

Policy 702.7

SAFETY AND SECURITY

702.7

SEXUAL HARASSMENT - STAFF AND STUDENT

It shall be the policy of the Kimball Public School District No. 1 (The District) to prohibit sexual harassment of employees, applicants for employment, and students on any work premises where the District has total control of the premises or can otherwise lawfully exert its jurisdiction. If proscribed acts as are set forth in this policy occur on such premises, the superintendent or his/her designee shall undertake immediate and appropriate action within the bounds of the law to punish as appropriate any violations of this policy or of applicable law pertaining to sexual harassment and shall undertake immediate and appropriate action to prevent any such conduct in the future.

As used in this policy the word "employee" shall mean any person who is an employee, or any former employee who alleges to have quit, to have been fired, or to have been constructively terminated as a result of sexual harassment as that term is defined in this policy or by other applicable law.

As used in this policy the word "student" shall mean any resident student of the district, any student being served by contract with another educational agency, or any other person of school age attending the district for educational reasons.

The following acts are specifically prohibited by this policy:

1. Unwelcome advances, requests for sexual favors, verbal or physical conduct of a sexual nature, submission to which is demanded by any employee of the district against any other person as a term or condition of obtaining employment.
2. Unwelcome advances, requests for sexual favors, verbal or physical conduct of a sexual nature, submission to which or rejection of which by any employee is used as a basis for any employment decision such as, but not limited to, rate of pay, promotion, favorable evaluations, whether formal or informal, or the conferring of job responsibility.
3. Conduct by an employee or employees directed against another employee or employees of either sex, which has as its purpose unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.
4. Unwelcome advances, a request for sexual favors, verbal or physical conduct of a sexual nature, submission to which or rejection of which by any employee of the District is used as a basis for any educative decision pertaining to a student such as, but not limited to, conferring of a grade, credit, favor, or honor.
5. Conduct by an employee or employees directed against a student of either sex which has an

effect of interfering with academic performance of the student, or creating an intimidating, hostile, offensive, or unsafe or unwholesome learning environment.

6. Conduct by a student or any other person over whom the school district has control with such conduct being directed against a student of the opposite sex and which conduct has an effect of interfering of academic performance of the student, or creating an intimidating, hostile, offensive, or unsafe or unwholesome learning environment.

It shall be the policy of the District to receive information from any person concerning allegations of conduct prohibited by this policy on a form which shall be distributed to all employees of the District at the commencement of their employment or as soon thereafter as is reasonable or within a reasonable time following the operative date of this policy, whichever date is applicable. Availability of the form shall be made known to all students in grades 6 through 12. Information pertaining to the availability of such complaint forms shall be made known to the parents of all other students in a reasonable manner. An adequate number of copies of the complaint form shall be maintained within the superintendent's control and shall be available to any person protected by this policy. The effective date of this policy shall be September 1, 1993. Upon receipt of any complaint upon the form prescribed by this policy, the superintendent or his/her designee shall undertake an investigation subject to any limitations placed upon the investigation by the complaining party as indicated on the complaint form. After the investigation is completed, the superintendent or his/her designee shall confer with the person or persons against whom the complaint has been lodged and shall give such person or persons a fair opportunity to present his or her version of the facts involved in the complaint, as well as to be informed of the name of the complaining party, the allegations of the complaining party, the names of all corroborating or refuting witnesses which are known to the superintendent or his or her designee.

Upon the conclusion of such investigation, the superintendent shall take such immediate and appropriate action as is required in his/her discretion within the bounds of the law. Nothing in this policy shall be construed to require the superintendent to take disciplinary action not within his or her legal authority. In the event action is required, which by law would require Board action, the superintendent shall undertake such proceedings as may be required by law to bring before the Board such matters of proposed discipline involving the person against whom the complaint was lodged.

The Board by this policy also recognizes a desire to protect its employees against non-employees at the work place as well as to protect non-employees from employees at the work place. From time to time as deemed appropriate the superintendent shall address the subject of sexual harassment with the employees of the District by way of in-service training, memorandum, administrative regulation, or any other method selected by the superintendent or his/her designee to make known the contents and application of this policy. While this policy shall not be construed to obligate the District to take actions other than are required by law to prohibit and prevent sexual harassment, it is the spirit of this policy to undertake all reasonable effort to prohibit sexual harassment in the work place regardless of by whom it is perpetrated and regardless of by whom it is suffered.

Nothing in this policy, nor any of the terms and conditions attendant to the complaint or used by the District, nor terms or conditions of the consent form used by the complaining party shall be construed to prevent the superintendent or his/her designee from engaging in other action against any person engaging in conduct prohibited by this policy to authorities other than the administration or Board of Education of the District when such action is required or permitted by law. Such actions may be, but are not limited to, providing information to any appropriate prosecuting authority, filing a report concerning any incident complained of with appropriate agencies, including, but not limited to, the Professional Practices Commission, the Nebraska Department of Education, the U.S. Office of Education, and any appropriate departmental office of civil rights. Notwithstanding the duty placed on the superintendent or his/her designee to accommodate the right of privacy of any complaining party, the superintendent or his/her designee shall be permitted by this policy to make such disclosure to witnesses, agencies, prosecutorial personnel, the Board of Education, and any other person entitled or obligated to be informed of any complaint brought under this policy when any state or federal statute, applicable case law, applicable agency state or federal statute, applicable case law, applicable agency law or any other appropriate body of law mandates such reporting.

Nothing in this policy shall be construed to prevent the superintendent or his/her designee from taking any remedial action as is in the best interest of the District toward the goal of preventing sexual harassment of employees of the District in the work place.

Adopted: February 8 1993
Reviewed: May 9, 2016

COMPLAINT AND CONSENT TO INVESTIGATE
ALLEGATIONS OF SEXUAL HARASSMENT

Pursuant to its policy to prohibit and prevent sexual harassment, Kimball Public School District No. 1, provides this form to receive allegations of misconduct, which have been suffered by any person covered by this district's Sexual 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 might hinder and in some cases prevent the district from fully carrying out this policy to prohibit and prevent sexual harassment. By signing Form B with limitations on the disclosure permitted, you should also understand that an investigation might 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.

Signature

Date

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.

Name of witnesses, that you are aware of, to any of the events listed in the complaint.

Complaining Party's Signature

Where Complaining Party may be reached:

Telephone Number(s): ()
 ()
 () _____

Date such complaint was filed _____,

GENERAL AUTHORITY TO DISCLOSE INFORMATION

I understand that Kimball Public School District No. 1 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 fully 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.

Complaining Party's Signature

Date

LIMITED AUTHORITY TO DISCLOSE

I understand that Kimball School District No. 1 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:

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:

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

Complaining Party's Signature

Date