

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION (REGULATION) DIA2

GUIDELINES

1. The Houston Independent School District adheres to a policy that prohibits sexual harassment. These procedures are intended to ensure compliance with References (k) and (l), and applicable federal and state statutes. See References (p) and (q). Sexual harassment of students is addressed in Reference (o). The following guidelines apply to employee complaints or claims of sexual harassment:
 - Individuals who believe they have been sexually harassed are encouraged to make their complaints immediately following an alleged act of sexual harassment;
 - District employees are obligated to perform their duties as directed while complaints are pending resolution;
 - If an individual believes that he or she is being retaliated against for having initiated a complaint, he or she should immediately report the alleged acts of retaliation to the Equal Employment Opportunity (EEO) office;
 - All employees must maintain a working environment free of intimidation or retaliation both during an investigation and upon resolution of a complaint. No one will interfere with an investigation by intimidating witnesses or withholding information. The accused employee will be subject to reassignment pending the completion of an investigation if his or her immediate supervisor, department head, principal, regional superintendent, or assistant superintendent determines that the reassignment is appropriate to prevent further harassment, retaliation, or interference with the investigation. Participants in an investigation will not discuss facts or circumstances of the complaint to the extent that it interferes with the investigation;
 - Employees must be aware that intentionally filing false accusations of sexual harassment will result in disciplinary action;
 - Employees who are aware of sexual harassment of other employees are encouraged to report the acts of sexual harassment;
 - To the extent possible, every effort will be made to maintain confidentiality during an investigation; and
 - Employees who are aware of sexual harassment of students are required to report the acts of sexual harassment. See References (m) and (r).

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REPORTING
PROCEDURE

2. An individual who believes he or she has been is the subject of sexual harassment will be encouraged to report the alleged sexual harassment immediately. The individual has the choice of reporting the alleged sexual harassment to any of the following:
 - His or her immediate supervisor;
 - The school principal or work location supervisor;
 - The appropriate assistant superintendent or department head; or
 - The EEO office.

RESPONDING TO A
CLAIM OF SEXUAL
HARASSMENT

3. The response in some cases will involve a complete investigation with witness interviews and disciplinary action. In other circumstances, the response may only involve discussions with the individual making the claim and subsequent discussions with the individual who allegedly committed the sexual harassment. The scope of the response will be determined by the nature of the allegations and the amount of information necessary to review the allegations. Any disciplinary action against an employee due to acts of sexual harassment will be recommended and implemented in accordance with References (a), (b), (c), (d), (e) (f), (g), (h) (i), (j), (k), and (n).

COMPLAINT
RECIPIENT'S
RESPONSIBILITIES

- a. Every administrator or supervisor who receives a complaint of sexual harassment must respond and initiate action. In every event of a complaint of sexual harassment, the individual receiving the complaint will complete the Complaint Form and submit copies to EEO. See Reference (s).

INVESTIGATOR'S
RESPONSIBILITIES

- b. The following steps will be taken with every investigation and response:
 - The investigator will obtain as much information as possible from the individual making the complaint, including dates, times, and locations of the alleged acts of sexual harassment, names of any witnesses, and physical and documentary evidence;
 - The investigator will begin an investigation within five working days of receiving the information from the individual making the complaint;
 - An investigation will include a discussion with the individual who allegedly committed the sexual ha-

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rassment to explain the specific allegations and to offer an opportunity for a response;

- Upon completion of the investigation, the individual making the complaint will be informed about the resolution of the complaint;
- Upon completion of the investigation, the individual who allegedly committed the acts of sexual harassment will be informed of the resolution of the complaint. The individual may be accompanied by a representative of his or her choice to discuss the resolution of the complaint; and
- Upon completion of the investigation, the Response Form, documentation of the complaint and the steps taken to investigate it, and the proposed resolution must be sent to EEO. See Reference (t).

CONSULTATION

4. This regulation has been through consultation (Administrative: December 6, 2005; Instructional: January 5, 2006; Noninstructional: January 10, 2006).

MAINTENANCE
RESPONSIBILITY

5. The executive general manager, Human Resources, is responsible for maintenance of this regulation.

REFERENCES:

- (a) Board Policy DFAA(LEGAL)
- (b) Board Policy DFAA(LOCAL)
- (c) Board Policy DFAC(LEGAL)
- (d) Board Policy DFBA(LEGAL)
- (e) Board Policy DFBA(LOCAL)
- (f) Board Policy DFBB(LEGAL)
- (g) Board Policy DFBB(LOCAL)
- (h) Board Policy DFCA(LEGAL)
- (i) Board Policy DFCA(LOCAL)
- (j) Board Policy DGBA(LEGAL)
- (k) Board Policy DOA(LEGAL)
- (l) Board Policy DOA(LOCAL)
- (m) Board Policy FFH(LOCAL)

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- (n) DCD1(REGULATION)
 - (o) FFH(REGULATION)
 - (p) Civil Rights Act of 1964, Title VII (as amended)
 - (q) Civil Rights Act of 1991
 - (r) Texas Family Code, Section 152.377, Chapter 261.101
 - (s) Form – Houston Independent School District Sexual Harassment Complaint Form
 - (t) Form – Houston Independent School District EEO Complaint Response Form
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