough, and impartial investigation of the allegations must follow. The investigation is to be conducted diligently by or in conjunction with the Compliance Officer. All necessary witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same sex or be accompanied by someone of the same sex. Complainants are to be notified of the outcome of the investigation.

Informal Complaints

In addition to notification to the Compliance Officer, students who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves, the Building Principal, and the Compliance Officer. The student may also request a meeting with a counselor or administrator of the same sex. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal and the Compliance Officer will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal, Program Director, or the Compliance Officer is to inform the complainant of the denial and request a formal written complaint to file with the Compliance Officer's report to the Superintendent on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Compliance Officer's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal and the Compliance Officer are to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal may impose further disciplinary action. Thereafter, the Compliance Officer is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Building Principal and Compliance Officer are to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If, during the Building Principal and Compliance Officer's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Compliance Officer is to file a report with the Superintendent. The report is to indicate the nature of the complaint, a description of what occurred when the harasser was informed of the allegations against him/her, the harasser's response to the allegations, and a recommendation that corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Compliance Officer, who will then forward it to the Superintendent for appropriate action. The Superintendent shall take immediate, appropriate and corrective action upon a determination of sexual harassment. The Superintendent shall notify the complainant of any findings and action taken.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies and regulations, and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's policy manual or collective bargaining agreements.

Complaint Records

Upon written request, complainant should receive a copy of any resolution reports filed by the Compliance Officer or Superintendent concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.