

 <b>POLICY REGULATION</b>	REGULATION TITLE: Sexual Harassment
	CODE: ACA – R

## Compliance Officer

The Superintendent has designated an EEO Compliance Officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful sexual harassment, as defined in Policy ACA, by an agent or employee of the District, member of the public or student in the school district, or who knows of such discrimination against another person should file a complaint with either the site/department administrator (such as a Principal or Director) (hereafter “Administrator”) or may file a complaint directly with the EEO Compliance Officer in the Human Resources Department.

## Complaint Procedure

The District is committed to conducting a prompt and equitable investigation of any sexual harassment complaint and to taking appropriate action on all confirmed violations of policy. At times, however, informal mediation may be appropriate to resolve workplace conflict, including those relating to a possible complaint of discrimination. When possible, an attempt should be made to resolve the Complainant’s concerns through informal mediation. The Administrator should contact the EEO Compliance Officer to determine whether mediation is appropriate for the issues at hand. If informal mediation is not appropriate or is not successful, a prompt and equitable investigation shall be conducted by either the Administrator or the EEO Compliance Officer. Any Administrator who receives a sexual harassment complaint or who has knowledge of a possible violation of this policy shall conduct an “intake interview” and shall complete Form AC-E

### 1. Complaint Intake

Sexual harassment complaints may be made to the Administrator and should be made as soon as possible after the alleged discrimination takes place. An initial complaint may also proceed directly to the EEO Compliance Officer. Sexual harassment complaints DO NOT need to be in writing but may be heard by the Administrator during an “intake interview” (in which case the Administrator shall complete Form AC-E).

Upon receiving a sexual harassment complaint, the Administrator or designee shall:

### Step One

Within five (5) working days of receipt of the allegations, conduct an “intake interview” with the Complainant. Complete, sign, and submit Form AC-E to the EEO Compliance Officer. Where deemed appropriate by the EEO Compliance Officer, make a reasonable attempt to resolve the complaint through informal mediation.

### Step Two

If the complaint is not resolved through Step One, within fourteen (14) working days of receipt of the allegations:

Conduct an investigation, including interview witnesses and review documentary evidence, reporting the outcome to the EEO Compliance Officer; or

Refer the complaint for possible MEDIATION through the EEO Compliance Officer; or

Refer the complaint to the EEO Compliance Officer for investigation.

During the course of the investigation, interim measures may be taken to protect all parties.

## **2. Guidelines**

A determination of whether alleged conduct constitutes a violation of this policy will be based upon a review of the totality of the circumstances. Such a review will include an assessment of the nature and severity of the conduct and the context in which the conduct occurred, on a case-by-case basis. It will take into consideration the following:

- The perspective of a similarly situated individual (for instance, someone of the same gender, ethnicity and/or age);
- The power held by the individual against whom the complaint is made (such as supervisor, teacher or older student); and
- The number of individuals involved.

Sexually harassing conduct need not be targeted at the complainant. The acts may be directed at anyone. Furthermore, the conduct need not result in psychological harm, or tangible injury or detriment to the victim.

A determination of hostile environment will generally require a sustained pattern or practice of harassment to the extent that the working or educational environment is altered. Nonetheless, a hostile environment requiring appropriate responsive action may result from a single incident that is sufficiently severe.

### **3. Investigation**

TUSD will investigate complaints of sexual harassment promptly. No later than five (5) working days after receipt of the complaint, the Administrator or designee shall conduct an intake interview (preliminary investigation). No later than fourteen (14) working days after receipt of the complaint, the Administrator or designee shall take one of the three actions outlined above in "Step Two."

Generally, investigations shall not exceed sixty (60) days from the receipt of the complaint. However, TUSD reserves the right to reasonably extend the timeline with notice to the complaining party for reasons of necessary delay. Within a reasonable time following the conclusion of the investigation, the investigator will inform the complaining party in writing whether a violation of this policy occurred.

### **4. Resolution**

Policy Violation Occurred: After the initial investigation, if there is reasonable cause to believe a violation of governing board policy has occurred or the complaint is found to warrant corrective action, the appropriate Administrator or designee shall take reasonable corrective action to remedy the situation, and to prevent future recurrence, including where appropriate, the imposition of disciplinary action or sanctions against the person alleged to have violated this policy, up to and including termination.

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions including suspension or job termination.
- If the person alleged to have violated this policy is a student, possible discipline includes detention, suspension or expulsion, consistent with the *Guidelines for Student Rights and Responsibilities*.
- If the person alleged to have violated this policy is a member of the general public, sanctions consistent with Policy # KFA – *Public Conduct on School Property* shall be imposed.

No Policy Violation Occurred: If the investigation reveals no reasonable cause to believe a violation of policy occurred, the investigating officer shall inform the complaining party in writing.

## 5. Review

If any party disagrees with the outcome of the investigation, the party may request a review by the Chief Human Resources Officer. Such request for review shall be made within fifteen (15) days following notification of the outcome to the party. The Chief Human Resources Officer or designee shall review the investigation and determination and render a decision within thirty (30) days.

### Responsibility

Supervisory and management staff is responsible for taking prompt and effective action in response to any violation of this policy regardless of the manner in which the District becomes aware of the conduct and will be subject to discipline for failure to do so. Administrators or supervisors who fail to report a known or reported complaint of sexual harassment, or otherwise fail to comply with TUSD's policies and regulations regarding sexual harassment, will be subject to appropriate discipline, pursuant to such policies.

### Monitoring

The EEO Compliance Officer will be responsible for monitoring all actions taken by Administrators in response to complaints of sexual harassment, including receipt, investigations and resolutions of such complaints, as well as actions taken by Administrators in response to such complaints. Where necessary to ensure compliance with TUSD's written policies and regulations, the EEO Compliance Officer shall take steps to amend or supplement any such investigation.

Where the EEO Compliance Officer finds a violation occurred, but that the corrective action taken was disproportionate to the violation, the EEO Compliance Officer shall discuss the discrepancy with the appropriate Assistant Superintendent and/or the Chief Human Resources Officer to ensure that the corrective action is properly correlated to the violation.

***ANY EMPLOYEE WHO IS SUBJECT TO SEXUAL HARASSMENT, OR KNOWS OF THE OCCURRENCE OF SUCH CONDUCT, SHOULD IMMEDIATELY INFORM HIS/HER ADMINISTRATOR, DIRECTOR, OR THE EEO COMPLIANCE OFFICER.***

*For information or technical assistance, contact the EEO Compliance Officer.*

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