

SCHOOL FOR INTEGRATED ACADEMICS AND TECHNOLOGIES

II. PROCEDURES

A. ADMINISTRATIVE PROCEDURES

These procedures are intended to provide timely and effective steps reasonably calculated to address concerns and allegations of sexual harassment, remedy any sexual harassment that occurred by ending it and preventing it from occurring again, and correct any consequences from the sexual harassment.

All aspects of these procedures should be implemented with consideration of the gender, age, and maturity level of the student who is the alleged victim of sexual harassment.

1. Time Limit

All formal complaints of sexual harassment must be presented within one (1) year from the date the alleged conduct occurred. However, nothing within this procedure prohibits SIATech representatives from pursuing an investigation and implementing remedies beyond that deadline, with or without the implementation of this procedure.

2. Confidentiality

The confidentiality of the information received and the privacy of the individuals involved will be protected and honored to the extent which is possible. The exceptions would include disclosures required by law or as to those individuals who need to know within the context of an investigation, analysis, appeal of sexual harassment allegations, or prevention or correction of misconduct.

The informal as well as the formal complaint procedures cannot be implemented by a potential complainant without discussing the identity of the complainant with the respondent, and the formal complaint procedure cannot be implemented without a written, signed complaint.

Some allegations may be so egregious as to require a SIATech investigation, regardless of an individual's desire to remain anonymous or not process a complaint. Therefore, confidentiality is not guaranteed.

If an individual informs a SIATech administrator or employee about alleged harassment but asks the matter be kept confidential and no action be taken, SIATech must still discharge its duty to prevent and correct harassment.

3. Interim Administrative Options

At any time, interim actions may be implemented, such as, but not limited to:

- a. Notification to the respondent of the complaint, of the right of the complainant and participants to be free of retaliation, and that consequences may be imposed should retaliation be attempted or occur;
- b. Direction to the respondent to restrict contact with the complainant;
- c. Coordination with any disciplinary process or administrative leave with pay which may have been implemented independently of this procedure.

A person who files a complaint and the alleged victim of sexual harassment shall not be penalized for the good-faith filing or processing of an informal or formal complaint, including not being removed from the educational environment or his or her classroom without appropriate consent.

B. INITIATING THE COMPLAINT PROCESS

These procedures may be implemented by a student with or without approval of a parent or guardian, by a student's parent or legal guardian or other legal advocate, or by anyone who is aware of sexual harassment having been committed against a student of SIATech. If a person other than the student's parent, legal guardian, or legal advocate submits a complaint, the person receiving the complaint should take appropriate steps to ensure the processing of the complaint does not violate any federal or state rights to privacy possessed by the alleged subject of the alleged sexual harassment. Any student, at any stage of the complaint process, may be assisted by a parent, legal guardian, legal advocate, or other adult of the student's choosing.

If a SIATech employee becomes aware of allegations of sexual harassment against a fellow student, that person shall notify an appropriate administrator and, if applicable, Child Protective Services.

A potential complainant may directly inform the harasser that the conduct is unwelcome and must stop, but it is not required for the complainant to do so.

At no time must a potential complainant file a complaint with, or have it processed by the respondent or have a complaint processed by a SIATech official who is a direct subordinate of the respondent. Such respondents and their direct subordinates are disqualified from receiving, investigating, overseeing, or in any way acting as an official SIATech participant for purposes of this Administrative Procedure. In such cases, the complaint should be filed with or processed by the next higher level above the respondent.

C. INFORMAL RESOLUTION PROCESS

The purpose of the informal resolution process is to encourage any student who believes he or she has been victimized by a sexual harasser, but does not want to file a formal written complaint, to come forward, by providing a less formal method for identifying concerns, agreeing on how to resolve those concerns, and obtaining resolution. An informal complaint is an oral request made to a SIATech site administrator or employee for assistance with resolving a concern about sexual harassment. An informal complaint may cause an inquiry but does not result in starting the formal complaint process of this Administrative Procedure.

The individual receiving the informal complaint should provide a copy of this Sexual Harassment Policy Procedure prohibiting sexual harassment to the complainant and respondent or ensure that copies have already been provided.

The goals of the informal complaint process are to encourage the individuals involved to identify the concern and agree on how to deal with it, and obtain resolution. All outcomes (successful or unsuccessful) must be reported to the CSS, or his/her designee, within a reasonable period of time (typically thirty (30) calendar days) of the commencement of the informal process, although further time may be granted within the discretion of the CSS.

