

## **FAITH SCHOOL DISTRICT DISCRIMINATION/ HARASSMENT POLICY**

### **POLICY**

It is the policy of the Faith School District that discrimination and harassment are unacceptable and that no member of the school district community (students or school employees) may discriminate against or harass another. Such action or behavior may occur between members of the same or opposite sex and may be subject to disciplinary action up to and including expulsion for students and termination for employees.

### **DEFINITIONS**

**Harassment:** Unwelcome advances or comments, verbal sexist remarks or unwelcome physical conduct or assault if:

1. Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education, or
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive work environment.

**Discrimination:** Conduct, including words, gestures and other actions which unfairly disadvantage persons based upon such characteristics as race, color, ethnic background, national origin, religion, creed, citizenship, gender or disability.

### **RESPONSIBILITY**

Harassment and discrimination are illegal under both South Dakota and federal law. School district officers, employees, and students are responsible for maintaining a working and learning environment free from harassment and discrimination. Careful review will be undertaken of all allegations of harassment and discrimination. False allegations that are malicious or ill founded may constitute libel or slander and may be subject to legal action as well as school discipline.

### **REPORT PROCEDURES**

Students or employees who believe they have suffered discrimination and/or harassment by another employee or student on the school district premises should promptly report the incident to his or her immediate supervisor (in the case of an employee) and to the guidance counselor and/or principal in the case of a student. Once a discrimination complaint has been received, a prompt and confidential investigation utilizing the following outlined procedures shall begin:

- A. After receiving a complaint, the school official will, within 24 hours or the next immediate school day, complete the Incident Form, Exhibit A, based on an interview with the complainant. The complainant may sign the form where indicated.
- B. The school official shall thoroughly review the complaint, notify the person who has been accused of the discrimination and/or harassment, permit a response to the allegations, and arrange a meeting to discuss the complaint with all concerned parties within (5) school days after receipt of the written complaint.
- C. The school official will encourage both the complainant and the accused to have a third-party person present during the informal review.
- D. The school official shall provide a written evaluation and a resolution, mutually agreed upon by the complainant and the accused, to the building principal and/or superintendent within five (5) school days after the meeting.
- E. The school official will send a form letter, Exhibit B, to the parent/guardian of complainant in the case of students.

If a formal Title IX grievance is filed, the procedure will govern.

The complainant may disagree with the written evaluation and resolution and request, in writing, that the complaint be heard at the next level following the same procedures outlined above.

Exhibit C will become part of the record when the complaint has been resolved.

If it is determined that criminal charges may result, the school district investigation procedures will cease and the matter will be referred to the appropriate authority.

Adoption: 05/10/2006

Amended: 08/14/2006

Exhibits A, B & C are included in ACAB-R