

# OLYMPIC ESD 114 ADMINISTRATIVE PROCEDURE ANTI-HARASSMENT

5011P

Individuals who believe they have been the victims of conduct prohibited by Olympic ESD 114 (OESD) Policy 5011 – Anti-Harassment, or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, the Director of Human Resources/Compliance Officer or any member of management.

OESD encourages the prompt reporting of complaints or concerns so prompt and constructive action can be taken before relationships become irreparably strained. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

### **Informal Complaint Process:**

Anyone may use informal procedures to report and resolve complaints of harassment. Informal reports may be made to the employee's supervisor, the Human Resources/Compliance Officer, or any other OESD administrator with whom the complainant feels comfortable in discussing the matter.

Individuals receiving such complaints should always inform complainants of their right to, and the process for, filing a formal complaint.

Informal remedies may include:

- an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive, or inappropriate, either in writing or face-to-face;
- a statement from Human Resources to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or
- a public statement from an administrator in a program/department reviewing the OESD harassment policy without identifying the complainant.

Informal complaints may become formal complaints at the request of the complainant or if the agency believes the complaint needs to be more thoroughly investigated and/or is necessary for purposes of imposing appropriate disciplinary action.

Confidentiality will be protected, if requested, to the extent reasonable. However, if the complaint is escalated to a formal complaint process, confidentiality is not possible.

### **Formal Complaint Process:**

Anyone may initiate a formal complaint of sexual or other harassment prohibited by OESD Policy 5011, even if the informal complaint process is being utilized.

Complainants who wish to have OESD hold their identity confidential shall be informed that OESD may face due process requirements that will make available all the information that OESD has to the accused. OESD will, however, fully implement the anti-retaliation provisions of the policy to protect complainants and witnesses.

Student complainants and witnesses may have a trusted adult accompany them during any OESD-initiated investigatory activities.

The Superintendent, or the Human Resources/Compliance Officer, may conclude that OESD needs to investigate based on information in his or her possession regardless of the complainant's interest in doing so. The following process shall be followed:

### **Level 1**

The first step in the formal complaint procedure is a written complaint by the complainant to Human Resources. The complaint should be made within sixty (60) days of the occurrence unless there are mitigating circumstances. The written complaint shall contain the following elements:

1. a description of the events in question and the date(s) of occurrence;
2. the name(s) of the individual(s) involved;
3. the names of any witnesses;
4. a specific statement that the anti-harassment policy has been violated; and
5. the desired remedy.

Human Resources shall notify the Superintendent in writing when a complaint has been made. Human Resources shall investigate the matters related to the complaint and respond to the complainant within a reasonable time as necessary to properly investigate the complaint.

### **Level 2**

If the complainant is not satisfied with the disposition of his/her complaint at Level 1, the complainant may forward his/her written and signed complaint to the Superintendent using the format outlined in Level I and stating the reason why the resolution at Level 1 was not acceptable.

To proceed to Level 2, the complainant must notify the Human Resources Director of his/her intention to move to Level 2. The complainant must submit the complaint in writing to the Superintendent within seven (7) working days following receipt at the Level I decision.

The Superintendent shall investigate the complaint and, if deemed appropriate, convene a meeting with the complainant and others deemed necessary to develop facts pertinent to the complaint. Within fourteen (14) working days of the receipt of the written complaint, the complainant will be informed in writing of the decision.

Whenever OESD's complaint procedure is used, the following should be kept in mind:

1. The OESD Human Resources/Compliance Officer is available to everyone, including the person accused of harassment.
2. Persons who file a complaint shall be free from restraint, interference, coercion, discrimination, and reprisal in seeking resolution of their complaint. Furthermore, persons acting as witnesses to a complaint shall be free from restraint, interference, coercion, discrimination, and reprisal.
3. Any time limits stipulated in the complaint procedure may be extended for stated periods of time by mutual written agreement between the complainant and the appropriate OESD representative at the step being extended.

4. If a complainant fails to comply with the delineated time lines within the complaint procedure, OESD shall consider the complaint withdrawn/resolved.
5. If an Olympic ESD representative fails to comply with any time limitation in the complaint procedure, the complainant may immediately proceed to the next level of the complaint procedure.

An individual has the right to pursue external processes available through the Washington State Human Rights Commission, Equal Employment Opportunity Commission, or any other appropriate outside agency. If a person initiates a complaint through an external agency (e.g., Washington State Human Rights Commission, Equal Employment Opportunity Commission), OESD processing of the complaint will be discontinued to allow for the external investigation and OESD will fully cooperate with the outside agency investigation.

A component of all OESD orientation or safety training for staff and regular volunteers shall include the elements and location of this policy and procedure. Staff shall be informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Staff shall be reminded of their legal responsibility to report suspected child abuse and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers shall receive the portions of this component of orientation relevant to their rights and responsibilities.