
SEXUAL HARASSMENT COMPLAINT PROCEDURE

Building principals, the ~~compliance officer~~, Director of Human Resources and the Superintendent have responsibility for ~~complaints and~~ investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1: Any sexual harassment information (i.e., complaints, rumors, etc) shall be presented to the building principal or ~~compliance officer~~ superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. ~~Forms HR 250 & 251~~.

The district official receiving the complaint shall cause the district to provide written notice from the district to the complainant that includes:

1. ~~Their rights;~~
2. ~~Information about the internal complaint processes available through the school or district that the complainant may pursue;~~
3. ~~Notice that civil and criminal remedies that are not provided by the school or district may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;~~
4. ~~Information about services available to the student or staff member complainant through the school or district including any counseling services, nursing services or peer advising;~~
5. ~~Information about the privacy rights of the complainants and legally recognized exceptions to those rights for internal complaint processes and services available through the school or district; and~~
6. ~~Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.~~

This written notification must:

1. ~~Be written in plain language that is easy to understand;~~
2. ~~Use print that is of the color, size and font that allow the notification to be easily read; and~~
3. ~~Include that this procedure is made available to students, students' parents, staff members and members of the public on the school or district website.~~

Step 2: The District ~~Compliance~~ Human Resources Office will investigate complaints involving staff members, and building principals will investigate complaints involving students. The district official (building principal or ~~compliance officer~~ Human Resources Director) receiving the

information or complaint shall promptly initiate an investigation. ~~He/She~~ The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The district official(s) conducting the investigation shall investigate and report the findings notify the complainant (in writing) to the parties involved within 10 working days after receiving the written complaint that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, the date and details of the written report, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

Step 3: If a complainant is not satisfied with the decision at Step 2; ~~he/she~~ the complainant may submit a written appeal to the Superintendent. Such an appeal must be filed within 10 working days after receipt of the Step 2 decision. The Superintendent (or designee) will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The Superintendent (or designee) shall provide a written decision to the complainant within 10 working days.

Step 4: If a complainant is not satisfied with the decision at Step 3, ~~he/she~~ the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

~~Step 5: If the complaint is not satisfactorily settled at the Board level, the employee may appeal to the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries; the student may appeal to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.~~

~~The Superintendent shall report the name of any person holding a teaching license or participating in a practicum under OAR 584-515-0700 or 584-016-0075 when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to the Teacher Standards and Practices Commission within 30 days of such a finding. Reports of sexual contact with a student shall be given to law enforcement representatives or Oregon Department of Human Services, Community Human Services, representatives as possible child abuse. In the event the Superintendent is the subject of the investigation, reports, when required, shall be made by the Board Chairman.~~

Complaints against the principal may start at step 3 and may be filed with the superintendent. The superintendent will cause the notice requirements identified in step 1 to be completed. The superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the superintendent, the complainant may appeal to the Board in step 4.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

Questions concerning this policy and the complaint process should be directed to the Director of Human Resources Director Three Rivers School District.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850
ORS 659A.006
ORS 659A.029
ORS 659A.030

OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.S. Section 2000(e).
Title IX of the Education Amendments of 1972, 20 U.S.C. Section s 1681-1683; 34 CFR Part 106 (2000).
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).



SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of
incident(s): _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

Note: If more space is needed, please use the back of this form.

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

