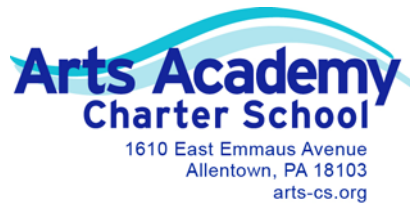


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Board Policy 2.7

Unlawful Harassment

The Board strives to provide a safe, positive learning climate for students in the schools. Therefore, it shall be the policy of the school to maintain an educational environment in which harassment in any form is not tolerated.

Authority

The Board prohibits all forms of unlawful harassment of students by all school students and staff members, contracted individuals, vendors, and volunteers in the schools. The Board encourages students who have been harassed to promptly report such incidents to the designated employees.

The Board directs that complaints of harassment shall be investigated promptly, and corrective action be taken when allegations are substantiated. Confidentiality of all parties shall be maintained to the greatest degree possible, consistent with the school's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith charges of harassment.

Definitions

For purposes of this policy, harassment shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, sex, age, disability, sexual orientation or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.

For purposes of this policy, sexual harassment shall consist of unwelcome sexual advances; requests for sexual favors; and other inappropriate verbal, written, graphic or physical conduct of a sexual nature when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status;

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2. Submission to or rejection of such conduct is used as the basis for academic or work decisions affecting the individual;
3. Such conduct deprives a student of educational aid, benefits, services or treatment; or
4. Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's school performance or creating an intimidating, hostile or offensive educational environment.

Delegation of Responsibility

In order to maintain an educational environment that discourages and prohibits unlawful harassment, the Board designates the Executive Director, or his/her designee, as the school's Compliance Officer.

The Compliance Officer shall publish and disseminate this policy and the complaint procedure at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.

The administration shall be responsible to provide training for students and employees regarding all aspects of unlawful harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of unlawful harassment.

Each student shall be responsible to respect the rights of their fellow students and school employees and to ensure an atmosphere free from all forms of unlawful harassment.

The building principal or designee shall be responsible to complete the following duties when receiving a complaint of unlawful harassment:

1. Inform the student or third party of the right to file a written complaint and the complaint procedure.
2. Inform the complainant that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complainant and the accused of the progress at appropriate stages of the procedure.
4. Refer the complainant to the Compliance Officer if the building principal is the subject of the complaint.
5. Perform an investigation of a verbal complaint of harassment, where warranted in the building principal's professional opinion and where the alleged harassment may satisfy the definitions of harassment under this Policy, regardless of whether a written complaint has been filed by the student.

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Guidelines

Complaint Procedure

Step 1 – Reporting

A student, employee or third party who believes s/he has been subject to conduct that constitutes a violation of this policy shall immediately report such conduct to the building principal.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the building principal.

If the building principal is the subject of a complaint, the student, third party or employee shall report the incident directly to the Compliance Officer.

The principal shall immediately request a written statement of the allegations (a written complaint) from the student/employee/3rd party. The complainant or reporting employee is encouraged to use the report form available from the building principal, but oral complaints shall be acceptable.

Step 2 – Investigation

Upon receiving a complaint of unlawful harassment, the building principal shall immediately notify the Compliance Officer. If the Compliance Officer is the subject of the complaint, the building principal shall instead notify the Executive Director, who will then assume all duties assigned to the Compliance Officer under this Policy.

Upon notification, the Compliance Officer shall authorize the building principal to investigate the complaint, where building principal is the subject of the complaint or where the Executive Director agrees or deems that the principal is unable to conduct the investigation, the Compliance Officer shall conduct the investigation.

The investigation should consist of individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation, including reviewing any security video footage that may be available of the incident, where appropriate.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

Step 3 – Investigative Report

The building principal shall prepare and submit a written report to the Compliance Officer within fifteen (15) days of his/her receipt of the written or verbal report, unless additional time to complete the investigation is required. The report shall include a summary of the investigation, a recommendation as to whether the complaint has been substantiated as factual and whether it is a

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violation of this policy, and a recommended disposition of the complaint.

Step 4 – Issuance of Determination

The Compliance Officer shall consider all information within the report and shall either request additional information or issue a final determination. If additional information is needed, it must be provided within a reasonable timeframe, not to exceed an additional ten (10) days. Within five (5) days of the receipt of the investigation or additional information, where applicable, the Compliance Officer shall issue a final determination, which shall consist of:

- A determination as to whether unlawful harassment occurred.
- A determination of consequence for the individual found to be in violation of this policy (where applicable);
- A detailed description of the action to be taken by the school as a result of the findings of the complaint; and
- Any additional information deemed necessary by the Compliance Officer.

The complainant and the accused shall be informed of the outcome of the investigation, including the recommended disposition of the complaint. Where not prohibited by law, the school shall also inform the complainant of any corrective action contained within the final determination. For confidentiality reasons, parties are not guaranteed access to the full, unredacted report, although the school may, at its discretion, provide the parties with a redacted version of the report.

Step 4 – School Action

The Compliance Officer, in consultation with the Executive Director, shall take any additional steps necessary to address the situation, including, where appropriate, making a report to law enforcement and/or Childline.

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the school shall take prompt, corrective action, consistent with the final determination, to ensure that such conduct ceases and will not recur. School staff shall document the corrective action taken and, where not prohibited by law, inform the complainant.

Disciplinary actions shall be consistent with the Code of Student Conduct, Board policies and school procedures, applicable collective bargaining agreements, and state and federal laws, and may include educational activities and/or counseling services.

If it is concluded that a student or employee has knowingly made a false complaint under this policy, such student shall be subject to disciplinary action.

Appeal Procedure

1. If the complainant is not satisfied with a finding of no violation of the policy or with the recommended corrective action, s/he may submit a written appeal to the Executive Director

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within fifteen (15) days.

2. The Executive Director shall review the investigation and the investigative report and may also conduct a reasonable investigation.
3. The Executive Director shall prepare a written response to the appeal within fifteen (15) days. Copies of the response shall be provided to the complainant, the accused and the building principal who conducted the initial investigation.
4. The Executive Director may confirm, reject or modify any finding or corrective action as part of the appeal procedure.

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