

Policy JBB-R- PROCEDURES FOR THE INVESTIGATION OF COMPLAINTS OF HARASSMENT

I. REPORTING PROCEDURES

Any student who believes he or she has been the victim of sexual harassment or harassment based on race or color, national origin, sexual orientation, disability or religion by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy.

Any teacher, administrator, or other school official who has or receives notice that a student has or may have been the victim of such harassment by a student, teacher, administrator or other school personnel of the School District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District, is required to immediately report the alleged acts to an appropriate School District official designated by this policy.

Any other person with knowledge or belief that a student has or may have been the victim of sexual harassment or harassment based on sex as set forth above, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy.

The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Title IX Officer, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. Nothing in this policy shall prevent any person from reporting harassment directly to the Title IX Officer or to the Superintendent.

A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of harassment at the building level. Any adult School District personnel who receives a report of harassment at a school shall inform the building principal immediately.

Upon receipt of a report, the principal must notify the Title IX Officer who will coordinate the investigation of the complaint. If the complaint involves the principal, the report shall be made or filed directly with the Title IX Officer or the Superintendent.

B. District-Wide. The School Board has designated the Title IX Officer to receive reports or complaints of harassment of students from the building principals as outlined above and from other individuals. Any adult School District personnel who receives a report of harassment in one of the central offices shall inform the Title IX Officer immediately. If any complaint involves the Title IX Officer, the complaint shall be filed directly with the Superintendent.

C. The School District shall conspicuously post a summary of this policy against harassment and violence and the name of the Title IX Officer in each school and in each central office that the School District maintains, in a place accessible to faculty, administrators and other employees. In addition, this policy shall be posted on the School District's website on the Internet. Copies are also available in the principal's office in each school and in the Department of Human Resources.

D. The School District will respect the privacy of the complainant, the individuals 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.

II. INVESTIGATION AND RECOMMENDATION

Upon receipt of a report or complaint alleging prohibited harassment, the Title IX Officer shall promptly undertake or authorize an investigation.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents which may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, the School District shall consider the following:

- the nature and context of the incidents
- the frequency, duration, repetition, severity, and scope of the alleged harassment
- the relationship between the parties involved
- the sex, race, color, sexual orientation, national origin, disability, religion and/or age of the victim

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The Title IX Officer or his or her designee shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. 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.

III. SCHOOL DISTRICT ACTION

A. The Title IX Officer or his or her designee shall inform the complainant and the alleged perpetrator of the outcome of the investigation and any steps the School District is taking as a

result of its conclusion. The School District will disclose this information in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged perpetrator.

B. Upon receipt of a report that a violation has occurred, the School District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation, including providing appropriate assistance to the victim. If the alleged perpetrator is another student, appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, and remediation. If the alleged perpetrator is a School District employee, appropriate actions may include, but are not limited to, warning, suspension or immediate termination. Any School District action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreement, state statutes and School District policies. The School District will take action as it deems necessary and appropriate to end harassment and prevent its recurrence.

IV. NON-REPRISAL

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

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

V. NON-HARASSMENT

The School District recognizes that not every advance or conduct of a sexual nature constitutes sexual harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory effect requires a determination based on all the facts and surrounding circumstances. Similarly, not all conduct relating to race or color, national origin, sexual orientation, disability or religion will rise to the level of prohibited harassment. Again, a determination of whether harassment occurred will depend on all of the surrounding circumstances.

VI. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse.

VII. SEXUAL HARASSMENT AS SEXUAL ABUSE

Under certain circumstances, sexual harassment may constitute sexual abuse under state statutes. In such situations, the School District shall comply with the reporting requirements of state law and the procedures under the School District policy on child abuse.

VIII. APPEAL PROCESS

If the complainant is dissatisfied with the results of the investigation or the recommended remedy, the complainant may request that the Superintendent or Superintendent's designee review the matter. Such request for review shall specify the reasons for the request for review, and shall be filed with the Superintendent within five working days after the investigator's decision is rendered. The Superintendent or Superintendent's designee may conduct such additional investigation as he or she deems appropriate. After the Superintendent or his or her designee completes the review, he or she shall issue a decision in writing.

The decision of the Superintendent or Superintendent's designee shall be final.

Adopted: March 6, 1997

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LEGAL REFS. Title IX of the Education Amendments of 1972, U.S.C. Section 1681, et seq.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, et seq.

Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

Section 504 of the Rehabilitation Act of 1973