Regardless of any informal resolution or the desire or request of a complainant to pursue any matter informally, SIATech may implement additional investigatory, corrective, and/or preventative actions. Some alleged conduct may be considered so unacceptable that the site administrator may determine the allegations are not appropriately handled through an informal process. Examples include, among others, allegations involving an individual who has a history of misconduct, allegations of direct threats involving the health, safety, or welfare of any student, and allegations of egregious or criminal acts.

D. FORMAL RESOLUTION PROCESS

Implementation – The formal resolution process is implemented by the filing of a written, signed complaint with the CSS. The complaint should include at least the names of the individuals involved, the approximate dates of the events at issue, a detailed description of the actions constituting the alleged sexual harassment, and a statement of the remedy desired by the complainant. Names, addresses, and telephone numbers of witnesses and other pertinent information, which may assist the investigator, may be included.

Investigation and Report – The CSS, or his/her designee, shall commence a timely investigation. Assistance of legal counsel or licensed investigator may be obtained by the CSS, or his/her designee.

The investigation and report shall be completed as expeditiously as practical and no later than sixty (60) calendar days from receipt by SIATech of a written, signed complaint, unless further time is required by law or if the complainant agrees in writing to an extension.

The formal investigation shall result in a report which shall contain, at the minimum, a copy of the complaint, a summary of evidence, findings of fact, a determination of whether the facts indicate that sexual harassment occurred, and a recommendation to resolve the complaint. The report shall also contain notice of the right of either party to appeal, notice that retaliation is prohibited, and notice that the report should remain confidential to the extent required by law.

Copies of the report shall be provided to the complainant who signed the complaint and to the respondent, or to their respective representatives.

If neither the respondent nor the complainant appeal the report, the report (including its proposed resolution) shall be implemented and the complaint shall be considered closed.

Appeal to CSS – The complainant or the respondent may appeal the findings, conclusions, or recommendations, by appealing to the CSS. Any appeal must be received in the CSS’s office no later than five (5) working days following forwarding of the investigator’s report. The appeal shall be in writing, specifying at least what facts, conclusions, and/or recommendations are contested and the basis for the appeal, and shall be signed.

Role of the CSS – The CSS, or his/her designee, as soon as practical, shall forward a copy of the appeal to the other party, with a request that any response or further information be provided within five (5) working days following the transmission of the copy of the appeal.

The CSS, or his/her designee, shall consider the appeal and may conduct or direct any such additional investigation as the CSS deems necessary or appropriate, and may modify the deadlines within the CSS’s level of appeal after the receipt of a timely appeal and upon notice to the parties.

The decision should be issued within twenty (20) working days of the CSS’s receipt of the appeal. The written decision shall indicate the basis and reasons for the decision.

Copies of the decision shall be provided to the complainant who signed the complaint and to the respondent, or to their respective representative(s).

Appeal to the Executive Board of Directors – The complainant or the respondent may appeal the CSS’s decision to the Board of Education. An Appeal must be received in the CSS’s office no later than the close of business on the fifth (5th) working day following transmission of the CSS’s decision should be changed. The signed appeal shall be in writing, specifying at least why the CSS’s decision should be changed.

A copy of the appeal will be forwarded to the other party as soon as practical, and include at least notice of the right to submit any written response within seven (7) business days of transmission of the copy of the appeal.

As soon as it is feasible, the Executive Board of Directors will consider what, if any, additional actions should be undertaken and issue its final determination upon the appeal to the parties. The procedure prerequisites of the Brown Act (within Government Code Section 54957, paragraph 2) shall apply to the extent required by law.

Notice of the Executive Board's decision shall be provided to the complainant and to the respondent or their respective representatives, and shall contain notice of the complainants right to appeal to the applicable state or federal agencies and the procedures to be followed for initiating an appeal.

E. DISSEMINATION

Information regarding SIATech's sexual harassment policy and this Administrative Procedure shall be maintained and available at each school site. Information regarding SIATech's sexual harassment policy and this Administrative Procedure shall be posted and displayed prominently within SIATech's main administration building and each other SIATech instructional facility.

Information regarding SIATech's sexual harassment policy and this Administrative Procedure shall appear in any publication of SIATech that sets forth its comprehensive rules, regulations, procedures, and standards of conduct.

Information regarding SIATech's sexual harassment policy and this Administrative Procedure shall be provided to all employees and to all students, at the beginning of the first semester of the school year or at the time of hire or enrollment, as applicable.

DATE OF ADOPTION BY THE BOARD: JULY 20, 2004