

SEXUAL HARASSMENT AND DISCRIMINATION TITLE IX GRIEVANCE PROCEDURE

I. REFERENCE

Title IX of the Education Amendments of 1972

The purpose of these regulations are to prevent sexual harassment or discrimination towards students and staff and to assure that Raleigh County Schools respond to harassment and discrimination when these acts occur in a manner that effectively deters future incidents and affirms respect for individuals.

The Raleigh County school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or discrimination and discipline any student or employee who harasses or discriminates against a student or employee of the school district.

II. DISCRIMINATION

Unlawful treatment or denial of normal privileges to persons because of their sex.

III. HARASSMENT DEFINED

A. Sexual Harassment

1. 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:
 - a. 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
 - b. 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
 - c. 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 education environment.

2. Any sexual harassment as defined, when perpetrated on any student or employee by any student or employee, will be treated as sexual harassment under this policy. This includes any alleged acts committed on school grounds or at school-sponsored events regardless of where those events occur, as well as any alleged acts committed while outside groups are using school facilities.
3. Sexual harassment may include, but is not limited to:
 - a. verbal harassment or abuse;
 - b. unwelcome or inappropriate letters, telephone calls, or materials of a sexual nature;
 - c. sexual teasing, jokes, remarks, or questions;
 - d. sexually suggestive looks or gestures;
 - e. pressure, subtle or overt, for sexual activity;
 - f. unwelcome or inappropriate patting, pinching, or cornering;
 - g. intentional brushing against another's body;
 - h. attempted or actual rape or sexual assault;
 - i. requesting or demanding sexual favors accompanied by implied or overt threats, concerning an individual's employment or educational status;
 - j. requesting or demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - k. any unwelcome sexually motivated touching anyone's intimate parts;

IV. REPORTING PROCEDURES

Any person who believes he or she has been the victim of sexual harassment/discrimination of all types, including employment discrimination by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute harassment/ discrimination should report the alleged acts as soon as possible to the Human Rights/Title IX Compliance Officer for Raleigh County Schools. The Board encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Board office.

- A. In Each School Building
The building principal (or administrator in charge of a non-school Board of Education facility) is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report, the principal must notify the Board's Human

Rights/Title IX Compliance Officer. A written report will be forwarded by the end of the next working day to the Human Rights/Title IX Compliance Officer. If the report was given to the building principal verbally, the principal shall reduce it to written form before the close of the next working day and forward it to the Human Rights/Title IX Compliance Officer. Failure to forward any discrimination or harassment report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights/Title IX Compliance Officer.

B. District - Wide

The Board hereby designates its Director of Secondary Education as the Board's Human Rights/Title IX Compliance Officer to receive reports or complaints of harassment or discrimination from any individual, employee or victim of harassment or discrimination and also from the building principals as outlined above. If the complaint involves the Human Rights/Title IX Compliance Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in paragraph IV of this policy. The name of the Human Rights/Title IX Compliance Officer, including a mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

C. Retribution for Reporting Prohibited

Submission of a complaint or report of sexual harassment or discrimination will not affect the future employment, grades, or work assignments of the person who submits the complaint or report. Retaliation against the complainant or any individual who assist with the investigation is prohibited.

D. Use of Formal Reporting Forms are Not Mandatory

The Raleigh County school district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment/discrimination and take disciplinary action when the conduct has occurred.

V. INVESTIGATION AND RECOMMENDATION

- A. By authority of the Board, the Human Rights/Title IX Compliance Officer, upon receipt of a report or complaint alleging sexual harassment or discrimination, shall authorize an investigation within 48 hours of receiving the report from the building principal. This investigation may be

