

SEXUAL HARASSMENT

(Reporting Sexual Harassment)

To Whom to Report

Reports of sexual harassment should be made to:

Title IX Coordinator/Compliance Officer

The Director of Student Support Services will be the Title IX Coordinator and the compliance officer for the District. The Director of Student Support Services is:

Diana Shaum
Flagstaff Unified School District #1
3285 East Sparrow
Flagstaff, Arizona 86004
(928) 527-6000

Anyone who is subject to harassment, or who knows of the occurrence of such conduct, should immediately report such incidents, either in writing or orally, to appropriate school personnel, such as, but not necessarily limited to:

- A teacher or school official; *or*
- A school nurse, counselor, psychologist, or social worker; *or*
- The site administrator (principal, director, et cetera); *or*
- The Title IX Compliance Officer; *or*
- The Superintendent of Schools; *or*
- A Governing Board member; *or*
- The Office for Civil Rights (1-800-421-3481).

If personnel receiving the report is not a site administrator, the information must immediately be forwarded to the site administrator or the Title IX Compliance Officer.

If the Title IX Coordinator/compliance officer is the one alleged to have unlawfully discriminated or harassed the complainant, the complaint shall be filed with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the President of the Governing Board.

The complaint *should not* be filed, either orally or written, with the alleged harasser.

How to Report

All persons involved in a sexual harassment complaint investigation will be provided equal opportunity to present their cases and will receive a fair hearing and all due-process rights. Investigation of all sexual harassment complaints must be resolved as quickly as is reasonably possible or within ninety (90) days.

Informal Complaint Resolution

When a complaint is alleged for the first time against a student, is not an incident of quid pro quo harassment, and the offending behavior has not been ongoing in nature, it may be resolved at the school site. Exceptions to this are as follows:

1. If the student or parent requests a formal investigation
2. If it is the judgement of the administrator that the severity of the behavior requires a formal investigation by the Title IX Compliance Officer
3. If the incident involves any type of sexual touching, assault, or exhibition of sexual body parts. In these instances, a complaint is filed with the Title IX Compliance Officer using formal District complaint procedures. If the alleged complaint involves any type of criminal behavior, a report is also immediately filed with the appropriate law enforcement agency.

In a first time allegation of harassing behavior against a student, the school administrator ensures that appropriate follow-through occurs. This involves ascertaining the facts, discussion of the incident with the alleged offender and victim, contacting parents of all students involved, and providing a record of the incident and informal resolution to the Title IX Compliance Officer using the appropriate District reporting form. This record is not to be maintained at the school site.

If the offending student continues sexually harassing behavior after a school site resolution has occurred, a complaint is immediately filed with the Title IX Compliance Officer. A formal investigation is then conducted following District policies and procedures.

Formal Complaint Investigation

A formal sexual harassment investigation includes the following components:

All written complaints of sexual harassment should be documented on the District's complaint form [Complaint Form ACA-E].

- Verbal reports of sexual harassment will be put in writing by the individual complaining or by the person who receives the complaint. Both the person making the complaint and the person filling in the complaint form will sign the form [Complaint Form ACA-E].

The complaint form [Complaint Form ACA-E] shall be forwarded to the Title IX Compliance Officer within twenty-four (24) hours or as soon as is reasonably possible after receipt of the form or oral complaint. If the complaint involves students, the parents will be notified immediately by the Title IX Compliance Officer or designee. The Title IX Compliance Officer or the investigator assigned to a complaint will notify the alleged harasser of the complaint as soon as possible.

Upon receipt of a complaint of sexual harassment, the Title IX Compliance Officer will investigate or designate an investigator, who will initiate an investigation into the complaint within three working days.

Each complaint of sexual harassment must be promptly investigated in a way that respects the privacy of all parties concerned to the extent permitted by law, to the extent practical and appropriate under the circumstances, and in compliance with federal, state, and local regulations.

