



Tri-Valley School District 49-6



Policy ACA-R: Reporting of Harassment

Complaints

A. Reporting Incidents of Harassment

Any person who believes he or she has been the victim of harassment as defined above by a student or an employee of the School District shall report the alleged acts immediately to the building principal or the Superintendent.

Confidentiality

The School District will make attempts to respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with the School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

Procedure

The complainant will be asked to put the facts surrounding the conduct in writing on a form provided by the School District that includes the following: Complainant's name and address; date of the incident; type of harassment; description of the incident; name of any witnesses; what action, if any, has been taken; and signature of the complainant.

Required Reporting

If the accusations include possible criminal activity such as molestation, sexual battery, or similar contact, the Superintendent shall comply with all mandatory state reporting requirements including, but not limited to contact with the State Department of Social Services.

B. Investigation

Upon receipt of a written report alleging harassment, the Superintendent shall immediately authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent and the Title IX Investigator.

In determining whether alleged conduct constitutes harassment, the School District should consider the surrounding circumstances, the nature of the advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigating party.

In addition, the School District may take immediate steps at its discretion to protect the complainant, students, and employees pending completion of an investigation of alleged harassment.

During the investigation all parties directly involved in the complaint may have legal or other representation. If any party elects to be represented at any step of the complaint procedure, the name of the representative must be declared in writing to the Superintendent within two (2) days of the filing of the complaint, notification of any investigation, or the filing of any appeal.

C. Prohibition against Retaliation

The School District will discipline any individual who retaliates against any person who reports alleged harassment or who retaliates against any person who testifies, assists, or participates in any investigation, proceeding, or hearing related to a harassment complaint.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against an individual.

If any school personnel or student who has filed a complaint or has testified, assisted, or participated in the investigation of harassment believes that he or she has been retaliated against because of his or her participation, he or she should follow the procedures set forth above.

D. False Charges

Charges found to have been intentionally dishonest or made maliciously without regard for truth may subject complainants to disciplinary action.

E. Discipline

Any School District action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements and School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including but not limited to, warning, suspension, or immediate discharge to end harassment and prevent its recurrence.

If any employee or student who files a written complaint is dissatisfied with the handling of that complaint, he or she may utilize the grievance procedure as described in the Tri-Valley School District's Policy Manual.

It is the policy of the Tri-Valley School District 49-6 that harassment is improper, unacceptable and shall not be tolerated and that no employee or student of the school district may harass another. Any employee or student will be subject to disciplinary action, including possible termination or expulsion, for violation of this policy.

The staff, administrators and students of the Tri-Valley School District are responsible for maintaining a working and learning environment free from harassment. It is the obligation

of each employee and student to become fully informed of the provisions of this policy and to assure individual compliance.

Any employee who feels that he or she has been subject in the workplace, to harassment should report the incident immediately to his or her immediate supervisor.

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