

JBA/GBN-AR Sexual Harassment Complaint Procedure

LINCOLN COUNTY SCHOOL
DISTRICT

Code: **JBA/GBN-AR**
Adopted: 4/24/01
Revised: 7/9/02
Orig. Code(s): R4102

Sexual Harassment Complaint Procedure

Sexual harassment is prohibited by Oregon law and is a form of discrimination also prohibited by Title VII of the Civil Rights Act of 1964. Sexual harassment is any unwanted attention of a sexual nature. Anyone subject to or having knowledge of sexual harassment is obligated to report such behavior immediately. The district will provide training materials on the sexual harassment policy and complaint procedures to all staff and students.

Procedures for Reporting and Investigating Sexual Harassment

Any student or employee who feels that he/she has been harassed is directed to communicate the alleged harassment to a supervisor/administrator. If assistance with such communication is desired, he/she may ask another employee/supervisor to assist. If the alleged harassment does not stop immediately, the student/employee is encouraged to complete and submit the Sexual Harassment Complaint Form. Confidentiality and privacy of students, employees and those involved will be maintained and no reprisals or retaliation will be allowed to occur because of the good faith reporting of charges of any harassment. If a student alleges harassment, the student's parent(s)/guardian(s) will be notified and provided with a copy of the district's applicable policy and complaint procedure.

Changes to the procedure shall be made if an administrator with investigative or decision-making duties is named in the complaint.

Nothing in this administrative regulation is intended to limit or otherwise keep the student or employee who believes he/she has been harassed from filing the complaint directly with the Title IX coordinator, or from pursuing other legal action. The superintendent shall be provided with a copy of all sexual harassment complaints filed.

Upon receipt of the written harassment complaint by a staff member, administrator or the superintendent, the complaint shall be forwarded to the Title IX coordinator. The coordinator or designee shall conduct an investigation and make a determination in writing. The coordinator shall follow the outline for resolution of the complaint as set forth below.

The standard for determining whether a hostile environment exists is when the reasonably prudent person charged with conducting the investigation is assessing the particular facts of the case, and through an objective determination based on the totality of the circumstances, determines that the harassment is sufficiently severe or pervasive to alter the conditions of the victim's employment and/or educational opportunity and creates an abusive working or educational environment.

If warranted by the nature of the allegations, the administration shall take measures to assure that the complainant is not potentially subject to retaliation during the course of the investigation. Appropriate preventative measures may include, but are not limited to, the temporary transfer of the alleged harasser(s) to other assigned classes/duties, or to place the alleged harasser(s) on administrative leave pending the conclusion of the investigation.

1. Reporting Procedure

The complainant should report and submit a written Sexual Harassment Complaint Form describing the alleged incident to any supervisor/administrator or to the Title IX coordinator in human resources. The Sexual Harassment Complaint Form is available at all buildings/departments or may be obtained by contacting human resources at the district office.

2. Investigation Procedure

Upon receipt of the written complaint the matter will be thoroughly investigated.

- a. The administrator/supervisor receiving the complaint will meet with the individuals identified in the written complaint and forward his/her findings to the Title IX coordinator within two school days.
- b. The Title IX coordinator upon completing his/her investigation will respond to the complainant in writing within 14 calendar days, absent reasonable cause for delay.

- c. Depending on the nature/facts of the harassment complaint, the district reserves the right to appoint/select a neutral/objective investigator skilled in investigative proceedings.
- d. The following procedures will be included in the investigation process:
 - 1. Conduct interview with complainant to determine what happened; where and when the alleged incident(s) took place; whether there were any witnesses; whether the incident was an isolated event or a continuing pattern/practice; how the complainant has been affected;
 - 2. Interview the alleged harasser(s) to determine what happened; where and when the alleged incident(s) took place; whether there were any witnesses; whether the incident was an isolated event or a continuing pattern/practice;
 - 3. Interview witnesses;
 - 4. Determine whether there is any documentation or corroborating evidence to substantiate the complaint;
 - 5. A complete and accurate written report of the investigation will be compiled and findings communicated to the parties affected.

3. Employee Complaint/Investigation

- a. If an investigation substantiates that an employee has engaged in behavior that constitutes sexual harassment action against the offending employee may include verbal warning(s), written warning(s), referral to counseling services, suspension from work, transfer/reassignment, dismissal or other action deemed appropriate by the district. The complainant will be promptly advised of any action(s) to be taken.
- b. If the investigation cannot substantiate that sexual harassment has occurred, the district will advise both the complainant and the alleged harasser(s) of its findings.

4. Reporting Requirements - Licensed Employees

The superintendent shall report the name of any person holding a teaching license or participating in a practicum under OAR 584-015-0070 or OAR 584-016-0075 when, after an appropriate investigation there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to the Teacher Standards and Practices Commission within 30 calendar days of such a finding.

- a. Sexual conduct with a student shall also be considered a reportable offense.
- b. In the event the superintendent is the subject of an investigation, reports, when required, shall be made by the Board chairperson.

5. Appeals Procedure

If the conclusion of the investigator or the action taken or not taken is not acceptable to the complainant, the complainant may file an appeal according to the steps outlined below:

6. Superintendent's Level

- a. If the complainant is not satisfied with the written decision of the investigator, he/she may appeal the decision in writing to the superintendent within seven calendar days of the complainant's receipt of the decision.
- b. The appeal must include the investigator's decision and the complainant's reason(s) for disputing either the facts presented, conclusions reached or both.
- c. The superintendent shall meet with all parties within 14 calendar days to discuss the reasons for appeal and respond in writing within 7 calendar days.

7. Board Level

- 1. If the complainant is not satisfied with the decision of the superintendent, he/she may submit a written appeal to the Board within seven calendar days of receipt of the superintendent's decision.
- 2. The appeal to the Board must include the reasons the claimant disputes the decision reached.
- 3. The Board shall consider this appeal, together with the record of the investigation and the superintendent's decision, either in executive session at their next regularly scheduled meeting; or in an emergency meeting depending on the circumstances and provide a written decision within seven calendar days.

8. Other

- 1. If the complaint is not satisfactorily settled at the above stated levels, students may appeal to the U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Avenue, Room 3310, Seattle, Washington 97814-1099; employees may appeal to the U.S. Department of Labor, Equal Opportunity Employment Commission or Oregon Bureau of Labor and Industries.

Click [HERE](#) to download the **Lincoln County School District Complaint Form**