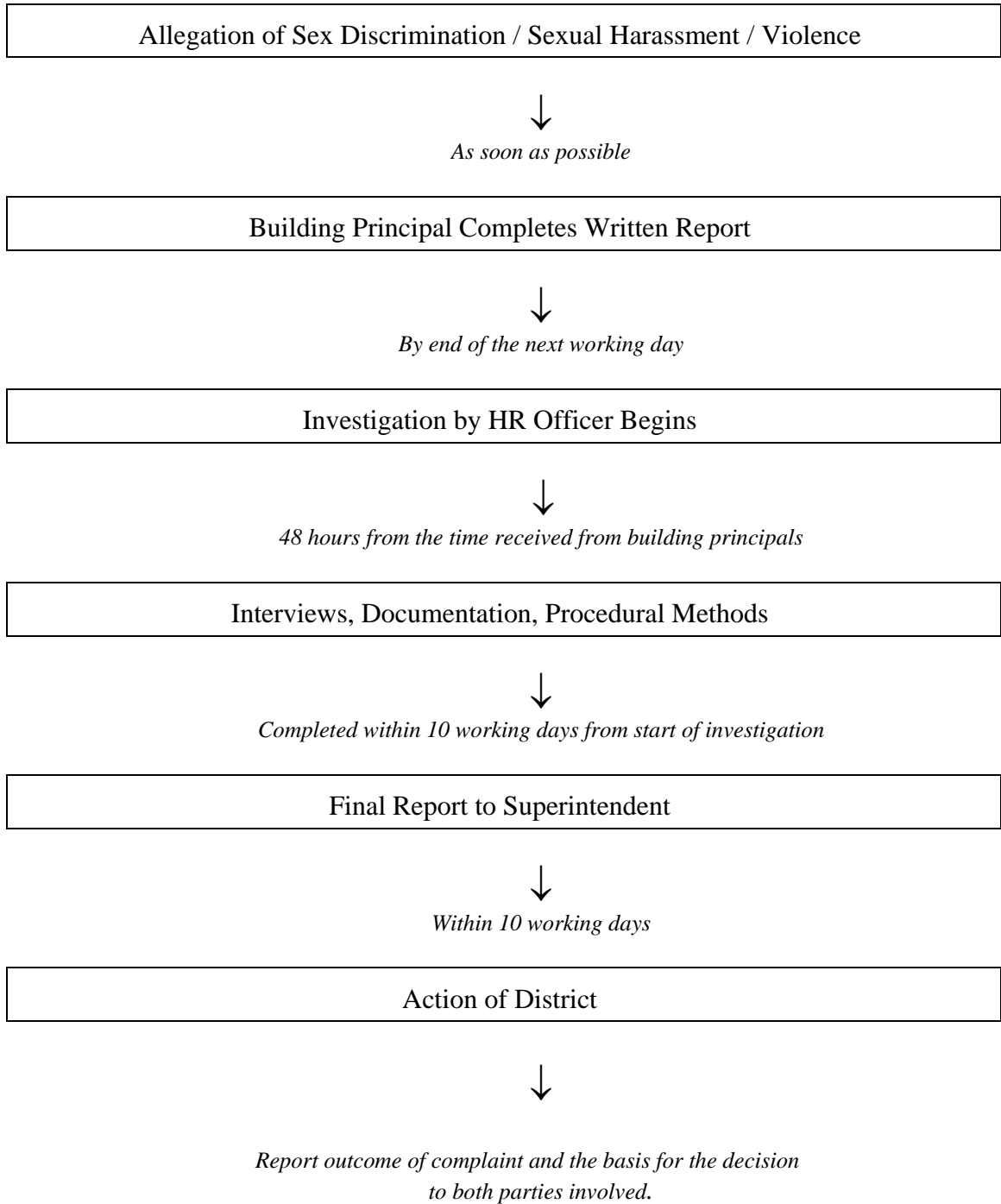
conducted by a school official or officials of the school district or by a third party or third parties designated by the Superintendent in an impartial manner and by an impartial decision maker. The investigating party shall provide a written report of the status of the investigation within ten working days to the superintendent and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Human_Rights/Title IX Compliance Officer and the President of the Board.

In determining whether alleged conduct constitutes harassment or discrimination, consideration shall be given to the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

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 circumstance(s) giving rise to the complaint. The parties have a right to present witnesses or other evidence pertinent to the investigation. In addition, school officials may, in their discretion, take immediate steps to protect the complainant, student(s), and employee(s) pending completion of an investigation of alleged discrimination or harassment.

The Board's Human Rights/Title IX Compliance Officer shall make a report to the Superintendent upon completion of the investigation. The report shall include a recommendation concerning the validity of the complaint. If the Superintendent is the subject of the complaint, the report shall be made to the President of the Board.

B. Time Frames for Major Stages of the Investigation



VI. ACTION

Upon receipt of a recommendation that the complaint is valid, the Raleigh County school district will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Superintendent or, if the Superintendent is the subject of the complaint, by the President of the Board. The report will document any disciplinary action taken as a result of the complaint.

Notice to both parties of the outcome of the complaint and the basis for the decision.

VII. REPRISAL

The Raleigh County school district will discipline any individual who retaliates against any person who reports alleged harassment/discrimination or retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to harassment or discrimination complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. NON-HARASSMENT

The Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

IX. 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 West Virginia Human Rights Commission, filing an employee grievance under WV Code 18-29-1 *et Seq.*, filing a citizen's appeal under West Virginia Board of Education policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

X. SEXUAL HARASSMENT AS ABUSE

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the school district shall comply with the provisions of law for reporting such abuse.

XI. DISCIPLINE

Discipline action taken pursuant to this policy may include warning, suspension, expulsion, or immediate discharge to end harassment or violence and prevent its recurrence, or other forms of discipline as prescribed by the Superintendent of Schools.

XII. DISSEMINATION OF POLICY

- A. This policy or a summary shall be posted in each of the schools or departments in areas accessible to students and staff members.
- B. A summary of this policy shall appear in student handbooks.
- C. A complete copy of this policy can be found in the building administrator's office or in staff handbooks.
- D. This policy is to be reviewed annually by the building administrator with all staff.
- E. This policy is to be reviewed bi-annually for compliance with state and federal law and the State Board of Education policy.
- F. Raleigh County Schools will develop and implement training for students and staff on these regulations and on means of effectively promoting the provisions of Policy 2300.
- G. Prevention programs that develop training and awareness of sexual harassment and discrimination will be presented through staff development.

Approved: December 14, 2010

