

MENOMINEE INDIAN SCHOOL DISTRICT

512-RULE

EMPLOYEE ANTI-HARASSMENT ENFORCEMENT PROCEDURES

Reporting Procedures

Any employee who believes he/she has been the victim of harassment prohibited under Board policy is encouraged to immediately report the alleged harassment to the District Administrator, a building principal, or the Board President. The addresses, telephone numbers and e-mail addresses for these individuals are set forth in 512-Exhibit(1). The employee may also report the harassment to the Office for Civil Rights, U.S. Department of Education or the U.S. Equal Employment Opportunity Commission.

Any teacher, administrator, or other school official notified that an employee has or may have been the victim of harassment prohibited under Board policy is required to immediately report the alleged harassment to the District Administrator, a building principal, or the Board President.

Any other person with knowledge or a belief that an employee has or may have been the victim of harassment prohibited by Board policy is encouraged to immediately report the alleged harassment to the District Administrator, a building principal, or the Board President.

The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office (see 512-Exhibit(2)) to report harassment, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated. However, if the report is given orally, the individual who receives the report shall personally reduce it to writing within 24 hours.

Investigation Procedure

Upon receipt of a report or complaint alleging harassment prohibited under Board policy, the District shall immediately undertake or authorize an investigation of the complaint by an individual trained to investigate such

complaints. Generally, the District Administrator will oversee the investigation of the complaint. The District Administrator will also take immediate action, as may be appropriate, to prevent violations of Board policy while the investigation is being conducted.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any relevant documents and other information.

Whether a particular action or incident constitutes a violation of Board policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a policy violation, the District may consider, as appropriate:

- The nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;
- The protected characteristics of the victim;
- The identity of the alleged harasser, including whether the alleged harasser was in a position of power over the employee allegedly subjected to harassment;
- The number of alleged harassers;
- The age of the alleged harasser;
- Where the alleged harassment occurred;
- Whether there have been other incidents in the school involving the same or other employees;
- Whether the conduct adversely affected the employee's work or work environment;
- The context in which the alleged incidents occurred; and any other facts, documents, and information relevant to the allegations.

The investigation shall be completed as promptly as possible. The investigator may investigate a complaint regardless of the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

School District Action

Upon receipt of a report that a violation has occurred, the District shall take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, warning, suspension, exclusion, transfer, remediation, termination or discharge or expulsion. District action taken for violation of the employee harassment policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and District policies for violations of a similar nature of similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of Board policy has occurred, the District may consider:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harasser or others;
- The amount and kind of harm suffered by the victim of the harassment;
- The identity of the party who engaged in the harassing conduct;
- Whether the harassment was engaged in by an individual in the School District community, and if so, the District will also consider how it can best remediate the effects of the harassment; and
- Other relevant factors.

If the evidence suggests that the harassment at issue also violates a criminal statute, the District shall also report the results of the investigation to the appropriate social service and/or law enforcement agency charged with responsibility for handling such crimes.

APPROVED: February 16, 2004