

(School District or ISD)
HARASSMENT OF STAFF OR APPLICANTS
(Policies/Guidelines – SAMPLE)

The Policy

Harassment of staff (including those who volunteer their services) or applicants for employment is prohibited, and will not be tolerated. This includes inappropriate conduct by any person in the school environment, including other employees, Board members, parents, guests, teachers, contractors, vendors, and volunteers. It is the policy of the District to provide a safe, positive work environment free of harassment for all of the staff.

Harassment is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a staff member's ability to perform his/her job. This would include harassment based on any of the legally protected characteristics, such as sex, race, color, national origin, religion, age, height, weight, marital status or disability. This policy, however, is not limited to these legal categories and includes any improper harassment that would negatively impact a staff member. This would include such activities as stalking and unwelcomed taunting, teasing, or intimidation.

Any staff member or applicant that believes she/he has been or is the victim of harassment should immediately report the situation to his/her immediate supervisor or the Civil Rights Coordinator, phone (Area Code) (Phone Number). If the complaint relates to either of these individuals, the Complaint may be filed with either the Superintendent or the Board President. They may be reached at (Area Code) (Phone Number). If the complaint relates to the Superintendent, it should be filed directly with the Board President. All complaints will be investigated.

Every staff member **must** report any situation that they believe to be improper harassment. Reports may be made to those identified above.

The investigation will be handled as confidentially as possible under the circumstances. The need to interview the witnesses and the offending individual(s), however, does not allow for total confidentiality in this process. The investigation will be conducted in accordance with guidelines listed below.

If the investigation finds harassment occurred it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any officer position and/or a request to resign for Board members.

Retaliation against any person for complaining about harassment, or participating in a harassment investigation, is prohibited. Suspected retaliation should be reported in the same manner as harassment. Intentionally false harassment reports, made to get someone in trouble, are also prohibited. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a staff member or other individual believes there has been harassment, regardless of whether it fits a particular definition, she/he should report it and allow administration to determine the appropriate course of action.

Harassment

- A. submission to such unwelcomed conduct or communication is made either an explicit or implicit condition of employment with the School District;
- B. submission to, or rejection of, the unwelcomed conduct or communication is used as the basis for a decision to exclude, expel or limit the harassed employee in the terms, conditions or privileges of employment with the School District;
- C. the unwelcomed conduct or communication interferes with the employee's work performance, creates an intimidating, hostile or offensive environment, or otherwise adversely affects the employee's ability to perform.

Sexual Harassment, may include, but is not limited to:

- A. verbal harassment or abuse;
- B. pressure for sexual activity;
- C. repeated remarks with sexual or demanding implications;
- D. unwelcome touching;
- E. sexual jokes, posters, cartoons, etc.;
- F. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's safety, job, or performance of public duties.

Notification

Notice of this policy will be **annually** circulated to all school buildings and departments within the District and discussed with staff, as well as incorporated into the teacher, student and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires of the District will be required to review and sign off on this policy and the related complaint procedure.

This policy is not intended to create legal rights or obligations beyond those established by Federal, State, or local law.

The Publication

The harassment policy shall be posted in each building and shall be discussed with staff each fall. The building principal or department director shall be responsible for determining the timing and nature of the presentation, and shall keep a record of when and how it was completed.

The Procedures

Complaint Coordinators will be designated by the Superintendent to investigate complaints of harassment. The Coordinators will generally be individuals who are available during the school/work day. Care should be taken to appoint more than one Coordinator to allow for prompt investigations and to allow complainants to be comfortable during this investigation. These individuals' names will be posted with the policy in each district building and all students, staff,

supervisors and administrators will be advised of the current Coordinators each fall during, at, or near the beginning of the school year.

Any one who receives a complaint shall refer it to an appropriate Coordinator for investigation. The Coordinator shall be responsible for promptly beginning an investigation. The Coordinator shall determine and record the name of the person complaining, the nature of the complaint, the person(s) alleged engaging in the inappropriate conduct, and any witnesses to the complained of behaviors. The Coordinator shall interview at least the complainant and the alleged harasser(s), and gather any relevant documentary evidence. If the information received is in conflict, witnesses shall also be interviewed. When appropriate, signed, written statements should be requested from the individual interviewed. At a minimum, the Coordinator must make a written report on the interviews.

When students under the age of eighteen (18) are involved as the complainant or the alleged harasser, the parents or guardian should be notified of the complaint and investigation. Confidentiality as to other students involved should be maintained to assure compliance with the Family Education and Privacy Rights Act.

If the investigation discloses Child Abuse, the required report to the Department of Social Services shall be made.

If the matter can be mutually resolved, the resolution shall be reduced to writing signed by the individuals involved, and their parents/guardians for students under the age of eighteen (18). The resolution shall remain in the file, and a copy shall be provided to the Superintendent.

