

REGULATION

PATERSON SCHOOL DISTRICT

SUPPORT STAFF MEMBERS
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Sexual Harassment of Support Staff
Members Complaint Procedure

R 4352 SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.
3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:



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1. Reporting of Sexual Harassment Conduct
 - a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
 - b. The school district can learn of sexual harassment of a staff member through other means such as from a witness to an incident, an anonymous letter, or telephone call.
 - c. A report from the school Building Principal or an immediate supervisor will be forwarded to the school's Affirmative Action representative within two working days, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
 - d. The Building Affirmative Action Representative shall advise the District Affirmative Action Officer of all complaints related to staff members and the nature of some within twenty-four hours of receipt of the initial report.
 - e. In the event the report alleges conduct by the Building Principal or the Building Affirmative Action Representative, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities, as outlined in Policy No. 4352 and this Regulation.
2. Affirmative Action Representative's Investigation
 - a. Upon receipt of any report of potential sexual harassment conduct, the Building Affirmative Action Representative will begin an immediate investigation. The Building Affirmative Action Representative will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.



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- b. When a school staff member provides information or complains about sexual harassment, the Building Affirmative Action Representative will initially discuss what actions the staff member is seeking in response to the harassment.
 - c. The Building Affirmative Action Representative investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.
 - d. The Building Affirmative Action Representative may request a staff member involved in the investigation to assist in the investigation.
 - e. The Building Affirmative Action Representative will provide a copy of Board Policy and Regulation No. 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Building Affirmative Action Representative feels would be served by a copy of such documents.
 - f. Any person interviewed by the Building Affirmative Action Representative may be provided an opportunity to present witnesses and other evidence.
 - g. The District Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.
 - h. The school district administration may take interim measures during a Building Affirmative Action Representative's investigation of a complaint.
3. Investigation Results
- a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Building Affirmative Action Representative, the



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Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.

- b. The Building Affirmative Action Representative shall make a determination whether sexual harassment conduct was present.
- c. If the Building Affirmative Action Representative concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- d. If the Building Affirmative Action Representative determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Building Affirmative Action Representative determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.
- f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment



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of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Building Affirmative Action Representative will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Building Affirmative Action Representative.

4. Building Affirmative Action Representative's Investigation Appeal Process

a. Any person found by the Building Affirmative Action Representative investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Building Affirmative Action Representative investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the District Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).



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2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:
 - a. The school district has a policy prohibiting sexual harassment and a grievance procedure;
 - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
 - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

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