

Sexual Harassment Complaint Procedure

All employees have an obligation to report incidents of sexual harassment which they witness or otherwise become aware of. Such reports should be made to the district human rights officer (HRO) (superintendent). If such a report is made to an administrator or other staff member, it should be immediately forwarded to the HRO. All such reports or complaints should be investigated to determine whether harassing conduct occurred and if so the extent, nature and seriousness of the conduct.

Complainants and others involved in alleged incidents of harassment should be informed that while maximum confidentiality is a goal, an investigation inevitably involves questioning of those who did or might have witnessed the alleged conduct, or similar conduct, and that absolute confidentiality is usually impossible.

In all cases where sexual harassment may have occurred the HRO should review the allegations with appropriate legal counsel. The HRO should fully and carefully investigate all allegations or reports which appear to involve sexual harassment. Such investigations should involve interviews of all witnesses or others who may have relevant information regarding the circumstances. Accurate documentation of those interviewed and the information discovered should be assembled. Tape recording interviews may be appropriate.

At the conclusion of the investigation, the information gathered should be reviewed and evaluated to determine as specifically as is possible what actually occurred. Appropriate action should follow. That action could include any of the following but should always involve a written response to complainant(s) and the alleged harasser(s).

1. Types of Written Notice

a. No Harassment Confirmed

- (1) Written notice to the complainant(s) and alleged harasser(s) that the allegation/complaint/incident(s) has been investigated and that it cannot be determined conclusively that inappropriate conduct did, or did not occur.
 - (a) In such cases the complainant should be given a copy of the applicable policy, told that he/she has a right to work in an environment free from illegal harassment and urged to promptly report if any objectionable conduct takes place in the future. The alleged harasser should be given a copy of the applicable policy and should be told that he/she should be sure his/her conduct in the future complies with the provisions of the policy.

- (b) Written notice to the complainant(s) and alleged harasser(s) that a thorough investigation has not developed sufficient evidence to establish that harassment occurred.

B. Harassment Confirmed

- (1) Written notice to the harasser indicating the conclusions reached as a result of the investigation and the remedial action to be taken in response to these conclusions.
- (2) Written notice to the complainant that, based on the investigation, the HRO has determined that harassment occurred and that disciplinary action and/or other remedial steps have been taken to address the situation.

2. Examples of Appropriate Action

- (a) Written notice to harasser as to expected conduct and requirement to follow policy in the future.
- (b) Suspension of harasser with pay.
- (c) Dismissal of harasser.
- (d) Transfer and/or demotion of the harasser.
- (e) Training and/or counseling of the harasser.
- (f) Transfer of complainant (generally only if this is desired by the complainant).

All documentation regarding the complaint/report, investigation, facts, remedial actions, etc. should be retained by the HRO. Where appropriate, material should also be placed in individual personnel files.

In all cases, applicable collective bargaining agreements should be reviewed to be sure that provisions such as those addressing complaint procedures, personnel files, discipline, due process, etc. are properly followed.

In all cases, it is advisable for the HRO to make contact with the complainant periodically after the matter is resolved to monitor the effectiveness of any remedial actions and to provide an opportunity to the complainant to convey any concerns, problems or developments.

In all cases, the HRO and any involved administrators should be sensitive to any retaliation or negative employment or student education consequences which come as a result of a good faith report or complaint of sexual harassment. Such circumstances shall not be tolerated.