

## **411.11 RULE (2) EXPECTATIONS FOR EMPLOYEES TO REPORT DISCRIMINATION AND HARASSMENT**

The guidelines and expectations established in this procedure apply to all District employees and to all non-employee authorized agents of the District who perform a compensated role for the District that requires a DPI license (e.g., licensed professionals working for the District in the capacity of contracted service provider). The District may further apply this rule to other non-employees who provide services to the District by including appropriate provisions in any applicable contract, memorandum of understanding, or other agreement, or by issuing any other sufficient notice or directives to such persons.

In the remainder of this rule:

1. “Agent” means any non-employee agent, contractor, or service-provider to whom the guidelines and expectations established in this procedure apply.
2. “District nondiscrimination policy” includes the following School Board policies:
  - 411 – Student Non-Discrimination and Anti-Harassment
  - 411 Exhibit 1 – Complaint Form
  - 411.11 – Sexual Harassment and Non-Discrimination in District Programs, Activities, and Operations
  - 411.11 Rule (1) – Procedure for District Response to Alleged Sexual Harassment Under Title IX
  - 511 – Non-Discrimination and Equal Employment Opportunity
  - 511.5 – Employee Anti-Harassment
  - 511.5 Exhibit 1 – Employee Harassment Complaint Form

### **Reporting Responsibilities**

Any employee or agent of the District who has knowledge of conduct by any other person that constitutes, or is reasonably suspected to constitute, discrimination in violation of law, a legal obligation of the District, or any District nondiscrimination policy, is responsible for promptly reporting such conduct. Similarly, an employee or agent who reasonably suspects that any District policy or District operating procedure discriminates against any person in violation of law, a legal obligation of the District, or any District nondiscrimination policy, is also responsible for promptly reporting that knowledge, claim, or concern.

The District’s established procedures for making a report or complaint of prohibited discrimination, or alleged discrimination, are found in the policies referenced above. Employees and agents of the District may, and generally should, use those established methods to satisfy the reporting obligations established in this rule. However, an employee or agent may also satisfy the reporting obligations established in this rule if they submit the relevant report directly to the: District Superintendent; Director of Human Resources; Director of Pupil Services; or Director of Curriculum & Instruction, provided that the person to whom the report is made is someone other than a person who is alleged to be responsible for the reported discrimination. Particularly if such a report was not submitted in person (e.g., it was submitted via mail or electronic mail), employees and agents are strongly encouraged to personally contact the intended recipient to confirm that the report was received as intended.

The obligation established in this Rule to report conduct by any other person that constitutes, or that is reasonably suspected to constitute, unlawful discrimination (including unlawful harassment) applies to such conduct occurring within any aspect of the District’s programs, activities, or operations and also applies regardless of:

Whether the person alleged to be responsible for the conduct is a student, an employee, a supervisor/administrator, a School Board member, or other person over whom the District exercises relevant authority, control, or responsibility;

1. Whether the person alleged to be the victim of the conduct is a student, an employee, or other person who is legally protected from the alleged discrimination;
2. How the employee or agent obtained their knowledge of the conduct or alleged conduct (e.g., as a direct witness to the conduct/incident, as a victim or target of the conduct, or after receiving a report or other relevant information from a third-party); and

Whether the employee or agent making the report considers (or does not consider) themselves to be an alleged victim or target of the conduct, or to have been otherwise harmed in some way by the conduct, except that an employee or agent who is an alleged victim of conduct that could constitute sexual harassment, as defined under [section 106.30](#) of the federal Title IX regulations, must report the complaint to the Title IX Coordinator. This report may or may not constitute a “formal complaint” of sexual harassment, as defined in section 106.30 of the federal Title IX regulations.

As further established in the Board’s nondiscrimination policies, an employee or agent is protected from any form of unlawful retaliation for making a good-faith report of known, alleged, or reasonably suspected discrimination under this rule.

The reporting obligations established in this Rule do not apply when the employee or agent has direct and certain knowledge that the relevant conduct or other allegations of unlawful discrimination have already been reported to at least the District Superintendent, Director of Human Resources, Director of Pupil Services, or Director of Curriculum & Instruction. For example, an employee or agent is not required to submit another report of the same conduct, incident, or allegation when they have knowledge that the District has already started an investigation into (or otherwise initiated an appropriate response to) the same matter.

To the extent applicable to the employee’s or agent’s position/role and to the facts of a specific situation, employees and agents of the District remain responsible for adhering to any other mandatory reporting requirements established under a District policy and/or under state or federal law (e.g., reports of child abuse or neglect, threats of school violence, or educator misconduct).

Due to the continuum of potentially problematic incidents and conduct that employees and agents may encounter, the District recognizes that there will be borderline situations where employees and agents will need to exercise reasonable professional judgment when deciding whether the situation should be further reported as possible discrimination under this rule.

APPROVED: January 11, 2021