The complaint investigator will put findings in writing and will forward a copy to the complainant and the alleged harasser as expeditiously as possible.

Result of Investigation

Results of a substantiated complaint investigation may result in disciplinary and/or legal action.

- Substantiated charges against employees will result in appropriate disciplinary action, which can include, but is not limited to, reprimand, suspension without pay, or dismissal.
- Substantiated charges against students will result in appropriate disciplinary action, which can include, but is not limited to, a conference with parents/guardians, short-term suspension, long-term suspension, or expulsion. The rules and regulations of special education will apply if the alleged harasser is an eligible student under the Individuals with Disabilities Education Act (IDEA).

Further, Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act shall be considered when disciplinary action is necessary, if any student or staff member qualifies under either act.

Results may be indeterminate. If so, the matter will be recorded as unresolved, and the record will be maintained by the Title IX Compliance Officer separate and apart from any student or personnel file.

- The record of substantiated charges will be filed in the harasser's cumulative file if a student, or personnel file if an employee.
- No record of investigations resulting in vindication will be kept in either a student's cumulative file or an employee's personnel file. The Title IX Compliance Officer will keep the investigation result in a separate file.

Due Process

All individuals involved in a complaint investigation shall have the right to be represented by a person of their choosing, including but not limited to legal counsel, employee association representative, parent or guardian, et cetera.

Appeal rights of all parties must accompany the findings of the investigator. [For students, see Policy JKD; for certificated employees, see Policy GCQF; for support staff employees, see Policy GDQD.]

The above reporting/investigation procedures apply to the District's internal investigation of complaints.

Such use of the complaint procedure shall not preclude the complainant from pursuing redress through other means.

Nothing in this reporting procedure shall relieve any employee of the School District from the reporting obligation imposed under Arizona's child abuse reporting statute and School District policy and regulation.

Retaliation Prohibited

An employee, student, or third party shall have the right to raise the issue of sexual harassment and/or file a complaint without reprisal or retaliation from the District, the alleged harasser(s), or any other employee(s) or student(s) of the District. A person who commits an act of reprisal or retaliation shall be subject to disciplinary action.

Protected activities are:

- Filing a written complaint or making a verbal complaint.
- The person protested what was in good faith believed to be an unlawful discriminatory practice.
- The person participated, in any manner, in discrimination or harassment proceeding (i.e., a witness, complainant, alleged harasser, et cetera).

Retaliation can be established if:

- The person engaged in a protected activity; and
- The person was subject to an adverse action during or after engaging in such activity; and
- There was a causal link or connection between the protected activity and the adverse action.

Prevention

Each site manager, department head, and principal has the responsibility of maintaining a work environment and/or educational environment free of sexual harassment. Site managers shall take appropriate actions to reinforce the School District's sexual harassment policy. These actions will include:

- Prompt removal and documentation, when appropriate, of vulgar or sexually offensive graffiti.
- Providing staff in-service training once each school year.
- Providing student instruction at the primary, intermediate, middle, and high school levels about sexual harassment once each school year.
- Policy ACA and this reporting procedure shall be discussed each school year. Discussion shall be carried out in age-appropriate ways and should assure students that they need not endure any form of sexual harassment. Written copies of District approved policy information regarding sexual harassment shall be included in the student handbooks for each school site and in the support staff and certificated staff handbooks.
- Teachers, nurses, counselors, social workers, and administrators shall provide additional instruction for students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.
- All site managers shall instruct employees on the procedures for reporting sexual harassment within the work setting on an as-needed basis.

Notifications

A copy of this sexual harassment policy and complaint procedure must be:

- Included in the notifications that are sent to parents/guardians at the beginning of each school year.
- Available in the office of any site in the District.
- Provided as part of any orientation program conducted for new employees to the District.

Notice Posting

A "Sexual Harassment Is Illegal" poster must be posted in or near the office of all sites. This notice must contain the name, address, and phone number of the District's Title IX Coordinator/Compliance Officer.