

**FORMAL COMPLAINT PROCEDURES
FOR SEXUAL HARASSMENT ALLEGATIONS**

Sexual harassment consists of *unwanted and unwelcome** sexual or gender-based behavior. Prohibited conduct includes, but is not limited to, the following types of behaviors when they are *unwanted and unwelcome**:

1. Verbal abuse or ridicule, including innuendoes, stories and jokes, which are of a sexual nature and/or gender-related. This might include sex-oriented comments on appearance, including dress or physical features.
2. Direct or indirect threats or bribes for unwanted sexual activity.
3. Asking or commenting about a person's sexual activities.
4. Physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
5. Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
6. The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
7. Demanding sexual favors or insinuating that refusal to acquiesce in such favors will adversely affect the student or staff member.
8. Staring, leering, or gesturing that is sexually suggestive in nature.
9. Offensive public display of sexual/physical affection.
10. Wearing clothing that reflects sexually obscene and/or sexually explicit messages, slogans or pictures.
11. Any other sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes or attitudes.

Behavior shall be considered *unwelcome and unwanted** if the student or employee did not initiate, request or invite such conduct or communication and/or regarded such conduct or communication as undesirable or offensive.

**Note about unwanted and unwelcome*:* For purposes of District staff or other adults knowing when to report incidents for investigation by a Complaint Officer:

- If any student under the age of eleven (11) is believed to be the victim or recipient of any behavior listed above, then it will be presumed that such behavior is unwelcome and unwanted by that student. The same presumption will apply to any child, of any age, who suffers from diminished capacity due to cognitive or emotional impairment.
- If any student under the age of twenty-one (21) is believed to be the victim or recipient of any behavior listed above, which originates from any adult employee of the District or any adult third party (such as a volunteer or vendor), then it will be presumed that such behavior is unwelcome and unwanted by that student.

The foregoing presumptions are for reporting purposes only. They do not affect the Complaint Officer's use of his or her judgement in determining whether sexual harassment has occurred.

Any student or employee who believes he/she has been subjected to sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, shall promptly report such occurrence using the steps below.

- 1. Use of the Sexual Harassment Complaint Form is necessary. A Formal Sexual Harassment Complaint must be submitted to the District's designated Complaint Officer who then notifies the Superintendent and building principal. If the complaint is against the Complaint Officer, the complaint should be submitted directly to the Superintendent who may designate a substitute Complaint Officer.**
- 2. The designated Complaint Officer has up to 20 days following receipt of the Formal Complaint to complete the investigation and render a report to the Superintendent. If the Complaint Officer must extend the time needed for the investigation, he/she must file an Interim Report with the Superintendent before the end of the twentieth working day.**
- 3. The Complainant has 10 days to appeal the decision of the Complaint Officer to the Superintendent.**
- 4. The Superintendent has 10 days to render a decision. Following the Superintendent's decision, the Complainant has 10 days to appeal to the Board of Education.**
- 5. The Board of Education has 30 days to render a decision on the appeal.**

FERPA CAUTION: If the harasser or alleged harasser is a student, special care must be taken not to inadvertently disclose his or her educational record information to the victim or alleged victim, including the parents or guardians of same, in violation of the Family Education and Records Privacy Act (FERPA). To encourage the greatest possible exchange of information where the harasser or alleged harasser is a student, it is therefore imperative that the Complaint Officer and/or Superintendent attempt to secure prior written authorization from the parents or guardians of the harasser or alleged harasser that would permit, in the best interest of all parties, the release of certain educational record information for the limited purpose of demonstrating to the victim that sufficient disciplinary action has been taken.