

Leavenworth USD #453 Student and Staff Harassment Procedures

LEAVENWORTH USD #453

(Approved by Leavenworth BOE June 6, 2000)

I. GENERAL STATEMENT OF POLICY (Reference Board Policy JGEC—JGECA)

It is the policy of Leavenworth USD #453 to maintain a learning and working environment that is free from religious, racial, sexual, disability harassment and violence. The School District prohibits any form of religious, racial, disability, sexual harassment and violence.

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion, disability and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, or persons subject to the supervision and control of the District.)

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to inflict, threaten to inflict, or attempt to inflict religious, racial, disability, sexual harassment or violence upon any pupil, teacher, administrator or other school personnel.

The School District will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial, disability, sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

II. SEXUAL , RACIAL, RELIGIOUS, DISABILITY HARASSMENT AND SEXUAL VIOLENCE DEFINED

A. Sexual Harassment: Definition. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. that conduct or communication has the purpose or effect of substantially or

unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

Sexual harassment may include but is not limited to:

1. unwelcome verbal harassment or abuse;
2. unwelcome pressure for sexual activity;
3. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of student(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
4. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
5. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual because of gender.

B. Racial Harassment: Definition. Racial Harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

1. has the purpose or effect of creating an intimidating hostile or offensive employment or educational environment.
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance: or
3. otherwise adversely affects an individual's employment or educational opportunities.

C. Religious Harassment: Definition. Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
3. otherwise adversely affects an individual's employment or educational

opportunities.

- D. Disability Harassment: Definition. Disability harassment consists of physical or verbal conduct which is related to an individual's disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
 3. otherwise adversely affects an individual's employment or educational opportunities.
- E. Sexual Violence: Definition. Violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 2. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 3. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- E. Racial Violence: Definition. Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- F. Religious Violence: Definition. Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.
- G. Disability Violence: Definition. Disability violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, disability.
- H. Assault: Definition. Assault is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;

2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of religious, racial, disability or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of the School District, or any person with knowledge or belief of conduct which may constitute religious, racial, disability or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate School District official designated by this policy. The School District encourages the reporting party or complainant to use the complaint form available from the principal of each building or available from the School District office, but oral complaints shall be considered. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a District Human Rights Officer.

- A. In Each School Building. The building principal is the person responsible for receiving oral or written complaints of religious, racial or sexual harassment or violence at the building level. Any School District personnel who receives a complaint of sexual, racial, disability, religious harassment or violence shall inform the building principal immediately.

Upon receipt of a complaint, the principal must notify the School District Human Rights Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Rights Officer. If the complaint was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any harassment or violence complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent

- B. In the District. The School Board hereby designates the Superintendent as the Human Rights Officer to receive complaints of sexual, racial, disability or religious harassment or violence. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the School Board.
- C. Submission of a good faith complaint of sexual, racial or religious harassment or violence will not affect the complainant or reporter's future employment, grades or position.
- D. Use of a formal complaint form is not mandatory.

- E. The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

By authority of the School District, the Human Rights Officer, upon receipt of a complaint alleging religious, racial, disability or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the School District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In addition, the School District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged sexual, racial, disability or religious harassment or violence.

The investigation will be completed as soon as practicable. The School District Human Rights Officer or his designee shall make a written report to the School Board upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. FILING PROCEDURES FOR COMPLAINTS FORMS

Complaint forms are available in each district school building and at the administrative offices. Complaint forms may be obtained in person or mailed upon request. Complaint forms should be filed with either the Building Administrator (Principal), or the Superintendent of Schools.

VI. SCHOOL DISTRICT ACTION

Upon receipt of the Superintendents report, the Superintendent or Board of Education will take appropriate action. Such action may include, but is not limited to: warning, suspension, exclusion, expulsion, transfer, re-mediation, termination or discharge. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, state and federal law and School District policies.

VII. REPRISAL

The School District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged religious, racial, disability or sexual harassment or violence or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT

PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Kansas Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VIII. HARASSMENT OR VIOLENCE AS ABUSE

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall appear in the student handbook.
- C. The School District will develop a method of discussing this policy with students and employees.
- D. This policy shall be reviewed at least annually for compliance with state and federal law.

Leavenworth USD #453
Sexual, Racial, Religious, Disability Harassment and Violence
Report Form

Leavenworth USD #453 maintains a firm policy prohibiting all forms of discrimination. Religious, racial, disability, or sexual harassment or violence against students or employees is discrimination. All people are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial or sexual harassment by any pupil, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment, will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Circle as appropriate: sexual racial religious disability

Name of person you believe harassed or was violent toward you or another person:

Describe the incident(s) on the back of this document.

This complaint is filed based on my honest belief that _____
has harassed or been violent to me or to another person. I hereby certify that the
information I have provided in this complaint is true, correct and complete to the best
of my knowledge and belief.

Complainant Signature

Date

Received by

Date

Sexual, Racial, Disability or Religious Harassment and Violence **Report Form (Page 2)**

Description of the incident(s) as clearly as possible, including such things as: what force, if any, were used, any verbal statements or non communications (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved, etc. (Attached additional pages if necessary.)

List any witnesses (and their addresses, phone numbers, and occupations, if known) who were present: