

## Prohibition of Sexual Harassment in the Workplace and The Learning Environment

DATES (Adopted/Revised)	GUIDE WORDS
Adopted August, 2007	Harassment Intimidation Bullying Hazing Initiation

The Pocatello/Chubbuck School District expects that all staff and students shall act in accordance with the vision and mission of the district to nurture and sustain a working and learning environment which provides for the health, safety and welfare of all.

### **Reporting**

Should an individual have reason to feel that s/he has been subjected to any form of sexual harassment, the individual is encouraged to firmly and clearly tell the person engaging in the harassing that it is unwelcome, offensive and should cease at once. The individual should report any harassment to his/her immediate supervisor, principal/assistant principal, any director or any other administrator. Further, any individual who becomes aware of any such conduct involving another employee, student, supervisor, or administrator shall follow the same reporting process. All staff is also responsible for directing complainants to the formal complaint process. This reporting is essential so that a prompt investigation is undertaken followed by any appropriate, preventive, corrective and/or disciplinary action. The administrator who receives the information is to report such to the appropriate elementary/secondary director and the human resource director for employees or pupil personnel director for students. Any school employee who receives information about any alleged sexual harassment and has reason to believe the harassment may be child abuse is obligated by law to report it to law enforcement or the Department of Health and Welfare within 24 hours. Any individual that knowingly makes a false claim of sexual harassment will be subject to corrective action, up to and including suspension, expulsion, discharge or termination.

### **Investigation**

An allegation of sexual harassment will be promptly investigated in a confidential manner by the administration and/or a designee of the administration so as to protect the privacy of all persons involved. The human resource director (employees) or pupil personnel director (students) shall provide the investigating administrator or designee, a framework in which to conduct the investigation. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate given the circumstances.

Complaints may be investigated and resolved through either the informal or formal complaint process.

### **Informal Complaint Process**

The informal complaint process is voluntary. Its intent is to bring the parties together with a resolve to stop any alleged sexual

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harassment. A formal complaint may be filed at any time before, during or after any informal process is used. The informal complaint process does not have rigid steps. Rather, the process depends on the preferences of the complainant and includes any of the following:

- Talking directly with the harasser stating the behavior is unwelcome and unwanted and must cease.
- Using a neutral party such as a director, principal, assistant principal, supervisor, teacher or student mediator to talk with the harasser to get the alleged behavior to cease.
- Using a mediator to meet with the harasser and complainant.
- Writing a letter to the harasser identifying the incident and how it made the complainant feel.
- Putting a copy of the district's harassment policy in the harasser's mailbox.

The administrator involved in resolution of an informal complaint shall document the complaint of sexual harassment, the process utilized for any resolution and the results. Resolution of the complaint shall be filed with the appropriate elementary or secondary director and the human resource director (for employees) or the pupil personnel director (for students).

### **Formal Complaint Process**

The formal complaint process is voluntary. Its intent is to investigate the alleged complaint with a resolve to stop any alleged sexual harassment. The formal complaint does have rigid steps to be followed. The investigator or designee shall strive to have the complainant trust the investigator. To the extent practicable, the following process shall be adhered to when addressing a formal complaint.

- All formal complaints of sexual harassment shall be filed in writing on the proper form. Formal complaints shall set forth the specific acts, conditions or circumstances alleged to have occurred that may constitute the sexual harassment. This document should include the date of the alleged event as well as the identification of any known witnesses to the event. The investigating administrator or designee may draft the complaint for the complainant, based on the report of the complainant, for the complainant to review and sign.
- Complainants shall not be promised confidentiality at the onset of an investigation.
- Regardless of the complainant's interest (or lack thereof) in filing a formal complaint, the investigating administrator or designee (with consultation), may conclude that the district needs to file a formal complaint based upon the information provided to the administrator.
- The investigating administrator or designee, shall investigate all formal, written complaints of alleged sexual harassment with a resolve to have the alleged sexual harassment cease through the process of resolution.
- Within 30 days of the filing of the complaint, the human resource director (employees) or pupil personnel district (students) shall

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provide in writing to the complainant and the accused a status report of the investigation by stating one of the following:

- o That the investigation is incomplete to date and will be continuing; or
  - o That the District intends to take corrective action; or
  - o That the District does not have adequate evidence to conclude that sexual harassment occurred.
- When the investigation is completed the investigating administrator or design, shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the report shall be forwarded on appeal to the human resource director (employees) or the pupil personnel director (students) who shall take further action to resolve the complaint.
  - Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the human resource director/pupil personnel director's written status report, unless the accused is appealing the imposition of discipline and the District is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.
  - As corrective action is taken, only those who have a need to know shall have knowledge of the disposition of the complaint.
  - Resolution of the complaint shall be filed with the appropriate elementary or secondary director and the human resource director (employees) or the pupil personnel director (students).

### **FERPA:**

FERPA shall be adhered to through all phases of receiving the complaint, investigating the complaint, and resolving the complaint.

### **Resolution:**

A timely resolution for each complaint will be reached and communicated to the individual making the claim and any other parties involved. Appropriate action, up to and including termination or expulsion, will be taken against any individual engaging in sexual harassment.

### **Retaliation:**

Retaliation against any individual who makes a complaint or brings such objectionable conduct to the administration's attention or who assists or participates in any investigation, proceeding or litigation pertaining to sexual harassment is prohibited. Any such retaliation constitutes grounds for immediate disciplinary action up to and including suspension, expulsion, discharge or termination of employment.