

SEXUAL HARASSMENT

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Comanche Board of Education will not tolerate sexual harassment by any of its employees. This policy applies to non-employee volunteers whose work is subject to the control of school personnel.

General Prohibitions

1. **Unwelcome Conduct of a Sexual Nature**
 - A. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
 - B. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.

2. **Sexual Harassment**

For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

- A. Submission to the conduct is made either an explicit or implicit condition of employment;
- B. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- C. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Specific Prohibitions

1. **Administrators and Supervisors**

- A. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
- B. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.

2. **Non-administrative and Non-supervisory Employees**

It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

SEXUAL HARASSMENT (Cont.)**Report, Investigation, and Sanctions**

1. It is the express policy of the board of education to encourage victims of sexual harassment to come forward with such claims. This may be done through the Employee Grievance policy.
 - A. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision, unless it is the superintendent who is the alleged offender. In which case, the complaint shall be referred to the board president.
 - B. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
 - C. Confidentiality will be maintained; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements.

REFERENCE: Title VII of the Civil Rights Act of 1964**29 CFR §1604.1, et seq.****34 CFR Part 106****20 USC §§1681-1688****29 USC §794****42 USC §§2000d-2000d-7****42 USC §§2000e-2000e-17****42 USC §2000e-2**

SEXUAL HARASSMENT REPORT FORM

TO: Comanche Board of Education

FROM: _____ (Grievant's full name)

Grievant's relationship to the school district:

_____ **Student**
classification _____
_____ **Employee**
job title _____

_____ **Vendor**
_____ **Volunteer**

Home Address: _____

Work Address: _____

Home Phone: _____ **Work Phone:** _____

Name(s) and title(s) of the individual(s) you believe sexually harassed you: _____

Date, time, place, and location of incident(s): _____

Please use reverse of this form or attach additional sheets if necessary.

Please list any witness(es) to the above-described incident(s): _____

I certify that I have completed this report to the best of my ability. The information I have provided is a true and accurate account which is correct and complete to the best of my knowledge and belief.

Dated this _____ **day of** _____, **20** _____.

(If under 18, parent must sign as well.)

This report was received by: _____

NONDISCRIMINATION

The Comanche Board of Education is committed to a policy of nondiscrimination in relation to race, color, religion, sex, age, national origin, alienage, handicap, or veteran status. This policy will prevail in all matters concerning staff, events, students, the public, employment, admissions, financial aid, educational programs and services, facilities access, and individuals, companies, and firms with whom the board does business. Racial discrimination shall include racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward an employee, a student or a visitor.

The board directs the superintendent of schools to prepare necessary rules, regulations, and procedures to ensure that all local, state, and federal laws, regulations, and guidelines are followed.

The following statement will be included in all course announcements, bulletins disseminated to all students, materials used for recruiting or describing programs and training, application or enrollment forms, brochures, and catalogs:

"The Comanche Board of Education does not discriminate on the basis of disability, race, color, religion, national origin, sex, age, veteran status, or gender."

When an open forum is created whereby non-curricular groups are allowed to meet on school premises Boy Scouts and other designated youth groups will have equal access.

Inquiries concerning application of this policy may be referred to _____ who is the Title IX/504/ADA Compliance Coordinator.

Comanche Public Schools
District

1030 Ash Avenue
Street Address

580-439-2900
Telephone

Comanche, OK 73529
City, State, Zip

REFERENCE: Oklahoma Constitution, Article 1, Section 6
Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Rehabilitation Act of 1973, §504
Education for All Handicapped Children Act of 1975
Immigration Reform and Control Act of 1986
Americans With Disabilities Act of 1990, 42 U.S.C. §12101
Individuals With Disabilities Education Act, 20 USC §1400, et seq.

**FEDERAL PROGRAMS
COMPLAINT RESOLUTION**

Any parent, individual, or organization with a complaint that the district is violating a federal statute or regulation with regard to a federal program at Comanche Public Schools may make the complaint known to the superintendent of schools in written form by filling out part I of the form, "Investigation Report on the Administration of Federal Program Activities." Within 30 days of receipt of the complaint, Comanche Public Schools will conduct an investigation of the allegations. The investigation shall include opportunities for the complainant or the complainant's representative to present evidence and question witnesses. Subsequent to the investigation, a report of findings will be filed with the State Department of Education and the complainant.

If the complaint has not been resolved to the satisfaction of the complainant, a hearing shall be conducted by the Board of Education within 30 days of receipt of written request for such a hearing. The hearing shall include opportunities for the complainant or complainant's representative to present evidence and question witnesses.

The complainant has the right to appeal the decision of the Comanche Public Schools to the State Department of Education, Compensatory Education Section, Oklahoma City, Oklahoma 73105.

