



## **SECTION 9 — REPORTING INCIDENTS AND INVESTIGATING REPORTS OF HARASSMENT COMPLAINT PROCEDURE**

### **Step 1 – Reporting**

Students *are encouraged* to report to school officials any incidents of harassment (harassment is defined in the Student Code of Conduct, Section 15 of this Handbook). Any student who believes he/she has been subject to conduct by any other student, employee or third party that constitutes a violation of this Policy is encouraged to immediately report the incident to the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the building principal. If any of those individuals are not readily available and/or are the subject of the complaint, the student may complain directly to the District's Coordinator of Educational Equity and Diversity as the District's Compliance Officer, Ken Nickson, at 814-874-6033. The Compliance Officer's duties include that of a "Title IX Compliance Officer."

A school employee who suspects or is notified that a student has been subject to conduct that may constitute a violation of this policy shall immediately report the incident to the building principal or, if the building principal is the subject of the complaint, directly to the District's Compliance Officer.

The complainant or reporting employee may be encouraged to use the District's report form, available from the building principal or Compliance Officer, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

### **Step 2 – Investigation**

Upon receiving a complaint of harassment, the District will promptly investigate the allegations. Upon receiving a complaint of harassment, the building principal shall immediately notify the District's Compliance Officer (814-874-6033). The Compliance Officer shall assess whether the investigation shall be conducted by the building principal, another district employee, the Compliance Officer or one of the District's attorneys and shall promptly assign the performance of the investigation to that individual ("the Investigator"). The Compliance Officer shall ensure that the investigator has an appropriate understanding of the relevant laws pertaining to discrimination issues and this Policy and how to conduct appropriate investigations.

The Investigator shall work with the Compliance Officer to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused shall be provided the opportunity to submit information they believe relevant to the investigator during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory

should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling the district's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

### **Step 3 – Investigative Report**

The Investigator shall prepare and submit a written report to the Compliance Officer within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation (e.g., whether the investigator believes the allegations to be founded or unfounded) within a reasonable time of the submission of the written report to the extent authorized by FERPA and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.

### **Step 4 – District Action**

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of the District's Harassment policy, the District shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The District shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited conduct had on the complainant and the school or school program environment. District staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

Except for claims that are knowingly false, or made in reckless disregard of the facts, the filing of a complaint or otherwise reporting harassment will not reflect upon the complaining individual's status nor will it affect future grades, position or assignment. Knowingly false claims can, in appropriate circumstances, result in student discipline.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the District's legal obligations, basic fairness to the accused, and with the necessity to investigate allegations of misconduct and to take corrective action when such conduct has occurred.

**Appeal Procedure**

If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the Compliance Officer within fifteen (15) school days. If the Compliance Officer investigated the complaint, such appeal shall be made to the Superintendent.

The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

The person handling the appeal may confirm, refuse or modify any finding or corrective action as part of the appeal procedure.