

## WORKPLACE HARASSMENT REGULATION

The following applies to all forms of workplace harassment as described in Policy 6121 Sexual Harassment and Policy 3420 Non-Discrimination and Anti-Harassment.

### *Reporting Complaints*

Any person who believes he or she has been the victim of sexual or other forms of workplace harassment (as those terms are defined in applicable Board policies) is required to report complaints as provided in those policies. Those who witness such harassment are also required to report it as provided therein.

### *Investigation and Resolution Procedure*

In addition to any basic investigation requirements noted in Policies 6121 and 3420, the following procedure will apply:

#### A. Initial (Building-level) Procedure

As soon as possible but no later than three working days following receipt of a complaint or harassment report, the Principal or Civil Rights Compliance Officer (CRCO) should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services. If the complaint contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent.
2. If the investigator suspects that a crime may have been committed, he or she has an obligation to contact law enforcement and/or child protective services early on in the investigation. Complainants may always contact the police in addition to school authorities with their complaints.
3. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, ask the victim to do so. If the victim refuses or is unable to for some other reason, the investigator will complete a written complaint form for him/her. Please note that the complaint form used for sexual harassment made part of Policy 6121 and for all other forms of harassment the complaint form is attached

- to this regulation. (See 6121/3420-E.1.)
3. Interview witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
  4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
  5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action. Where activity alleged or suspected is extreme in nature (or perhaps criminal), the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.
  6. Review all documentation and information relevant to the complaint.
  7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
    - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
    - b. suggesting counseling and/or sensitivity training;
    - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
    - d. writing letters of caution or reprimand; and/or
    - e. separating the parties by transferring the accused.

If the initial investigation results in a determination that sexual or other form of harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law. If the complaint is unfounded, the Principal or the CRCO will notify the victim and alleged harasser, in writing, of the outcome of the investigation.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the CRCO may request a district-level investigation by submitting a written appeal (using Form 6121/3420-E.2) to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual and other forms of harassment complaints that are referred to him/her by a Principal or CRCO, as well as those appealed to the Superintendent following an initial investigation by a Principal or CRCO. In the event the complaint of harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district may, at its option, use investigators who have received formal training in workplace harassment investigation or that have previous experience investigating harassment complaints.

If a district investigation results in a determination that harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during workplace harassment investigations and hearings. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Updated 12/17/18

**WORKPLACE 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 of witnesses (if any)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before?

\_\_\_\_\_

If yes, when?

\_\_\_\_\_

To whom?

\_\_\_\_\_

What was the resolution? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction \_\_\_\_\_

\_\_\_\_\_

**WORKPLACE HARASSMENT COMPLAINT - APPEAL FORM**

Name and position of complainant -

\_\_\_\_\_

Date of appeal \_\_\_\_\_

Date of original complaint \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when?

\_\_\_\_\_

To whom?

\_\_\_\_\_

Description of decision being appealed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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