

## **HARASSMENT/DISCRIMINATION INVESTIGATION CHECKLIST**

The following checklist presents a series of actions for initiation and completion of a harassment or discrimination complaint investigation.

Please note that the steps outlined below will be completed according to the time lines set forth in the School's Policy on Complaint and Grievance Policy and Procedure.

**I. Initiation of investigation.** When approached by a student or employee with information that harassment or discrimination may be taking place in the school environment, the responsible complaint officer will initiate an investigation.

1. The investigation will commence as soon as possible after the complaint has been brought to the attention of the complaint officer. Usually the investigation should commence within one school day of such complaint.
2. The complaint officer must be objective and fair in both fact and appearance in all matters related to the investigation.
3. In the event a complaint involves an employee, the complaint officer will be a person of sufficient authority to fully investigate and resolve the matter.

### **II. Conducting interviews/investigation.**

1. The complaint officer will demonstrate sensitivity and reaffirm that harassment and discrimination violates the school policy, that it will not be tolerated and that no retaliation will occur because of the complaint.
2. The complaint officer will learn all the facts and circumstances relating to the alleged discrimination or hostile environment (e.g. the frequency of harassing conduct; severity of conduct; whether the conduct is physically threatening to the complainant, humiliating, or a mere offensive utterance; or whether it unreasonable interferes with the functioning of the complainant in the school environment).
3. The complaint officer will identify the specific dates and location of relevant events, identify witnesses or other possible victims of the alleged harassment or discriminatory conduct.
4. The complaint officer will request copies of any documentary evidence that may exist (e.g. diaries, discipline or conduct notes, reprimands, calendars, personal notes, etc.).

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5. The complaint officer will ask the complainant whether he or she perceived his or her school or work environment to be hostile or abusive at the time of each instance of alleged harassment or discrimination occurred.
6. The complaint officer will have complainant write out the complaint in detail during the interview or shortly thereafter and sign the statement; and/or
7. The complaint officer will prepare a statement of complainant's complaint based upon interview and have him or her sign it.
8. Where the alleged harasser is an employee represented by a Union, the complaint officer will advise the employee of his/her right to have union representation at any meeting held to investigate the complaint.
9. The complaint officer will take notes of all witness interviews, including the interview with the alleged harasser.
10. The complaint officer will remain objective during the investigative process and will not automatically take the complainant's accounting of events as the truth of the matter. The complaint officer will assure that both sides have equal opportunity to present their version of the facts and will weigh the credibility of their positions thereafter.
11. During the investigation process, all communications and files will be kept confidential and secure. Findings will be shared only with others on a "need to know" basis.
12. The complaint officer will determine merits of the complaint based on factors such as corroborating evidence, the timing of the complaint after the alleged harassment/discrimination action, any documentary evidence and the credibility of the parties and any witnesses interviewed.
13. The complaint officer will reduce his/her final determination to writing, including a statement summarizing the allegations, all steps taken as part of the investigation, summaries of all witness statements and evidence considered and conclusions reached.

14. The complaint officer shall forward his/her final determination report to the Superintendent for further action.

**III. If complaint is substantiated** - Matter should be referred to Superintendent for further action consistent with the guidelines set forth below.

A. If an employee is charged party

1. Take prompt and effective action reasonably calculated to end the harassment.
2. Take appropriate disciplinary action against the employee, taking into consideration doctrines of progressive discipline and any and all just cause and/or due process protections to which the employee is entitled by statute, collective bargaining or other agreement. At this point it is strongly advised that the District's counsel be consulted to insure that any disciplinary action complies with applicable statutory and collective bargaining provisions.
3. Where employee is represented by a union, provide the right to union representation at each and every meeting which might reasonably lead to disciplinary action. This includes any meetings conducted as part of the initial investigation.
4. Accompany all discipline, short of termination, with written warning that the Employer does not condone conduct of a discriminatory or harassing nature and any repetition of such conduct will result in further disciplinary action up to and including termination.
5. Closely monitor employee's conduct after initial incident.
6. On an annual basis redistribute to all employees the School District Sexual Harassment Policy.

B. If student is charged party

1. Take prompt and effective action reasonably calculated to end the harassment.
2. Take appropriate disciplinary action against the student, taking into consideration any and all due process protections afforded by statute and/or school policy. Comply with all Special Education regulations and procedures which may be implicated by such discipline. Where appropriate take steps to minimize student's contact with complainant.
3. Closely monitor student's conduct after initial incident.
4. On an annual basis redistribute to all students the School District Sexual Harassment Policy.