

PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT OF EMPLOYEES

The Rutland Southwest Supervisory Union and its member districts hereby adopt the following administrative procedures to implement the Rutland Southwest Supervisory Union's and its member district's policy with respect to unlawful harassment of Rutland Southwest Supervisory Union and its member district employees.

Reporting And Response

1. **To Principal, Superintendent,** or designee: Any employee who witnesses or receives a report, formal or informal, written or oral, of harassment at school or during school-sponsored activities shall report it to the Principal (for school employees) or Superintendent (for SU employees) as appropriate. If the report involves the school Principal, the reporter shall make the report directly to the Rutland Southwest Supervisory Union Superintendent.

Administrator's duty: Upon receipt of a report of harassment, the Principal (for school employees), Superintendent (for SU employees), or designee (which could be the equity coordinator) shall begin an investigation of the concern. Administrators conducting investigations must have a supervisory role to the person whose actions are being investigated. A written complaint shall be requested from the alleged victim and/or person filing the complaint.

Informal Inquiry and Resolution

The complainant and the alleged harasser(s) may agree to a meeting facilitated by the Principal, Superintendent or designee. If all parties involved agree the situation has been resolved during such meeting, the matter shall be closed for the time. The administrator will periodically follow up with both parties to determine if the concern no longer exists. If any party involved does not agree that the situation has been resolved, a formal investigation shall be initiated or may continue.

2. **Investigation:** The Principal, Superintendent, or designee shall begin the investigation within five (5) school days of the complaint. The written complaint along with any supporting documentation must be taken into account.

Investigation

1. **Who.** Unless the matter is resolved informally, the Principal, (for school employees), Superintendent (for SU employees) or designee shall conduct an investigation upon receipt of a report or complaint alleging harassment.
The Supervisory Union shall be responsible for acting on any information regarding harassment of Supervisory Union employees.
Local School Districts shall be responsible for acting on any information regarding harassment of Local School District employees.
If a Supervisory Union employee is working for a school district and the alleged harassment occurs by school district personnel, then a joint investigation may be needed.
When determined necessary for the best interest of the school district/supervisory union, the Superintendent and/or board may hire an objective, independent outside investigator to conduct the investigation to ensure that all matters are handled in an objective manner.

2. **How.** The investigator will interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation.
3. **When.** The investigator shall complete the investigation within ten (10) school days following the receipt of the complaint unless there are extenuating circumstances (such as the retention of an outside investigator).
4. **Result.** Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the Principal or Superintendent in writing. If the complaint involves the Superintendent or a Principal, then a report will be made directly to the School Board having jurisdiction over the person having been found to be doing the harassing behavior for appropriate action in accordance with policy.
5. **Legal Requirements.** DCF or the Commissioner of Education may be notified depending on the concern/findings.

Appeal

A person judged to be in violation of the policy on unlawful harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

1. Faculty/Staff:

1. *Applicable collective bargaining agreement.* If the person filing the appeal has applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with the person's rights as outlined in that agreement.
2. *Other.* If the person filing the appeal employee who does not have applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with Rutland Southwest Supervisory Union's and member district's policy governing employee discipline and with legal due process requirements.

Retaliation

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 21 V.S.A. §495(a)(5) and 9 V.S.A. §4503(a)(5).

Record Keeping and Notification

1. **Record keeping:** The Superintendent shall assure that a record of any complaint and investigation of harassment notes as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the Rutland Southwest Supervisory Union and its member districts in a confidential file.
2. **Notification:** The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result

1. Notice

The policy on unlawful employee harassment and these procedures shall be posted on the RSWSU website.

A person may make a complaint of harassment to the Vermont Attorney General's Office or the federal Equal

Employment Opportunity Commission at the following places:

Vermont Attorney General's Office
109 State Street
Montpelier VT 05609-1001
(802) 828-3171

Equal Employment Opportunity Commission
1 Congress Street
Boston MA 02114
(617) 565-3200

In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.