

## **Student Harassment Complaint Regulations**

1. If a student believes he/she is being or has been harassed, that student should, if possible and with safety in mind, immediately inform the harasser that his/her behavior is unwelcome, offensive, in poor taste, or highly inappropriate.
2. As soon as a student feels that he or she has been subjected to harassment, he or she should make an oral complaint to a LEARN administrator(s) or an adult whom they trust, such as a teacher, counselor, nurse, or psychologist. The LEARN administrator or designee shall be advised of the concern immediately.
3. The complainant will be provided a copy of this policy and regulation and made aware of his/her rights.
4. The complainant shall make a written complaint. If the complainant is a minor student, the person to whom the complaint is given should consider whether a child abuse report should be completed.
5. All complaints are to be forwarded immediately to the program director or designee unless that individual is the subject of the complaint, in which case the complaint should be forwarded directly to the Director of Executive Services at LEARN.
6. If possible, within five (5) working days of receipt of the complaint, the administrator or designee handling the complaint shall conduct an effective, thorough and objective investigation of the complaint. The investigator shall consult with all individuals reasonably believed to have relevant information, including the student and the alleged harasser, any witnesses to the conduct, and victims of similar conduct that the investigator reasonably believes may exist. The investigation shall be free of stereotypical assumptions about either party.
7. The investigation shall be carried on discretely, maintaining confidentiality insofar as possible while still conducting an effective and thorough investigation. Throughout the entire investigation process, the due process rights of the alleged harasser will be upheld.
8. The investigator shall make a written report summarizing the results of the investigation and proposed disposition of the matter, and shall provide copies to the complainant, the alleged harasser, and, as appropriate, to all others directly concerned.
9. If the complainant is dissatisfied with the results of the investigation, he or she may file a written appeal to the Executive Director of LEARN, who shall review the investigator's written report, the information collected by the investigator together with the recommended disposition of the complaint to determine whether the alleged conduct constitutes harassment. The Executive Director may also conduct a reasonable investigation, including interviewing the complainant and alleged harasser and any witness with relevant information. After completing this review, the Executive Director shall respond to the complainant, in writing, as soon as possible.
10. If after thorough investigation, there is reasonable cause to believe that harassment has occurred, the LEARN program in conjunction with the sending LEA, if appropriate, shall

take all reasonable actions to ensure that the harassment ceases and will not recur. Actions taken in response to allegations of harassment may include reassignment, transfer, or disciplinary action of the student(s).

5/30/00

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**LEARN  
Harassment Complaint (Part 1)  
Complaint Form**

Name of Student \_\_\_\_\_  
Name of Complainant (if not student) \_\_\_\_\_ Date \_\_\_\_\_  
Home Address \_\_\_\_\_ Phone \_\_\_\_\_  
LEARN Program \_\_\_\_\_  
Program Location \_\_\_\_\_  
Teacher/staff \_\_\_\_\_

Person(s) complaint is against:  
\_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_  
\_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Type of Harassment Alleged:  
\_\_\_\_ Racial/Ethnic      \_\_\_\_ Religious      \_\_\_\_ Disability  
\_\_\_\_ Sexual              \_\_\_\_ Gender              \_\_\_\_ Other (Please specify) \_\_\_\_\_

Incident: Date \_\_\_\_\_ Time \_\_\_\_\_ Place \_\_\_\_\_  
Describe the incident (verbal and nonverbal behaviors):

List any related prior incidents:

List potential witnesses/observers:

Name	Position/Relationship	Address/Phone Number

Signatures: Complainant \_\_\_\_\_ Parent \_\_\_\_\_ Date \_\_\_\_\_

LEARN Investigator/Adjudicator \_\_\_\_\_ Date \_\_\_\_\_

Cc: LEARN Executive Director  
Procedures for Policy 5005 and 5006

**LEARN**  
**Harassment Complaint (Part 2)**  
**Investigator/Adjudicator Report Form**

Name of Student \_\_\_\_\_

Name of Complainant (if not student) \_\_\_\_\_

Date Complaint Lodged \_\_\_\_\_

Person(s) complaint is against \_\_\_\_\_

Persons Interviewed:

Incident Findings:

Actions/Resolution Recommended by Complaint Adjudicator:

Signature of LEARN Investigator/Adjudicator \_\_\_\_\_ Date \_\_\_\_\_

Signature of Executive Director \_\_\_\_\_ Date \_\_\_\_\_

## **Harassment Complaint Investigator/Adjudicator Guidelines**

Investigate promptly; adjudicate “with all deliberate speed”

Investigating: Maintain a position of neutrality when gathering facts, perceptions and perspectives. Interview thoroughly. Keep the focus on the specific complaint.

Document clearly and carefully the results of meetings with complainant, alleged offender, and third parties. Share any variance in accounts and/or perceptions with both parties as appropriate.

When meeting with alleged offender, provide as detailed a description of the complaint situation as possible.

Stress the importance of confidentiality to all parties.

Adjudicating: At this point, shift vantage point to determining the findings and the appropriate actions(s) to be taken.

Bear in mind that the alleged offender may have perpetrated a single incident of severe harassment or a persistent pattern or series of less severe harassment. Both or neither may apply.

Depending on the nature and extent of the conduct and the context (“totality of circumstances”) in which the conduct occurred, a range of actions could be recommended/employed:

- At the adjudicator level such as:
  - No action warranted (untrue or inaccurate allegations)
  - Formal or informal apologies
  - Admonitions about consequences
  - Warnings to cease and desist
  - Counseling Program
  - Mutually agreeable conflict resolution or mediation strategies
  - Disciplinary action
  - Referral to civil authorities/police
  
- At the program level in conjunction with the sending LEARN, such as:
  - Any of the above
  - Severe disciplinary action
  - Referral to civil authorities/police
  - Criminal charges