

Section: **PERSONNEL**

Procedure Title: **Disability Harassment**

A. Complaint Process

In fulfilling our obligation to maintain a positive and productive education and work environment, the District will take all complaints of harassment based on disability seriously and will act promptly to investigate all complaints.

As a first step, any individual who believes he or she has been harassed, either directly or indirectly, is encouraged, although not required, to directly inform any alleged harasser that the behavior is offensive and must stop.

Any individual who feels intimidated by a confrontation is encouraged to seek help in confronting the alleged harasser.

If harassment based on disability continues, as a second step, any student with a complaint of harassment should notify, either verbally or in writing, one of the following: teacher, counselor, or building administrator. All reports of harassment based on disability at the building level should be forwarded to the building administrator. Any other individual with a complaint of harassment based on disability should notify, either verbally or in writing, his/her immediate supervisor, the Director of Special Programs or the Executive Director of Student Services and Human Resources. All complaints of harassment based on disability will be investigated and properly resolved.

A complaint may be withdrawn in writing by the complainant at any level without prejudice.

B. Disciplinary Actions

Individuals who instigate and/or participate in harassment based on disability will be subject to disciplinary action as the District deems necessary and appropriate to end the behavior and to prevent its recurrence.

The disciplinary action may include, but is not limited to, discipline, suspension, expulsion, demotion or discharge. Such disciplinary action will be consistent with any applicable collective bargaining agreement, District policy, and state and federal law.

Any person under the authority of the District who harasses another person shall be subject to disciplinary action pursuant to this procedure and the District's student and personnel policies.

This procedure is intended to provide notice to students, employees, and others of the District's expectations for their behavior or conduct; to warn them that disciplinary sanctions may be imposed; to provide a prompt and effective means for persons to report behavior or conduct in violation of this policy; and to insure that such reports are handled in a manner that furthers an educational and work environment free from harassment as required by state and federal law. This procedure does not, and is not intended to, confer any rights upon alleged violators of the standards of conduct or behavior described herein or to create any expectations for alleged violators on how complaints concerning their conduct will be investigated or processed. The rights of alleged violators concerning the District's investigation and any disciplinary actions stemming from any complaints of harassment shall be governed solely by any applicable collective bargaining agreement or contracts, and applicable statutory or constitutional due process obligations.

C. False Accusations

It is a violation of this policy to knowingly report false allegations of harassment based on disability. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

D. Remedies

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of harassment based on disability. Informal reports may be made to any staff member. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or professional staff member when they receive complaints of harassment based on disability, especially when the complaint is beyond their training to resolve or alleges serious misconduct. Informal remedies include the complainant not pursuing a formal complaint until the District investigates the allegations and determines whether to take any disciplinary action against the alleged harasser; an opportunity for the complainant to explain to the alleged harasser that his or her conduct is offensive or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district harassment policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or

because the district believes the complaint needs to be more thoroughly investigated.

Formal Written Complaint Process: Anyone may initiate a formal written complaint of harassment based on disability, even if the informal complaint process is being utilized. The written complaint should be sent to the superintendent/designee. Potential complainants who wish to have the District hold their identity confidential shall be informed that the District will most assuredly face due process requirements that will make available all of the information that the District has to the accused. The District will, however, fully implement the anti-retaliation provisions of this policy to protect complainants and witnesses. Student complainants and witnesses may have a trusted adult with them during any District-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the District needs to conduct an investigation based on information in his or her possession regardless of the complainant's interest in filing a formal complaint.

Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's/ designee's written response, unless the accused is appealing the imposition of discipline and the District is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

The formal appeal will be processed in the same manner as appeals under the District's Sexual Harassment policy. Similarly, staff may pursue complaints further through the appropriate collective bargaining agreement process or anti-discrimination policy.

E. Non-retaliation

No person shall be retaliated against for making a report of harassment based on disability or for providing testimony or assisting in the investigation of such a report.

F. Dissemination of Procedure

The superintendent/designee shall develop practices to provide age-appropriate information and education to District staff, students, parents/ guardians and volunteers regarding this procedure and the recognition and prevention of harassment based on disability. Each school shall develop a process for discussing the District's harassment based on disability procedure. The process shall ensure the discussion addresses the definition of harassment based on disability and issues covered in the harassment procedure. At a minimum, harassment recognition and prevention and the elements of this procedure will be included in staff, student and

regular volunteer orientation. This procedure shall be posted in each District building in a place available to staff, students, parents/guardians, volunteers and visitors. The procedure shall be reproduced in each student, staff, volunteer and parent/guardian handbook.

G. Internal Review

The Compliance Officer and the Director of Special Programs shall conduct an annual review of the utilization and effectiveness of the District's harassment based on disability policy and administrative procedures governing formal complaints of disability harassment. The Compliance Officer shall recommend any changes in District policy and/or procedure to the superintendent/designee.

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