If the complainant indicates that she/he does not wish to pursue the matter further, the fact should be reduced to a signed writing if possible. If not, the request should be witnessed by another district employee. However, where the complaint or investigation reveals unlawful harassment, the Coordinator must still prepare a report and recommended action. This recommendation may be impacted by the complainant's desire not to be further involved, but does not excuse the District from taking prompt and appropriate remedial action, when it knows or should have known of prohibited harassment.

If the matter cannot be mutually resolved, a written report of the findings and any recommended appropriate remedial action shall be forwarded to the Superintendent (note: may designate building principal or other administrator) for review and action. The recommendation, without identifiable student information, shall also be provided to the parents for students under the age of eighteen (18), and to the student if eighteen (18) or older.

Appropriate remedial action will depend on the circumstances, but may include counseling, segregating the individuals, suspension, expulsion, termination of employment, or school service projects, among other options.

The complainant and the respondent may provide any concerns to the Superintendent. The Superintendent shall determine what action, if any, will be taken, and then implement any appropriate remedial action. Notice of the Superintendent's decision shall be provided to both the complainant and the respondent. The Superintendent's decision shall be final, except in the case of student expulsion or staff termination.

While there are no set timelines for completion of the investigation and recommendation, it should be done as quickly as possible. Generally, if the Coordinator cannot conclude the investigation within five (5) business days, the reason for the delay should be recorded and the individuals involved advised of the reasons for the delay and an estimated time for conclusion. If necessary, separation of the individuals, suspension, or administrative leave may be used to avoid further problems during the investigation.

Confidentiality

The Coordinator and the District staff will make all reasonable efforts to maintain confidentiality in the investigation and protect the rights of the complainant and the respondent during the process. Student confidentiality under the Family Education and Privacy Rights Act will be maintained. However, absolute confidentiality cannot be guaranteed. The need to investigate specific charges and the availability of public records through the Freedom of Information Act may allow identification of individuals and/or facts relating to an investigation.

THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The Board of Education believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning his/her physical and/or psychological well-being is strictly forbidden. Any student, parent, visitor, staff member, or agent of this Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

The Superintendent shall implement guidelines whereby students and employees understand this policy and appropriate procedures are established for prompt and effective action on any reported incidents.

REPORTING THREATENING BEHAVIORS

Threatening behavior may take different forms including, but not limited to the following:

- A. face-to-face encounters in which words are used that indicate to the staff member that his/her safety and well-being are in jeopardy
- B. written communications that include comments toward the staff member or his/her family which are disparaging or would imply or state explicitly that the staff member and/or his/her family may be subject to some form of physical or psychological abuse or violence
- C. written or spoken comments to a staff member which could subject him/her to blackmail or extortion
- D. written or spoken communication that would imply or explicitly state that some form of damage may be done to the staff member's property or that of his/her family

Any staff member who believes that she/he is the victim of any of the above actions or has observed such actions taken by a student, parent, fellow staff member, supervisor, co-worker, student, or other person associated with the District such as a vendor, contractor, volunteer, or school official should promptly take the following steps:

- A. If the alleged threatener is the staff member's supervisor, the affected employee should, as soon as possible after the incident, contact the Superintendent.
- B. If the alleged threatener is not the staff member's supervisor, the affected staff member should, as soon as possible after the incident, contact his/her supervisor.
- C. If the threatener is a student of the District, the supervisor, if not the student's Director, should immediately inform the student's Director of the alleged threat.

The staff member may make contact either by a written report or by telephone or personal visit. During this contact, the reporting staff member should provide the name of the person(s) whom she/he believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly by the staff member receiving the report and forwarded to the Superintendent.

Each report received by the supervisor or Superintendent as provided above, shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

- A. protect the confidentiality of the staff member who files a complaint;
- B. encourage the reporting of any incidents of threat;
- C. protect the reputation of any party wrongfully charged with threatening conduct.

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All staff members and others involved are to be protected from coercion, intimidation, retaliation, or discrimination for filing a complaint or assisting in an investigation.

If the investigation reveals that the complaint is valid, then prompt, appropriate, remedial, and/or disciplinary action will be taken immediately to prevent the continuance of the threat or its recurrence.

The District recognizes that determining whether a particular action or incident is a threat must be based on all of the facts in the matter. Given the nature of this type of intimidation, the District recognizes that false accusations of a threat can have serious effects on innocent individuals. Accordingly, all staff members are expected to act responsibly, honestly, and with the utmost candor whenever they present threat allegations or charges against fellow staff members, students, or others associated with the District.

REPORT OF HARASSMENT

Employee Name: _____ Date of Report: _____

Employee Position: _____

Date of Alleged Harassment: _____

Location of Alleged Harassment: _____

Name of Alleged Harasser: _____

Position: _____

Department or School: _____

Description of the Incident(s): _____

Names of Witness(s), if any: _____

Signature of Person Making the Report

Signature of Person Taking the Report