A complaint made directly to the State Department of Education (SDE) without previously being filed with this school district will be reviewed by the SDE to determine if an investigation is warranted by the SDE because of the seriousness of the complaint or if the complaint shall be returned to the complainant to be filed with this school district. Complaints forwarded to this district shall be investigated within 30 days of receipt of the complaint by this district.

LEGAL REFERENCE: 34 C.F.R. § 299.10

DISCRIMINATION COMPLAINT FORM

TO: Title IX/504/ADA Coordinator - High School Principal
Alternate Coordinator - Middle School Principal

FROM: Name of Grievant _____
Address/Telephone # _____

DATE OF ALLEGED VIOLATION: _____

NATURE OF ALLEGED VIOLATION:

NAMES OF PERSONS RESPONSIBLE:

REQUESTED ACTION:

Date Complaint Filed With Coordinator: _____

Please use reverse of this form or attach additional sheets if necessary.

(Complaint must be submitted within 30 days of alleged violation.)

DISCRIMINATION COMPLAINTS PROCEDURES

The following procedures will be used by any person, including personnel and students for the filing, processing, and resolution of alleged discrimination complaints.

Definitions

1. **Discrimination Complaint:** A written complaint alleging any policy, procedure, or practice to discriminate on the basis of race, color, religion, national origin, sex, qualified handicap, veteran status, or other perceived discrimination.
2. **Student Grievant:** A student of the Comanche Public School District who submits a complaint alleging discrimination based on race, color, religion, national origin, sex, or qualified handicap.
3. **Employee Grievant:** An employee of the Comanche Public School District who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, qualified handicap, or veteran status.
4. **Public Grievant:** Any person other than a student or employee or employment applicant who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, qualified handicap, or veteran status.
5. **Title IX, 504 and ADA Coordinator (Coordinator):** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, and other state and federal law addressing equal educational opportunity. The Coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.
6. **Respondent:** The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
7. **Day:** Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

Pre-Filing Procedures

Prior to the filing of a written complaint, the grievant is encouraged to visit with the school principal, and reasonable effort should be made to resolve the problem or complaint.

DISCRIMINATION COMPLAINTS, PROCEDURES (Cont.)

Filing and Processing Discrimination Complaints

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|---|--|
| 1. Grievant | Submits written complaint to Coordinator stating name, nature and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available in all school offices. |
| 2. Coordinator | Notifies respondent within 10 days and asks respondent to: <ol style="list-style-type: none"> 1. Confirm or deny facts, 2. Indicate acceptance or rejection of grievant's requested action, or 3. Outline alternatives. |
| 3. Respondent | Submits answer within 10 days to Coordinator. |
| 4. Coordinator | Within 10 days after receiving respondent's answer, Coordinator refers the written complaint and respondent's answer to the building principal. The Coordinator also schedules a hearing with the grievant, the respondent, and the building principal. |
| 5. Principal, Grievant, Respondent, & Coordinator | Hearing is conducted. |
| 6. Principal | Within 10 days after the hearing, issues a written decision to the grievant, respondent, and Coordinator. |
| 7. Grievant or Respondent | If the grievant or respondent is not satisfied with the decision, the Coordinator must be notified within 10 days and a hearing with the superintendent requested. |
| 8. Coordinator | Within 10 days of receiving a request for a hearing, schedules a hearing with the grievant, respondent, and superintendent. |
| 9. Superintendent, Grievant Respondent, & Coordinator | Hearing is conducted. |
| 10. Superintendent | Issues a decision within 10 days following the hearing. |
| 11. Grievant or Respondent | If the grievant or respondent is not satisfied with the decision, the Coordinator must be notified within 10 days and a hearing with the board requested. |

DISCRIMINATION COMPLAINTS, PROCEDURES (Cont.)

12. **Coordinator** **Notifies board within 10 days after receiving a request for hearing. Coordinator schedules the hearing with the board. The hearing is to be conducted within 30 days from the date of notification to the board.**

13. **Board of Education or hearing panel established by the board, Grievant, Respondent, & Coordinator** **Hearing is conducted.**

14. **Board of Education** **Within 10 days after the hearing, issues a final written decision regarding the validity of the grievance and any action to be taken.**

General Provisions

1. **Extension of Time:** Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be not more than 180 days.

2. **Access to Regulations:** The Comanche Public School District shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, qualified handicap, or veteran status upon request.

3. **Confidentiality of Records:** Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel files. Complaint records shall be maintained on file for three years after complaint resolution.

4. **If respondent and principal are the same person, the above procedures are adjusted accordingly with the first hearing being with the superintendent.**

5. **The middle school principal shall serve as an alternate Coordinator.**

Title IX

District Coordinator: Kim Justus 580-439-2919

Investigators: Kim Justus 580-439-2919
Sean Hushbeck 580-606-3905
Angela Rouse 580-439- 2906
Steve Dunham 580-439-2981