

<b>Policy Subject</b>  STAFF AND STUDENT HARASSMENT	<b>Location Code</b>  401.5	<b>Adoption Date</b>  8/10/92
	<b>Rescinds/Amends</b>  7/14/97	<b>Adopted</b>

**I. Policy Statement**

It is the policy of the Norfolk Public Schools, Madison County District No. 2 that the learning and working environments within the District shall be free from harassment based upon an individual's race, color, religion, sex, national origin or disability. Violations of the policy may occur when:

- any employee of the District engages in harassment of students or other employees of the District because of that individual's race, color, religion, sex, national origin or disability while the employee or student is on or in District property or while engaged in a school sponsored activity;
- any student of the District engages in harassment of students or employees of file District because of that individual's race, color, religion, sex, national origin or disability while the employee or student is on or in District property or while engaged in a school sponsored activity;
- any employee or student of the District engages in harassment of other persons because of tile person's race, color, religion, sex, national origin or disability while the employee or student is on or in District property or while engaged in a school sponsored activity.

**II. Definitions**

- "Harassment"--Whenever the "harassment" is used in the policy or these guidelines it shall mean an unwelcome or inappropriate verbal, written, or physical conduct toward another because of that individual's race, color, religion, sex, national origin or disability which has the direct or indirect purpose or effect of unreasonably interfering with an individual's work, academic performance, extracurricular performance or use of school district facilities, or conduct which has the effect of creating an intimidating, hostile, or offensive work or learning environment.
- "Hostile Environment"--Whenever the term "hostile environment" is used in the policy or these guidelines it shall mean an environment: (a) where harassment conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an employee or student of the District or other persons, to participate in. or benefit from the services, activities or privileges provided by' the District; or, (by where there is a pattern or practice of harassment.
- "On or in School District Property"-Whenever the term "on or in school district property" is used in the policy or these guidelines, it shall mean: (a)any real property owned, leased, rented or controlled by the School District; or (by any motor vehicles owned, leased, reined or controlled by the School District.
- "School Sponsored Activity "--Whenever the term "school sponsored activity" is used in the policy or these guidelines, it shall mean any curricular or extracurricular activity sponsored in whole of in part by' the school district wherever located.
- "Severe, Pervasive or Persistent"-Whenever the term "severe, pervasive or persistent" is used in the policy or these guidelines, it shall mean conduct which generally consists of sustained and non-trivial conduct which constitutes more than casual or isolated incidents which are severe or harmful to the employee, student or individual. Generally, the severity of the incidents which are needed to establish a hostile environment vary inversely with the pervasiveness or persistence.

**III. Reporting Procedure**

- An employee, supervisor, student, parent or other person who is aware of any harassment shall immediately report such conduct as follows:
- Student Complaints--Complaints concerning alleged harassment toward a student should be made to the student's building principal or assistant principal. If the individual does not feel comfortable discussing the complaint with the building's administration, the complaint should be made to file Superintendent or his/her designee.
- Employee Complaints--Complaints concerning alleged harassment toward an employee of the school district by a student of the school district should be made to the employee's building principal or supervisor. Complaints concerning alleged harassment toward an employee of the school district by a fellow employee should be made to the building administrator or the Title LX coordinator, at the Central Office.
- Other Complaints--Complaints concerning alleged harassment toward parents, visitors to school district buildings or events or other persons should be made to a principal, assistant principal or supervisor in the building where the alleged harassment occurred or to the Superintendent or iris/her designee.

**IV. Investigation Procedure**

When a complaint alleging harassment is received by an administrator in the school district, the following procedure should be followed:

- The administrator who receives the complaint shall immediately' contact the Title IX coordinator at Central Office.
- An appropriate investigation will be initiated by the school district during which every effort shall be made to preserve the confidentiality of the person making the complaint.
- In determining whether the alleged conduct constitutes harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incident occurred.
- The complaint files containing allegations of harassment shall be separately maintained and shall be confidential to the extent possible under law.

When it appears from the investigation that harassment has occurred, the school district shall make an immediate and appropriate response which is reasonably calculated to prevent recurrence and ensure that individuals are not restricted in their participation or benefits as a result of conduct which violates Board of Education Policy 401.5, Federal or State law.

**V. Grievance Procedure**

Any employee or student of the school district may, at any time, file a grievance alleging that harassment in violation of Board of Education Policy 401.5, Federal or State law has occurred. The following grievance procedures are available:

- Student/parent Grievances--Student/parent grievances may be brought through Board of Education Policy 206.1, Equal Opportunity/Nondiscrimination.
- Employee Grievances--Employee grievances may be brought through Board of Education Policy 411.1, Internal Communication and Complaints.

