

Sexual Harassment of Students

Any student who believes he/she has been subjected to sexual harassment as defined in Policy JBA should immediately report the incident to the school's principal or counselor. If the report has been made to the school's counselor, the counselor should report it to the school principal. The school principal will investigate the complaint and respond to the student making the complaint at the conference held within five days of being notified.

At the request of the student or the student's parent, confidentiality will be maintained. However, it is often difficult to investigate a complaint thoroughly without disclosing the name of the complaining student. If the name of the alleged victim of the harassment is disclosed, the administration will attempt to ensure that no reprisals or retaliation occurs against that person. Note: While no retaliation will be permitted against a person making a complaint in genuine good faith, appropriate disciplinary action may be taken against the harasser.

If the school principal's decision is not acceptable to the complainant or the parent, a formal complaint may be filed according to the steps listed below. A formal complaint consists of a written statement, signed by the complainant explaining the alleged behavior.

- Step 1 The complainant submits a signed, (see form) written appeal to a administrator designate by the superintendent. The superintendent's designee shall meet with all all parties involved to discuss the complaint and will respond, in writing, to the complainant within 10 school days.

- Step 2 If the complainant is not satisfied with the decision of the superintendent's designee, a second written appeal may be submitted to the Board. Such written appeal shall be submitted within five days of receipt of the decision of the superintendent's designee.

If the appeal is submitted at least seven days before the next regularly scheduled Board meeting, the Board shall consider the appeal at that meeting. If the appeal is submitted less than seven days before the next regularly scheduled meeting, the Board shall consider the appeal at the next following regularly scheduled Board meeting. The board will reply to the complaint, in writing, within 10 school days.

If a determination of culpability is made, appropriate disciplinary action will be taken.

If the complaint is not satisfactorily settled at the Board level, an appeal may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Changes to the above procedure may be made if an administrator is named in the complaint.

The following procedure shall be used for investigating and resolving complaints of student sexual harassment:

1. Consider the complaint;
 - a. Talk to the complainant;
 - 1) Gather all specifics about the complaint either verbally or in writing. Review the district's complaint policy and complaint provisions in the collective bargaining agreement that apply;
 - 2) Explain the district's process to resolve the complaint:
 - a) If the complaint is quite minor and could be resolved between the two individuals involved, discuss that possibility.
 - 3) Discuss confidentiality and disclosure with the complainant.
 - a) Get permission to use his/her name, if possible.
 - b) Explain the limitation on ability to investigate without this permission.
 - 4) Tell complainant how the investigation will be conducted.
 - 5) Tell complainant what the possible outcomes are.
 - b. Talk to the alleged harasser:
 - 1) Tell him/her the allegations and get a response.
 - 2) Assure him/her that the district will conduct an unbiased investigation.
 - 3) Review the district's non-retaliation policy toward complaints.
 - 4) Tell the alleged harasser to not discuss the complaint with the complainant or others. The alleged harasser, however, has the right of representation in this process.
 - c. Decide what to do next:
 - 1) If the harassment is admitted, or otherwise proven, determine the appropriate response and implement it. Notify both the alleged harasser and complainant.
 - 2) If it is already clear that no harassment occurred, the process stops here, perhaps with some additional discussion with the parties to clear the air.
 - 3) If what actually happened is not clear, and the allegations, if proven, would constitute sexual harassment, proceed with an appropriate investigation. What is appropriate depends on all the circumstances, including the seriousness of the allegations and the evidence that is discovered.
2. Possible methods of investigation:
 - a. Discuss the alleged harasser's responses with the complaint. Get the alleged harasser's responses to any new information.
 - b. Schedule a meeting between the two parties to discuss the behavior which is considered offensive. Agreement and cooperation of both parties is needed for this to be productive

- c. Identify possible witnesses and talk to them. Be sensitive to the effect of broadening the investigation and the potential impact on the school setting of spreading the allegations. Get the complainant's and alleged harasser's response to any new information.
 - d. If the alleged harasser is a staff member, talk to supervisors to determine if similar claims have been made in the past.
 - e. If the alleged harasser is a staff member, notify the personnel director and make arrangements to review the alleged harasser's personnel files.
3. At the conclusion of the investigation:
- a. Document findings and rationale for decision.
 - b. Determine whether discipline is required, what type of discipline is required and apply it.
 - c. Communicate the findings and decision to the alleged harasser.
 - d. Communicate the findings to the complainant.
 - e. If the harassment is found, remedy any damage to the complainant, and impose appropriate discipline consistent with the district's complaint policy and the provisions of the collective bargaining agreement which apply.
4. If the decision of the administrator is not acceptable to the complainant:
- Step 1 The complainant submits a signed, written appeal to an administrator designated by the superintendent. The superintendent's designee shall meet with all parties involved to discuss the complaint and will respond, in writing, to the complainant within 10 school days.
- Step 2 If the complainant is not satisfied with the decision of the superintendent's designee, he/she may submit a written appeal to the Board. Such written appeal shall be submitted within five days of receipt of the decision of the superintendent's designee.
- If the appeal is submitted at least seven days before the next regularly scheduled Board meeting, the Board shall consider the appeal at that meeting. If the appeal is submitted less than seven days before the next regularly scheduled meeting, the Board shall consider the appeal at the next following regularly scheduled Board meeting. The Board will reply to the complaint, in writing, within 10 school days.
- If a determination of culpability is made after either of these steps, and if there is no appeal, appropriate disciplinary action will be taken.

If the complaint is not satisfactorily settled, an appeal may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Changes to the above procedure may be made if an administrator is named in the complaint.

Confidentiality will be maintained if requested by the complainant. Furthermore, no reprisals or retaliation will be allowed to occur because of the good faith reporting of charges of sexual harassment.

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____