

# NICASIO SCHOOL DISTRICT

## Administrative Regulations

Series 5000: Students

AR 5145.7

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### SEXUAL HARASSMENT of STUDENTS

#### **Purpose**

It is the purpose of this Administrative Regulation to implement Nicasio School District's Sexual Harassment of Students Policy. The regulation is designed to outline the procedures that are to be followed to maintain Nicasio School Board's commitment to providing an educational environment free from sexual harassment as defined by board policy.

#### **Reporting Procedure**

Any student who believes he or she has been sexually harassed by an employee, agent, or student of Nicasio School District, should promptly report the facts of the alleged incident(s) and the name of the individual(s) involved to any adult staff member with whom he/she feels comfortable, and that person shall report the incident to the school site administrator or, if the administrator is the alleged harasser, to the Superintendent. The employee who has knowledge of a student allegation of sexual harassment is required to report to the site administrator within three (3) business days.

Students may, at any time during the process, bring an advocate to support them in meeting with the site administrator or other staff. The site administrator or designee will gather the information from the student to complete a Sexual Harassment Incident Report. A copy of the report will be forwarded to the Superintendent and the student's parent(s), who will also receive a copy of the District policy on Sexual Harassment of Students.

#### **Confidentiality**

The site administrator will inform the student making the report that the allegation and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. In addition, witnesses and those interviewed shall be informed of the confidential nature of the issue and the investigation as well as the reason for confidentiality. Anyone violating confidentiality by disclosing the nature of the allegation or the investigation to others shall be subject to disciplinary action.

#### **Retaliation**

The initiation of an allegation of sexual harassment by a student will not adversely affect grades, class section or other matters pertaining to his or her status in any District program. The site administrator or designee will inform all parties that retaliation is illegal and that an allegation of retaliation, following a report of sexual harassment shall be considered as a separate incident, shall be investigated, and shall be subject to disciplinary action.

## **Time Limits**

Allegations of sexual harassment shall be reported as soon as reasonably possible after the conduct in question has taken place. Students wishing to report allegations to additional agencies, such as the U.S. Office for Civil Rights, should know that this agency follows a 180-day time limit for reporting alleged incidents of sexual harassment.

## **Informal Process**

Upon receipt of a complaint either verbally or in writing, the complaining party will be advised of his/her right to explore resolution of the matter by way of an informal mediation process. If the complaining party wishes to use the informal process, the site administrator in consultation with the Superintendent shall set up a process. If the complaining party or accused is not satisfied with the process or conclusion, the investigation procedure shall be initiated.

If the complaining party does not wish to participate in the informal process, the investigation procedure will be initiated.

## **Investigation Procedure**

All complaints shall be investigated if not resolved by way of the informal process.

All investigations of allegations of sexual harassment shall be handled promptly in a serious, sensitive, and confidential manner. Although the student who believes he/she has been sexually harassed is not required to confront the person who is engaging in the unwelcome and unsolicited sexual conduct, the investigator should determine if the student has informed the person engaging in the behavior that the behavior is offensive and must stop.

1. The investigator shall, as soon as reasonably possible after the incident has been reported, inform the student, employee, or other person accused of sexual harassment of the allegation, in accordance with Board Policy (BP 5145.7), and he/she will be given an opportunity to respond.
2. The investigator shall inform all parties, including the student making the allegation, witnesses, and the accused, of their rights, including the fact that the student making the allegation and witnesses will not be retaliated against and the confidential nature of the allegation and investigation. The person accused shall not receive a copy of the complaint but shall be informed of the allegations. The name of the complaining party shall remain confidential to the extent possible. The accused will be given a copy of Board Policy (BP 5145.7).
3. The investigator shall, conduct an investigation to determine if the allegation of sexual harassment is supported. The investigation finding shall be filed within twenty (20) school days from the date the student made the allegation with the Superintendent. A summary of the findings shall be mailed to the student who reported the harassment, the student's parent(s), and the person accused.

4. When the site principal and/or Superintendent determine that sexual harassment has occurred, and disciplinary action is necessary, they will determine what course action is appropriate. Depending upon whether the harasser is a student, staff member, or agent of the District, appropriate disciplinary action will be taken.
5. Any student report of assault and/or physical battery that is gender based or sexual in nature shall be reported to the police for investigation.

### **Disciplinary Action**

Students who are found to have engaged in sexual harassment may be subject to discipline up to and including expulsion. Such disciplinary action shall be in accordance with board policy and state law. Suspension and recommendations for expulsion must follow applicable law.

Staff members who are found to have engaged in sexual harassment of students will be subject to discipline up to and including dismissal. Such disciplinary action shall be determined by site and District Administration in accordance with applicable policies, laws, and/or collective bargaining agreement.

Agents of the District who are found to have engaged in sexual harassment of students will be subject to penalties and sanctions as may be available to the District, including termination of business relationships and contracts.

In identifying appropriate disciplinary action, note that repeated incidents following intervention, intensity of the behavior, and multiple victims will yield more severe penalties. Disciplinary actions may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination of employees, and expulsion for students.

### **Appeal Procedures**

Either the complaining party or the accused may appeal the disciplinary action determined by the site or District administrator to Nicasio School Board. Appeals must be made in writing within ten (10) business days from the date of notification of the disciplinary action.

The appeal shall set forth the reasons for the appeal. The Superintendent shall schedule a closed session of the Board to hear the appeal. The Superintendent or designee shall be responsible for responding to the appeal before the Board. The decision of the Board shall be in writing and shall be final. The written decision shall be issued within twenty (20) calendar days of the Board meeting.

1<sup>st</sup> Reading: October 4, 2012  
2<sup>nd</sup> Reading: November 1, 2012 Board Approved