No employee or student shall be subjected to reprisals or retaliation as a result of the good-faith filing or processing of tin allegation or grievance alleging harassment in violation of Board of Education Policy 401.5, Federal or State law. Likewise, no employee or student who participates in good-faith in any investigation of alleged harassment by the school district shall be subjected to reprisals or retaliation by any person because of such participation. Allegations of reprisals or retaliation by employees or students of the school district should be immediately reported pursuant to the above-described procedure.

**VI. Disciplinary Sanctions**

Any employee or student of the school district who is found to have engaged in harassment in violation of Board of Education Policy 401.5 shall be subject to disciplinary sanctions as follows:

- Student Conduct--Students who engage in conduct which constitutes a violation of Board of Education Policy 401.5 shall be subject to a disciplinary sanction as defined in tile School District's Student's Rights and Responsibilities regarding Student Discipline.
- Employee Conduct--Employees who engage in conduct which constitutes a violation of Board of Education Policy 401.5 shall be subject to discipline up to and including discharge from employee as defined in Board of Education Policy 403.3, Employment Termination For Certified Employees or 408.1, Classified Staff Termination. Any employee who engages in harassment which creates a hostile environment for any student or other employee shall be considered to have engaged in a willful or persistent violation of, or failure to obey the published regulations of tile Board of Education.

COMPLAINT AND CONSENT TO INVESTIGATE  
ALLEGATIONS OF STAFF AND STUDENT HARASSMENT POLICY

Pursuant to its policy to prohibit and prevent staff and student harassment, the Norfolk Public Schools, Madison County School District No. 2, provides this form to receive allegations of misconduct which have been suffered by any person covered by the District's Staff and Student Harassment Policy. The allegations set forth in this complaint form will serve as the basis for an investigation to be carried out promptly. In order to protect a complaining party's rights of privacy and in order to avoid disclosure of facts when such disclosure is not authorized by a complaining party, this form permits you as a complaining party to authorize disclosure of the facts contained in this form as they be required in the sound discretion of the investigator. This form also authorizes you to withhold certain facts set forth in this complaint in the course of an investigation. You should be aware that limitations on disclosure of certain information contained in this complaint may hinder and in some cases prevent the District from fully carrying out its policy to prohibit and prevent staff and student harassment. By signing Form B with limitations on the disclosure permitted, you should also understand that an investigation may not be possible due to due process limitations on the District. Each employee of the District has a right to his/her good reputation unless a full and fair opportunity to confront allegations of misconduct is provided to such employee. Your signature below will be deemed to be an acknowledgement on your part that you have fully read this complaint form and that you have understood it. Your signature on this form will further indicate that you have sought any professional or collegial advice you have deemed appropriate and that the allegations contained in this form have been voluntarily given and have neither been encouraged nor discouraged by the District.

COMPLAINT

Name (Complaining Party) \_\_\_\_\_

Date(s) of occurrence of events complained of \_\_\_\_\_

\_\_\_\_\_

Nature of complaint. Please set forth, in the space provided below, with specificity and detail, the events of which you complain.

Names of witnesses that you are aware of to any of the events that you complain of:

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Complaining Party's Signature

Where Complaining Party may be reached:

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Telephone Number(s)

(     ) \_\_\_\_\_

(     ) \_\_\_\_\_

Date such complaint was filed \_\_\_\_\_, 20\_\_\_\_

GENERAL AUTHORITY TO DISCLOSE INFORMATION

I understand that the Norfolk Public Schools, Madison County School District No. 2, will be conducting an investigation of my complaint. By affixing my signature to this paragraph, I authorize the investigator to disclose such portions of the information I have set forth in my complaint and which I may provide in the future with respect to this complaint. By affixing my signature to this paragraph, I hold harmless the District and its duly authorized investigator for any claim I may have resulting from the disclosure of any facts set forth in this complaint when such disclosure occurs in the course and scope of the investigation. By signing this paragraph, I acknowledge that I have read it fully and understand its contents.

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Complaining Party's Signature

Date \_\_\_\_\_, 20\_\_\_\_

LIMITED AUTHORITY TO DISCLOSE

I understand that the Norfolk Public Schools, Madison County School District No. 2, will be conducting an investigation of my complaint. However, it is my wish that certain facts set forth in this complaint not be disclosed to others or that certain facts be disclosed only to such persons as I specifically direct. The information which I wish to be disclosed to no one during the course of any investigation is as follows:

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Below is listed factual information that I do not wish to have generally disclosed. Beside each specific fact stated below I have provided the name or names of those during the course of any investigation to whom I specifically authorize you to disclose such information:

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I specifically acknowledge by signing this paragraph, rather than the general authority paragraph, that I may have placed limitations on the investigations which may make it difficult or impossible for the District to fully resolve my complaint.

\_\_\_\_\_  
Complaining Party's Signature

Date \_\_\_\_\_, 20\_\_