Jefferson County Education Service District

Code: JBA/GBN-AR
Adopted: 5/7/08
Revised/Readopted: 7/01/20

Sexual Harassment Complaint Procedure

The superintendent has responsibility for reports, complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., reports, complaints, rumors, etc.) shall be presented to superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

The ESD official receiving the complaint shall cause the ESD to provide written notice from the ESD to the complainant that includes:

1. The rights of the student, student's parents, staff member, person or person's parents who filed the complaint;

2. Information about the internal complaint processes available through the ESD or school that the student, student's parents, staff member, person or person's parents may pursue including the person designated for the school or ESD for receiving complaints;

3. Notice that civil and criminal remedies that are not provided by the ESD or school may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;

4. Information about services available to the student or staff member complainant through the ESD or school including any counseling services, nursing services or peer advising;

5. Information about the privacy rights of the student, student's parents, staff member, person or person's parents and legally recognized exceptions to those rights for internal complaint processes and services available through the ESD;

6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment ; and

7. Notice that students who report information about possible prohibited conduct and students who participate in an investigation under this policy may not be disciplined for violations of the ESD's drug and alcohol policies that occurred in connection with the reported prohibited conduct and that were discovered as a result of a prohibited conduct report or investigation unless the student gave another person alcohol or drugs without the person's knowledge and with the intent of causing the person to become incapacitated and vulnerable to the prohibited conduct.

This written notification must be:

1. Be written in plain language that is easy to understand;

2. Use print that is of the color, size and font that allow the notification to be easily read; and

3. Be made available to students, students' parents, staff members and members of the public at the ESD central office and on the ESD and school website.

Step 2 The ESD official receiving the information or complaint shall promptly initiate an investigation and will notify the complainant when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within [five] working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The ESD official(s) conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

Step 4 If a complainant is not satisfied with the decision at step 3, the complainant may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed and the notice to the complainant when the investigation is initiated. The Board chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the ESD office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, as possible abuse of a child. 295 SE Buff St., Madras, OR 97741 | 541-475-2804

Sexual Harassment Complaint Form

Name of complainant: Position of complainant: Date of complaint: Name of alleged harasser: Date and place of incident or incidents:

Description of misconduct:

Name of witnesses (if any):

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible):

Any other information:

I agree that all the information on this form is accurate and true to the best of my knowledge. Signature: Date: 295 SE Buff St., Madras, OR 97741 | 541-475-2804

Witness Disclosure Form

Name of witness:

Position of witness:

Date of testimony/interview:

Name of alleged harasser:

Description of instance witnessed:

Any Other Information:

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: Date: