



# Harassment and Discrimination

Description of and response to harassment and discrimination



# Note

- ▶ This presentation is a summary of relevant District policies but does not include the complete text of the policies. Refer to the actual district policies listed on the final 2 slides for complete information.
- ▶ This presentation fulfills district staff training requirements for orientation to relevant harassment and discrimination policies.



# Harassment/Discrimination Defined

- ▶ This is unlawful behavior based on **race, color, national origin, age, religion, sex** or **disability**.
- ▶ If targeting students, it is sufficiently severe, pervasive, or offensive enough to adversely affect a student's education or creates a hostile or abusive environment. Or,
- ▶ If targeting an employee it involves intimidation by threats of or actual physical violence; the creation, by whatever means, of a climate of hostility or intimidation, or the use of language, conduct, or symbols in such a manner as to be commonly understood to convey hatred or prejudice.



# Prohibited Conduct – some examples

- ▶ Derogatory nicknames, slurs, demeaning stories, jokes, or pictures relating to any of the protected categories listed in the definition
- ▶ Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors
- ▶ Causing a student or employee to believe that he or she must submit to unwelcome sexual conduct in order to maintain participation, privileges or employment
- ▶ Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories
- ▶ Seeking to involve individuals with disabilities in antisocial, dangerous or criminal activity where they, because of disability, are unable to comprehend fully or consent to the activity
- ▶ Destroying or damaging an individual's property based on any of the protected categories



# Prohibition

- ▶ Sexual harassment and discrimination are prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition applies to staff, students and visitors.



# Response



- ▶ District staff shall provide for a prompt and equitable resolution of complaints.
- ▶ Students who engage in harassment/discrimination on the basis of any of the protected areas shall be subject to disciplinary action, including but not limited to suspension and expulsion.
- ▶ Employees who engage in harassment/discrimination on the basis of any of the protected areas shall be subject to disciplinary action including, but not limited to, termination of employment.



# Guidelines



- ▶ Employees or students who believe they have been a victim of, or a witness to an act of harassment/discrimination need to inform their Principal or supervisor as soon as they can.
- ▶ A form will be provided to document the incident. This form is then presented to the Superintendent or a designee. The reporting form is not a prerequisite to take action.
- ▶ Complaints of harassment/discrimination, whether verbal or written, result in a documented investigation and a written report.



# Response to Reports

- ▶ An investigation will commence no later than three work/school days from receipt of the original complaint. This is required regardless of how the report was made.





# Investigation Elements



- ▶ The investigation process should be adequate, reliable, and impartial, and must provide both parties the opportunity to identify witnesses and present evidence.
- ▶ A written report of all findings of the investigation is completed within 30 calendar days from the start of the investigation.
- ▶ The report will be provided to the complaining party and the accused party.
- ▶ The District will take measures as needed to protect complainants during the investigation.
- ▶ Within 5 school/work days after submission of the written investigative report, methods will be implemented to prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.



# Additional Requirements

- ▶ Annual training is conducted for employees explaining prohibited behaviors and the necessity for prompt reporting of alleged harassment/discrimination. This training serves to meet this need.
- ▶ Age appropriate training is provided for all students during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination.
- ▶ The written policy is distributed to all staff and students annually.
- ▶ Alternate methods of filing complaints for individuals with disabilities and others who may need accommodation is available.



# Notification Requirements for cases involving students

- ▶ Within 24 hours of receiving an allegation, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.
- ▶ In circumstances also involving suspected child abuse, additional notification is required by law.
- ▶ In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.




# Confidentiality

- ▶ District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of all parties involved.

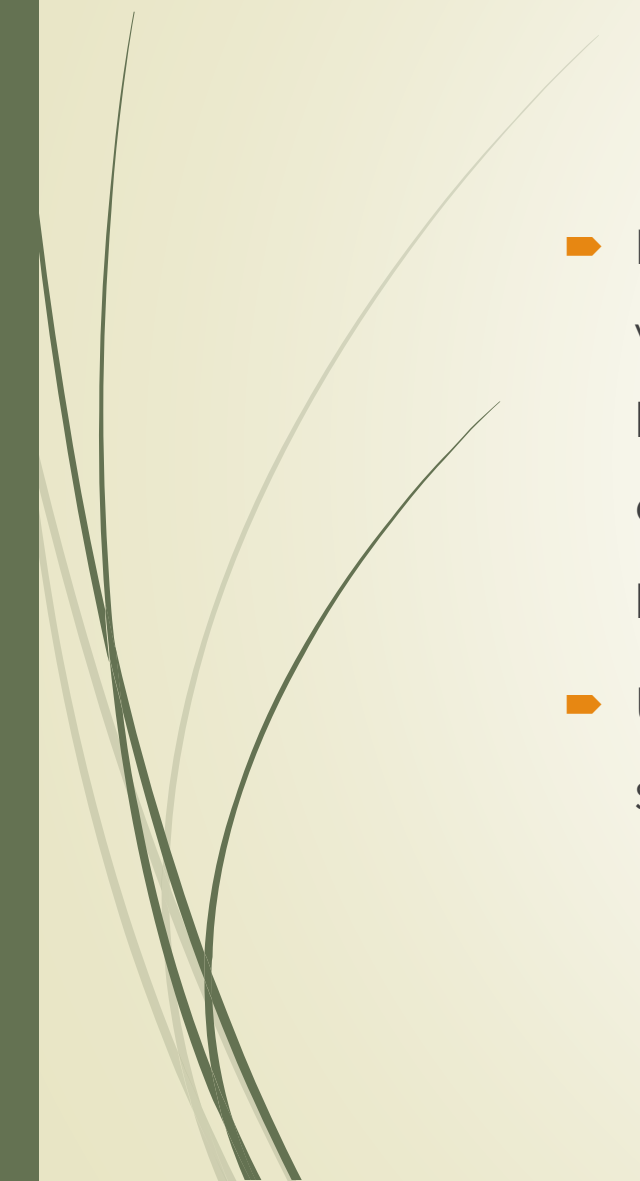


# Appealing Investigation Findings

- ▶ Upon the completion of the investigation, any party may appeal any part of the findings to the Superintendent by submitting a written appeal. Employees must submit appeals within 10 calendar days of receiving the written report. Students have 10 school days to submit.
  - ▶ If disciplinary action of an employee or student is assigned, that action will be consistent with relevant policies.
  - ▶ Failure by a teacher, immediate supervisor, Principal, and/or Superintendent to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.
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# Prohibition Against Retaliation

- ▶ No one shall retaliate against an employee or student because s/he files a written grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.
  - ▶ Upon the resolution of allegations, the Superintendent shall take reasonable steps designed to protect employees and students against retaliation.
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# False Claims

- ▶ False or malicious complaints of harassment/discrimination may result in disciplinary or adverse employment action taken against the complainant.
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# District Harassment/Discrimination Policies

- ▶ 03.162 – Harassment/Discrimination (Certified)
- ▶ 03.262 - Harassment/Discrimination (Classified)
- ▶ 09.42811 - Harassment/Discrimination (Students)





# Related Policies

- ▶ 03.113 – Equal Employment Opportunity (Certified)
- ▶ 03.1325 – Disrupting the Educational Process (Certified)
- ▶ 09.2211 – Employee Reports of Criminal Activity
- ▶ 09.422 – Bullying/Cyberbullying/Hazing/Menacing/Harassment/ Stalking
- ▶ 09.13 – Equal Educational Opportunities
- ▶ 09.227 – Child Abuse
- ▶ 09.426 - Disrupting the Educational Process (Students)
- ▶ 09.438 – Student Discipline Code