**SEXUAL HARASSMENT**

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to and the process for filing a formal complaint. 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 sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct. Informal remedies include an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, 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 Carbonado School District’s sexual 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 Complaint Process: Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. Potential complainants who wish to have the Carbonado School District hold their identity confidential shall be informed that the District will almost assuredly face due process requirements that will make available all of the information that the Carbonado School District has to the accused. The Carbonado School 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 Carbonado School 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. The following process shall be followed:

A. The compliance officer shall receive and investigate all formal, written complaints of sexual harassment, or information in the compliance officer's possession that the officer believes requires further investigation.

B. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.

C. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the Superintendent shall take further action on the report.

D. The Superintendent shall respond in writing to the complainant and the accused within thirty days following receipt of the complaint stating:

1. That the Carbonado School District does not have adequate evidence to conclude that harassment occurred:

2. Corrective actions that the Carbonado School District intends to take; and/or

3. That the investigation is incomplete to date and will be continuing.

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

F. In the event a complainant remains aggrieved as a result of the action or inaction of the Superintendent in resolving a complaint as provided in (E) above, said complainant may appeal to the Carbonado School District Board of Directors by filing a written notice of appeal with the secretary of the Board on or before the tenth day following (a) the date upon which the complainant received the Superintendent's response or (b) the expiration of the thirty day response period provided in (F) above, whichever occurs first.

An appeal to the Board of Directors pursuant to this section shall require the Board of Directors to schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The Board of Directors shall render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved.

G. In the event a complainant remains aggrieved with the decision of a District Board of Directors rendered pursuant to (F) above, the complainant may appeal the Board's decision to the Office of the Superintendent of Public Instruction. A notice of appeal must be received by the Office of the Superintendent of Public Instruction on or before the tenth day following the date upon which the complainant received written notice of the Board's decision. Furthermore, the notice must be in writing and must set forth (a) a concise statement of the portion or portions of the Board's decision which is appealed from, and (b) the relief requested by the complainant/appellant.

A fixed component of all Carbonado School District orientation sessions for staff, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other Carbonado School District policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

A. Demands for sexual favors in exchange for preferential treatment or something of value;

B. Stating or implying that a person will lose something if he or she does not submit to a sexual request

C. Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;

D. Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;

E. Using derogatory sexual terms for a person;

F. Standing too close, inappropriately touching, cornering or stalking a person; or

G. Displaying offensive or inappropriate sexual illustrations on school property.

Annually the Superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the Superintendent shall prepare a report to the Board including, if necessary, any recommended policy changes. The Superintendent shall consider adopting changes to this procedure if recommended by the committee.

Adopted: 3/19/2007