

## **COMPLAINT PROCEDURES FOR HARASSMENT IN THE WORKPLACE**

A. Filing of Complaint

1. The employee who believes he/she have been subjected to sexual harassment shall sign a written complaint and file it with his/her supervisor. It is the intent of the Lancaster School District to create an atmosphere where complaints will be treated fairly and promptly. If an employee is not comfortable with making a complaint to his/her supervisor or to his/her Principal, the complaint may be made to District Equity Coordinator or District Administrator with the understanding that incidents may, with the consent of the complainant, be reported to Board of Education for review and action. The employee receiving the complaint, if other than the District Administrator, shall report the complaint to the District Administrator.
2. A complaint shall be deemed filed on the date received if delivered, or on the date postmarked if addressed by mail.
3. In cases where the complainant is not satisfied with the District investigator's position and requests a reconsideration of said decision, the District will provide the complainant with a copy of the investigative report. In instances where the investigative report contains personal or confidential subject matter, the District investigator may refuse to make available the investigative report but will provide a synopsis of the report excluding personal or confidential materials.
5. The Gender Equity Coordinator will give or send every complainant a copy of a prepared statement outlining the complainant's rights and options under applicable local, state and federal anti-discrimination laws. The information will include access to administrative agencies (EOC, DILHR, OCR, EEOC, etc.)  
This information is intended to assist the complainant and is not all inclusive. The statement will advise the complainant to seek assistance in determining any of his/her rights by contacting the enforcement agencies or his/her lawyer.

B. Confidentiality and Recrimination

1. It is the policy of the District to keep the identity of the complainant confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity of the complainant shall be kept confidential. Should the complainant wish to keep his/her identity confidential, and should it become impossible to process or investigate the complaint as a result of the complainant not disclosing his/her identity, then the complaint may be dismissed.
2. No District employee shall attempt to restrain, interfere with, coerce, discriminate or take reprisal action against the complainant(s) and their witnesses during or after the presentation, processing, and resolution of a complaint.

C. Informal Complaint Resolution

1. The District shall provide an opportunity for a resolution of the complaint on an informal basis after the complaint has been filed.
2. For the informal resolution of a complaint the District Gender Equity Coordinator or District Administrator shall act as a facilitator if the complainant wishes to resolve the matter short of a full investigation. The District shall request the person who is alleged to be discriminating to seek a solution of the matter on an informal basis, and to respond to the complainant within 20 working days.
3. If the alleged discriminating employee chooses not to respond to the request for an informal complaint resolution, then a formal investigation will be conducted unless otherwise agreed to by the complainant and the District Gender Equity Coordinator or District Administrator.
4. If the complainant is satisfied with the response to the request for an informal complaint resolution and an informal resolution of the complaint is arrived at, the terms of such resolution shall be reduced to writing and made a part of the complaint file. If the complainant is not satisfied with the response, then the District shall proceed with the investigation.

D. Investigation

1. The District shall provide prompt, complete, independent and impartial investigation of the complaint. In most cases the investigation will be conducted by the District's Gender Equity Coordinator or District Administrator. In some cases the investigation may be conducted by an investigative team or outside consultant. The investigative team may consist of the building Principal, District Gender Equity Coordinator, and the Legal

Counsel. In all cases the investigation shall be conducted in conjunction with the Legal Counsel.

2. The investigation shall include a thorough review of the circumstance under which the alleged discrimination occurred and any policies and practices related to the situation. The investigation may include the review of various documents and information acquired during the investigation, which may include, but is not limited to, the response of the alleged discriminating employee, written or oral statements from witnesses, copies of or extracts from records, policy statements, on-site visits or regulations of the District.

#### E. Determination and Appeal

1. After the investigation has been completed, the investigator shall inform the District Administrator or District Administrator designee of his/her determination of the complaint. The District Administrator or the District Administrator designee shall communicate, in writing, such determination of the complaint to the complainant within 30 days from the time the complaint is filed unless an extension is agreed to by both parties.
2. After the complainant receives the District Administrator's or District Administrator designee's written determination of his/her position, the complainant may request a reconsideration of the District's position. The reconsideration request must be filed within ten (10) working days after receipt of the determination. The written request for reconsideration must contain a statement as to why the complainant is not satisfied with the decision. The District Administrator or District Administrator's designee will send the complainant a written acknowledgment within ten (10) days after the Superintendent receives the reconsideration request.

Cross-reference: 512 Harassment in the Workplace  
Approved: July 12, 1995

