

SEXUAL AND GENDER-BASED HARASSMENT (PERSONNEL)

Purpose

The purpose of this Administrative Regulation is to implement BP 4301, Sexual and Gender-Based Harassment Policy (Personnel).

Reporting Procedure

Any employee who believes he or she has been sexually harassed is encouraged to promptly report the alleged incident(s) to the school site administrator, who shall notify the Superintendent of the complaint.

Complaints concerning the school site administrator should be reported directly to the Superintendent. The Superintendent shall identify an investigator to review the complaint.

Complaints concerning the Superintendent should be reported directly to the Governing Board whose designee shall be responsible for implementation of this administrative regulation in lieu of the Superintendent.

Confidentiality

To the extent consistent with a thorough investigation and applicable laws the complaint and allegations of sexual or gender-based harassment shall be kept confidential. Any complainant who requests strict confidentiality shall be informed that the request may limit the District's ability to investigate or take other action in response to the complaint.

Anyone violating confidentiality shall be subject to appropriate corrective and/or disciplinary action.

Retaliation

The initiation of a sexual or gender-based harassment complaint shall not adversely affect the complainant's employment status.

Retaliation against the complainant or anyone participating in the investigation of a sexual or gender-based harassment complaint is prohibited. Allegations of retaliation shall be reviewed as a possible separate incident of misconduct which, if substantiated, shall be addressed with appropriate corrective and/or disciplinary action.

Time Limits

Employees are encouraged to report complaints of sexual or gender-based harassment as provided in this administrative regulation as soon as reasonably possible after the incident.

Employees may report complaints of sexual or gender-based harassment to other agencies such as the Equal Employment Opportunity Commission and Department of Fair Employment and Housing. Employees are advised to consult a representative of the agency for applicable filing deadlines and procedures.

Informal Process

Upon receipt of a verbal or written complaint, the complaining party will be advised of his/her right to explore resolution by informal mediation process.

If the complainant or respondent does not wish to participate in the informal process, the investigation procedure below will be initiated.

If the complainant wishes to use the informal process, the site administrator in consultation with the Superintendent shall coordinate the mediation process. If the informal process does not result in a resolution satisfactory to the complainant, the investigation procedure below shall be initiated.

Investigation Procedure

All complaints shall be investigated if not resolved by informal mediation.

Sexual or gender-based harassment complaint investigations shall be handled in a serious, sensitive, and to the extent consistent with a thorough investigation and applicable law, confidential manner. The investigation shall be completed promptly which ordinarily shall be within 25 school days during the school year, or 25 business days during the summer recess, after filing of the complaint unless the complainant agrees in writing to an extension.

The complainant shall not be required to confront the respondent during the investigation of the complaint.

- (1) Upon receipt of a verbal complaint, the complainant shall be asked for a written summary of the allegations or, in consultation with the complainant, the site administrator or Superintendent shall prepare a written summary of the allegations. The complainant will be provided a copy of Board Policy/Administrative Regulation 4301.
- (2) The investigator shall promptly inform the respondent of the allegation(s) and give him/her an opportunity to respond. The respondent will be provided a copy of Board Policy/Administrative Regulation 4301.
- (3) The investigator shall inform complainant, respondent(s), and witnesses of the confidentiality of the complaint and investigation and the prohibition against retaliation.
- (4) The investigator shall conduct an investigation to determine if the allegations of sexual or gender-based harassment are supported by evidence that a reasonable person would rely on in the conduct of serious affairs. The Superintendent will provide a summary of the findings to the complainant and respondent.

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- (5) If any allegation of sexual or gender-based harassment is sustained, the Superintendent will implement appropriate restorative, corrective and/or disciplinary action to end the harassing conduct and maintain a work environment free of sexual or gender-based harassment.
- (6) Any sexual or gender-based harassment complaint against the Superintendent shall be referred to the Governing Board.

Disciplinary Action/Corrective Action

Employees who are found to have engaged in sexual or gender-based harassment may be subject to corrective /disciplinary action up to and including dismissal. Disciplinary action shall be in accordance with board policy and administrative regulations, state law, and any applicable collective bargaining agreement. Corrective/disciplinary action may include, but is not limited to, oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination.

The District will also review and consider actions to remedy the impact of the harassment including, but not limited to, counseling services.

Appeal Procedures

Either the complainant or the respondent may appeal the summary report to the Governing Board. Appeals must be made in writing and submitted within 10 business days from the date of issuance.

The appeal shall set forth the reasons for the appeal. The Superintendent shall schedule a closed session of the Board to hear the appeal. The Superintendent or designee shall be responsible for responding to the appeal before the Board. The decision of the Board shall be in writing and shall be final. The written decision shall be issued within 20 calendar days after the Board meeting.

Special Assistance

To obtain additional information regarding this administrative regulation and Board Policy 4301, contact the Superintendent.

First Reading: October 13, 2015

Second Reading and Adoption: November 10, 2015