

It is the policy of Grace Joint School District No. 148 to maintain an environment that is free from harassment. Each student and employee has the right to attend school and work in an atmosphere that promotes equal opportunities and that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive.

District employees are:

1. Prohibited from engaging in any conduct which could reasonably be construed as constituting harassment on the basis of sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law.
2. Prohibited from sexually harassing other employees, students, or patrons of the district.
3. Required to report to his/her supervisor, the superintendent, *or the discrimination compliance officer* harassment of which the employee becomes aware.
4. Required to take immediate action as further specified in the policies of this district to discipline and/or report students who engage in conduct that may be reasonably considered harassment of another student, a district employee, or patron of the district.

This policy applies to all conduct on the district's premises and at school-sponsored events, conduct during transportation to and from school and school-sponsored events, and to conduct off the district's premises that has an adverse effect upon the educational environment.

District employees, students, and patrons of the district will all be held accountable for conduct that may be reasonably considered harassment under this policy.

DEFINITION OF HARASSMENT

Harassment is unwelcome conduct that includes verbal, written, graphic, photographic, audio or video depictions of any kind, or physical conduct relating to an individual's sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law that:

1. Has the purpose or effect of creating an intimidating, offensive, or hostile environment.
2. Unreasonably interferes with an individual's educational or work performance.
3. Otherwise adversely affects an individual's educational or work opportunities.

Harassment includes, but is not limited to:

1. *Physical acts of aggression or assault, damage to property, or intimidation and implied or overt threats of violence motivated by the victim's sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law.*
2. *Demeaning jokes, taunting, slurs, and derogatory "nicknames," innuendos, or other negative remarks relating to the victim's sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law.*
3. *Graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments related to the victim's sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law.*
4. *Criminal offenses directed at persons because of their sex, sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, disability, or any other basis protected by law.*

Harassment also includes sexual harassment as defined in *Policy No: 414, Sexual Harassment*, as well as an act of retaliation taken against (1) any person bringing a complaint of harassment, (2) any person assisting another person in bringing a complaint of harassment, or (3) any person participating in an investigation of an act of harassment.

REPORTING PROCEDURES

1. *Any employee, student and/or the parent or guardian of a student, or patron who believes he or she is being harassed should immediately report the situation to a teacher, the principal, or the superintendent.*
2. *Any district employee who receives a report of harassment from an individual, becomes aware that an individual is being subjected to harassment, or in good faith believes that an individual is being subjected to harassment is required to report the matter to the building principal or superintendent immediately. In the event the complaint involves the principal, the matter must be immediately reported to the superintendent. In the event the complaint involves the superintendent, the matter must be immediately reported to the board.*
3. *Any district employee who witnesses harassment of an individual should take immediate, appropriate action to intervene to stop the harassment.*
4. *Any student who becomes aware that a fellow student is being subjected to harassment should immediately report the incident to a counselor, teacher, or the principal.*

INVESTIGATION AND REPORT

Option B

When a report of harassment is received by the principal or the superintendent, immediate steps will be taken to do the following:

- 1. Obtain a written statement from the complainant regarding the allegations;*
- 2. Obtain a written statement from the accused;*
- 3. Obtain written statements from witnesses, if any; and*
- 4. Prepare a written report detailing the investigation.*

An investigator may be appointed to conduct the investigation or the principal or superintendent may conduct the investigation. The investigation should be completed within ten (10) workdays from the date of the principal or superintendent received actual notice.

REMEDIAL ACTION

If the allegation of harassment involves a teacher or other school employee, the principal will submit the report of the investigation to the superintendent. If there is sufficient evidence to support the allegation, disciplinary action up to and including dismissal may be taken against the offender.

If the allegation of harassment is against a student and there is sufficient evidence to support the allegation, disciplinary action up to and including suspension or expulsion may be taken against the offender.

If the allegation of harassment is against a patron and there is sufficient evidence to support the allegation, the superintendent may report the harassment to local law enforcement and/or take appropriate action to prevent such persons from entering district premises or attending school-sponsored events.

In the event the investigation discloses that the complaining student has falsely accused another individual of harassment knowingly or in a malicious manner, the complaining student may be subject to disciplinary action up to and including suspension or expulsion.

In the event the harassment involves violent or other conduct which could be reasonably considered to be criminal in nature, the principal or superintendent will refer the matter to the local law enforcement agency.

The investigator may notify the complainant at the completion of the investigation that the matter has been concluded and whether or not harassment was found to have occurred. If harassment was found to have occurred, the complainant will be informed that appropriate action was taken, but the investigator will not disclose the specific sanctions taken against a student or employee.

RECORDKEEPING

1. The district will keep and maintain a confidential, written record of all harassment complaints, including, but not limited to, witness statements, investigative reports, and correspondence, from the date any allegation of harassment is reported to district personnel. The information in the written record will also include the action taken by the district in response to each allegation. The written record will be kept in the district’s administrative offices and will be maintained in accordance with applicable record retention policies.
2. If the investigator determines that harassment has occurred, a copy of the complaint and the report will be placed in the employee’s personnel file or the student’s permanent record.
3. Documentation of disciplinary action related to any violation of this policy, including false allegations and retaliatory actions, will be placed in the employee’s personnel file or the student’s permanent record.
4. If there is insufficient evidence to support the allegations, the complaint and investigation report will not be placed in the employee’s personnel file or the student’s permanent record.

PROTECTION AGAINST RETALIATION

No retaliation will be taken by this district or by any of its employees or students against an employee or a student who reports harassment in good faith. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary action provided for harassment offenders. Those persons who assist or participate in an investigation of harassment are also protected from retaliation under this policy.

CONFIDENTIALITY

Any investigation will be conducted, to the maximum extent possible, in a manner that protects the privacy of both the complainant and the accused. However, if it is suspected that child abuse has occurred, such abuse will be reported to the proper authorities as required by state law.



LEGAL REFERENCE:

Idaho Code Sections

16-1619

18-917A

33-205

33-512

Title IX of the Education Amendments of 1972

Title VII of the Civil Rights Act of 1964

The Age Discrimination in Employment Act of 1967 (ADEA)

The Americans with Disabilities Act of 1990 (ADA)

Franklin v. Gwinnett Co. Public Schools, 112 S. Ct. 1028 (1992)

Gebser v. Lago Vista Independent School District, 118 S. Ct. 1989 (1998)

Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1999)

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Dept. of Education Office of Civil Rights (January 2001)

ADOPTED: OCTOBER 9, 2013

AMENDED:

**Language in text set forth in italics is optional.*