

**SERIES 400
STUDENTS**

Administrative Rule 411.1

STUDENT SEXUAL HARASSMENT COMPLAINT PROCEDURES

Informal Complaint Procedures

1. Any student who believes he/she has been subjected to sexual harassment by another student or by a district employee, substitute, volunteer, bus driver, vendor or Board member or observes harassment but who is not the direct recipient is strongly encouraged to report the incident to the building principal as soon after the incident as possible. If a student is not comfortable with making a complaint to the building principal, the complaint may be made to a teacher. This teacher and the student should jointly report the complaint to the Superintendent.
2. The building principal or Superintendent shall listen to all issues and concerns of the student. A copy of the Board's student sexual harassment policy shall be shared with the student. The student may request at this time to submit a written formal complaint. If the student wants to submit a written formal complaint, the building principal or Superintendent shall assist the student in putting the complaint in writing, if appropriate.
3. An investigation of the complaint shall take place under the leadership of the building principal or Superintendent. He/she shall meet with the person accused of harassment to determine the level or degree, if any, of harassment. If it is determined harassment has occurred or there is reason to do further investigation, the accused shall be given a copy of the student harassment policy, informed of the areas of concern based upon the policy, directed to stop the behavior, disciplined appropriately, and informed that any repeat of behavior or any repercussions or attempted repercussions to the person being harassed shall result in a formal harassment charge.
4. The building principal or Superintendent shall meet with the complainant and share the results of the inquiry and action taken. If the complainant is not satisfied with this response, the complainant may file a written formal complaint.

The Superintendent shall be kept informed of all complaints filed informally. If the Superintendent is the alleged harasser, the Board President shall be kept informed.

Formal Complaint Procedures

1. The complainant may submit a formal complaint to the building principal or Superintendent. Upon receiving a formal complaint, the building principal or Superintendent shall make sure he/she understands the specific nature of the alleged sexual harassment and when and where it took place.

2. The person who has been accused of sexual harassment must be notified by the building principal or Superintendent of the charge as soon as practicable and preferably within two business days from when the complaint was filed and be given the opportunity to respond to the allegation.
3. The building principal or Superintendent shall investigate the complaint. The investigation must be completed as quickly as possible and take no longer than 10 business days. If more time is needed, it may be granted by both parties and if not agreed to by them, permission to go beyond 10 business days must be received from the Superintendent or, if the Superintendent is the alleged harasser, the Board President. The building principals or Superintendent must report the resolution to the complainant and the accused within 15 business days unless a longer period of time is granted by the Superintendent or Board President.

Throughout the entire investigation process, the complainant and accused may bring another person to any meetings. Parents/guardians shall be advised of the situation and may or may not be interviewed at the discretion of the investigation team. Parents/guardians shall not be a part of other interviews in the investigation.

4. Following the investigation, the building principal or Superintendent must make a decision regarding the case. The decision must be made within 90 days of receipt of the written complaint unless the parties agree to an extension of time. The findings and decision shall be put in writing by the building principal or Superintendent. He/she shall share the findings and decision with the parties involved through a personal conference held separately with each party involved or together if desired by the complainant. Others interviewed shall not receive feedback from the investigation. The consequences/discipline shall be presented privately to both parties.

Appeal Procedures

1. If either party is unsatisfied with the investigation, decision and/or the resolution, he/she may appeal it to the Superintendent or, if the Superintendent is the alleged harasser, the Board President, who will review the findings and decision, conduct a further investigation if necessary and render a decision within five business days of the date of the appeal, or as soon as practicable.
2. If the decision of the Superintendent or Board President is not considered equitable by either party, a written request may be made to the Board President or Superintendent to appear before the Board to discuss the complaint. The complainant may be permitted to appear before the Board in executive session.
3. The Board shall make a decision as to whether the decision should stand or whether further investigation needs to take place. This decision shall be made no later than the next regular meeting of the Board or a special meeting of the Board held prior to the next regular meeting.

4. If either party is not satisfied with the response of the Board, he/she may file a complaint with the State Superintendent of Public Instruction and/or file a complaint with the proper legal authorities.

Confidentiality

District staff shall maintain confidentiality in dealing with sexual harassment complaints to the extent permitted by law.

Recordkeeping

One written, separate record of each complaint shall be filed by the Superintendent or, if the Superintendent is the alleged harasser, the Board President, and maintained in a secure manner, including those that are settled informally. Such records shall be kept confidential to the extent permitted by law. The destruction of such records shall be in compliance with the state records law.

Discipline and Other Action

Students found guilty of sexual harassment, knowingly making a false accusation or retaliating against or attempting retaliatory behavior toward the complainant shall be subject to discipline including, but not limited to, detention, suspension or expulsion. Employees found guilty of sexual harassment or retaliating against or attempting retaliatory behavior toward the complainant shall be subject to discipline including, but not limited to, a written reprimand, suspension with pay, suspension without pay, non-renewal of contract or dismissal and/or may be required to participate in counseling or assessment by a psychologist.

Informing Students, Parents/Guardians and Staff of Policy and Procedures

1. Information regarding the district's sexual harassment policies and procedures should be included in student and parent handbooks (as appropriate) and in handbooks that are developed for athletics and other student activities. Copies of the district's policies and procedures may be sent home to parents/guardians and students using the district mailing. This mailing may be in place of the above noted publication.
2. Explanations of sexual harassment shall be provided to all students at the beginning of each school year and information shall be available in the guidance counseling offices in each building.
3. Special opportunities for students to get a better understanding of sexual harassment and its consequences shall be made available through the curriculum and/or special programs on a yearly basis.

4. Policy manuals shall contain the district's sexual harassment policies and procedures.
5. Staff shall be inserviced on sexual harassment in accordance with local and state guidelines.

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