

## **HUMAN RESOURCES**

### **Sexual Harassment**

#### **Complaint Procedure**

These procedures have been developed for the resolution of sexual harassment complaints of employees or volunteers of the district. No person shall be adversely affected in any way because of the utilization of these procedures.

#### **Informal Complaints**

At the employee/volunteer's option, attempts will be made to resolve complaints of discriminatory harassment informally, expeditiously and at the closest point of administrative responsibility to the alleged offense. Informal complaints of discriminatory harassment of an employee/volunteer may be reported to his/her supervisor, the Affirmative Action officer, or the assistant superintendent of human resources. The supervisor will be responsible for investigation and resolution of informal complaints. The supervisor may seek assistance or guidance from the district's Affirmative Action Officer or assistant superintendent of human resources. The supervisor must notify the complainant of his/her right to file a formal complaint under this policy. The notice shall be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964.

#### **Formal Complaints**

- A. The district's assistant superintendent of human resources or designee shall be responsible for monitoring and coordinating the district's compliance with WAC 392-190 and related procedures and ensuring that all complaints communicated to the district are promptly investigated and resolved.

The Assistant Superintendent of Human Resources is:

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The assistant superintendent of human resources or designee will receive and investigate formal complaints. School or district administrators who receive a formal complaint of discriminatory harassment will promptly notify the assistant superintendent of human resources or designee and forward a copy of the complaint.

- B. The allegations of discriminatory harassment shall:
1. Be written;
  2. Be signed by the complainant;
  3. Describe the specific acts, conditions, or circumstances alleged to violate the district's policies or obligations with regard to sexual harassment; and
  4. Be filed with the assistant superintendent of human resources or designee within one (1) year after the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or the district withheld information that was required to be provided under [WAC 392-190](#) or related guidelines.
- C. Upon receipt of the complaint, the district's assistant superintendent of human resources or designee will provide the complainant a copy of Procedure 5160P in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. The district will promptly and thoroughly investigate the complaint. Following completion of the investigation, the assistant superintendent of human resources shall provide the superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.
- D. The superintendent or designee shall respond in writing to the complainant within thirty (30) calendar days after the district received the written complaint by the district, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI. At the time the district responds to the complainant, the district will send a copy of the response to the office of the superintendent of public (OSPI) instruction.
- E. The response by the superintendent or designee will include:
1. A summary of the results of the investigation;
  2. Whether the district failed to comply with [WAC 392-190](#) or related guidelines;
  3. If the district failed to comply with [WAC 392-190](#) or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and
  4. Notice of the complainant's right to appeal under [WAC 392-190-005](#), including where and with whom the appeal should be filed.

The district's response to the complaint will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI.

- F. Corrective measures necessary to correct any noncompliance shall be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the district's written response to the complainant, unless otherwise agreed to by the complainant.
- G. A complainant may appeal the superintendent or designee's decision to a hearing officer designated by the district to hear the appeal by filing a written notice of appeal with the superintendent on or before the tenth (10th) calendar day from the date the complainant received the superintendent or designee's response. The hearing officer shall not have been involved in the initial complaint or investigation.
- H. Upon receipt of an appeal, the hearing officer shall provide a written appeal decision to the complainant in a timely manner, not to exceed thirty (30) calendar days from the date the district received the appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant's right to file a complaint with the superintendent of public instruction under [WAC 392-190-075](#). The appeal decision will be provided in a language the complainant can understand, which may require language assistance for complainants with limited-English proficiency in accordance with Title VI. The decision of the hearing officer will include notice of the complainant's right to file a complaint with OSPI. The district will send a copy of the appeal decision to OSPI.
- I. In the event a complainant disagrees with the appeal decision of the hearing officer or if the district fails to comply with the procedures in [WAC 392-190-065](#) or [WAC 392-190-070](#), the complainant may file a complaint with OSPI under [WAC 392-190-075](#). A complaint must be received by OSPI within twenty (20) calendar days after the complainant received the hearing officer's written appeal decision.

#### Mediation of Complaints

- A. The district may offer mediation, at its expense, to resolve a complaint at any time during the complaint procedure. Mediation:
  - 1. Must be voluntary;
  - 2. Requires the agreement of the district and the complainant;
  - 3. May be terminated by either party during the mediation process;
  - 4. Cannot be used to deny or delay a complainant's right to utilize the complaint procedure; and
  - 5. Be conducted by a qualified and impartial mediator, who is not an employee of the district and who has no personal or professional conflict of interest.
- B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that:
  - 1. Sets forth the resolution;
  - 2. States that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding; and
  - 3. Is signed by both the complainant and a district representative.

C. The complainant and district may agree to extend the complaint timelines to pursue mediation.

The complaint procedure outlined above does not prohibit the processing of complaints by an employee pursuant to complaint procedures established in applicable collective bargaining agreements.

Cross Reference:                    [Board Policy 5160](#)                    Sexual Harassment

Adopted: October 15, 1990  
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