

HARASSMENT OF STUDENTS

The Board of Education is committed to safeguarding the rights of all students within the school to learn in an environment that is free from all forms of harassment. Conduct is deemed to be harassment when the recipient perceives such behavior as unwelcome. It is irrelevant that the harasser had no intention to harass the person. The Board recognizes that harassment of students can originate from peers as well as contact with students on school grounds or at school-sponsored activities. When an alleged harassment occurs and the District knows about it, immediate and appropriate corrective action shall be taken.

The Board, consistent with state and federal law, therefore condemns all unwelcome behavior of this nature. Behaviors which create a hostile or offensive learning environment will not be tolerated. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

All students shall have the right to freedom from harassment and discrimination on the basis of race, color, gender, gender identity and expression, religion, religious practices, national origin, sexual orientation, weight, ethnic group, or disability.

Any student who believes that he or she has been subjected to harassment should report the alleged misconduct immediately, pursuant to 5020.5-R, so that appropriate corrective action may be taken at once. The complainant shall not be discouraged from reporting an incident or alleged harassment. In the absence of a victim's complaint, the Superintendent, upon learning of or having reason to suspect the occurrence of any form of harassment, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of harassment. Such procedures are to be consistent with any applicable provisions contained in the District's policy manual, collective bargaining agreements, the applicable laws, as well as other federal and state laws related to harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding harassment and to implement preventative measures to help reduce incidents of harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places.

Cross-Reference: Policy 5010 – Dignity for All Students Act

Approved: August 27, 2012

HARASSMENT OF STUDENTS REGULATION

In addition to any relevant procedures contained in Policy 5311.3, Student Complaints and Grievances, the following regulation will implement the Board of Education's policy concerning harassment of students.

A student can be subject to harassment by a student, employee, Board member or any individual who might come in contact with the student on school grounds or at school sponsored activities. Harassment experienced by students is not always easily recognized. The following are examples of harassment one should be aware of when dealing with a complaint:

1. Unwelcomed behavior which creates an intimidating, hostile or offensive learning environment based upon harassment related to race, color, gender, gender identify and expression, religious practices, national origin, sexual orientation, weight, ethnic group, or disability.
2. Unwanted sexual harassment or behavior, which may include touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, pictures, leers, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape and rape.
3. Comments or actions related to equity and opportunities for all students.

The procedures set forth herein shall be applicable to all situations involving harassment and bullying.

Procedures

The Board of Education shall designate a Compliance Officer to carry out the District's responsibilities associated with compliance with Title VI of the Civil Rights Act, Title IX of the Education Amendments, Section 504 of the Rehabilitation Act, and the Dignity for All Students Act pursuant to Policy 5311.3, Student Complaints and Grievances. In addition, the Board will designate a second individual for ensuring compliance with Title VI, Title IX, Section 504 and the Dignity for All Students Act in regard to harassment so that students who believe that they have been subjected to harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

All acts of harassment shall be reported to both the Compliance Officer and Dignity Act Coordinator. It shall be the responsibility of the Compliance Officer and Dignity Act Coordinator to intervene appropriate based upon the nature of the circumstances presented.

The Superintendent shall notify all students and employees of the name, office address and telephone number of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate in the educational programs or activities which it operates as required by Title VI, Title IX, Section 504 and the Dignity for All Students Act. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the District; memoranda or other written communications distributed to every student and employee; and the District's website.

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

Students who believe that they have been subjected to harassment are to report the incident to the Compliance Officer or the second designee as described above. The Compliance Officer or designee shall notify the Building Principal 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. This investigation is to be conducted diligently. All witnesses shall be interviewed, and if requested, the victim shall speak with an individual 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 or the Board's designee as described above, students who believe they have been subjected to harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. 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 or Superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of the conduct alleged against him/her. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charge, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent 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 similar recurrence of harassment is reported. The Building Principal or Superintendent is 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's or Superintendent'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 Building Principal or Superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger 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 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 Building Principal or Superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or Board of Education, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Remedial Action

If the investigation reveals that 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 the 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, Code of Conduct or collective bargaining agreements. If the investigation reveals that no harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of harassment, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post-Remedial Action

Following a finding of harassment, victims will be periodically interviewed by the appropriate Building Principal 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 in a manner that complies with student privacy rights under the Family Education Rights and Privacy Act (FERPA).

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 harassment.

Issued by Superintendent: August 27, 2012

HARASSMENT FORMAL COMPLAINT FORM

Name and Position of Complainant: _____

Date of Complaint: _____

Name of Alleged Harasser: _____

Date and Place of Incident: _____

Description of Misconduct: _____

Name(s) of Witness(es), if any: _____

Has the incident been reported before? Yes No

If yes, state when and to whom: _____

What was the resolution? _____

Reasons for dissatisfaction: _____

HARASSMENT COMPLAINT APPEAL FORM

Name and Position of Complainant: _____

Date of Appeal: _____

Date of Original Complaint: _____

Have there been any prior appeals? Yes No

If yes, state when and to whom? _____

Description of decision being appealed: _____

Why is the decision being appealed? _____
