

DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURE

The following procedure is designed to resolve harassment and discrimination complaints as defined in board policy in a prompt and equitable manner. Board policy requires all students and staff to fully cooperate when asked to participate in a harassment investigation. The procedure contained in these regulations supersedes the district's complaints about personnel and bullying policies.

Retaliation Prohibited

The District prohibits retaliation for an individual's participation in and/or initiation of a harassment/discrimination complaint investigation, including instances when a complaint is not substantiated. The consequences for violating this prohibition are delineated in policy.

Complaint Filing Format and Deadlines

Complaints can be filed verbally or in writing and should be filed as soon as a victim or witness of alleged harassment and/or discrimination becomes aware that alleged harassment or discrimination occurred. Complaints must be filed within statutory deadlines contained in law.

To Whom Complaints May be Filed

Complaints may be filed with any responsible employee. Each district school shall print a list of responsible employees in its student handbook. Responsible employees are required to report any discrimination/harassment to the **[Title IX Coordinator]** **[Superintendent]** when they knew (e.g., received a complaint, directly observed it) or should have known it was occurring (e.g., overheard students talking about an incident, saw discriminatory or harassing graffiti or vandalism on school property). Failure by a responsible employee to report under this regulation may result in disciplinary action, up to and including termination of employment in accordance with district policy and, when applicable, the negotiated agreement.

Initiating Complaint Resolution Procedure

After receiving a discrimination/harassment complaint or gaining knowledge of potentially discriminatory/harassing conduct, the **[Title IX Coordinator]** **[Superintendent]** shall contact the complainant/victim, determine if an informal or formal investigation is appropriate, and determine if the complainant/victim requests confidentiality. Requests for confidentiality shall be handled in accordance with policy AAC.

Prohibition on Meeting with the Accused

At no time during the informal or formal resolution process shall the complainant be required to meet with the accused. If any school official listed in this regulation as responsible for conducting or overseeing the investigation is the accused, the Superintendent or Board President (if the Superintendent is the accused) shall designate a different individual (which may be a third party) to carry out the accused's responsibilities associated with the investigation.

Third-Party Assistance

School officials responsible for conducting/overseeing discrimination/harassment investigations are authorized to receive assistance from the district's legal counsel throughout the process.

Investigation Timeframes

The informal resolution procedure shall be completed within 30 days of a responsible employee reporting the complaint or incident to the **[Title IX Coordinator] [Superintendent]** unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused. The formal resolution procedure shall be completed within 60 days of a responsible employee reporting the complaint or incident to the **[Title IX Coordinator] [Superintendent]** or a complainant or accused terminating the informal complaint procedure unless the investigator documents reasons for delays and communicates these reasons with the complainant and accused.

Interim Measures

Pending the final outcome of an informal or formal investigation, the District shall institute interim measures to protect the complainant and inform him/her of support services available. These interim measures should have minimum impact on the complainant.

Informal Resolution Procedure

This procedure shall not be used when the alleged discrimination or harassment may have constituted a crime. This procedure shall only be used when mutually agreed to by complainant and the **Superintendent**.

During this process, the **Superintendent** shall only gather enough information to understand and resolve the complaint. Based on this fact-gathering process, the **Superintendent** shall propose an informal solution, which may include, but not be limited to, requiring the accused to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, instituting protection mechanisms for the complainant, and/or holding a formal meeting with the accused to review the harassment/discrimination policy and discuss the implications of violating it. Both the complainant and the accused must agree to the informal resolution before it can be instituted.

The **Superintendent** shall monitor the implementation and effectiveness of recommendations and initiate the formal resolution procedure below if harassment/discrimination persists.

Both the complainant and the accused have the right to terminate the informal procedure at any time to pursue a remedy under the formal grievance procedure.

Formal Resolution Procedure

Whenever alleged discrimination or harassment may have constituted a crime, the Superintendent should contact law enforcement and enter into a memorandum of understanding concerning sharing of evidence and coordination of the investigation.

The fact-gathering portion of the investigation shall be carried out by the **[Superintendent] [Title IX Coordinator]** and shall consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise

have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.

The fact-gathering portion of the investigation shall be completed within 15-20 calendar days or as soon as practical. After gathering this information, the investigator shall determine if a recommendation for expulsion for an accused student or discharge for an accused teacher should be made. If this recommendation is made, the hearing shall be held in accordance district policy and law, except that both the complainant and accused shall have an equal right to attend the hearing, have parents/spouse (for employees) and a representative present, present evidence, and question witnesses. The complainant may choose to watch the hearing remotely and appoint a representative to participate in the hearing in his/her stead.

Investigation Report:

After the fact-gathering process and, if applicable, hearing is complete, the Superintendent or hearing officer (if a hearing was held) shall complete a written report containing a determination of whether allegations were substantiated, whether the discrimination/ harassment policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis. The Superintendent/hearing officer shall assess if discrimination/harassment more than likely not occurred based on, but not limited to, the following criteria:

- Whether evidence suggests a pattern of conduct supporting or disproving the allegations or harassment or discrimination
- Whether behavior meets the definition of harassment, sexual harassment, and/or discrimination as defined in board policy
- Ages of the parties involved
- Relationship between the parties involved
- Severity of the conduct
- How often the conduct occurred, if applicable
- How the District resolved similar complaints, if any, in the past.

Any disciplinary action shall be carried out in accordance with board policy, law, and, when applicable, the negotiated agreement.

The investigation letter shall indicate if any measures shall be instituted to protect the complainant. Such measures may include, but not be limited to, extending any interim protection measures taken during the investigation. The letter shall also inform the complainant of support services available.

The investigation ~~letter~~ letter shall contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

The resolution listed in the investigation report shall be final and binding; however, nothing shall prevent the parties from seeking judicial redress through a court of ~~compensate~~ competent jurisdiction or through any applicable state or federal complaint procedures.

Informal Complaint Procedure

~~An informal harassment or discrimination complaint shall be filed using the following procedure:~~

- ~~1. The complainant files the complaint with an immediate supervisor, principal, school counselor, Superintendent, or Title IX Coordinator.~~
- ~~2. The individual receiving the complaint shall document receipt and forward the complaint to the Superintendent who shall designate an investigator. If the Superintendent is the subject of the complaint, the recipient shall forward it to the Board President who shall designate an investigator.~~
- ~~3. The designated investigator shall meet with each party individually and collect information needed to arrive at an equitable solution. At no time shall the complainant be required to work out the problem directly with the accused.~~
- ~~4. Within 30 calendar days of the complaint being filed or as soon as practical, the investigator shall issue a written notice of recommendations to both parties. Prior to issuing this notice, the investigator shall meet with the Superintendent or Board President (if the Superintendent is the subject of the complaint) to receive his/her concurrence on the recommendations and receive his/her approval on any disciplinary recommendations. Disciplinary recommendations shall be carried out in accordance with policy, law, and, when applicable, the negotiated agreement.~~
- ~~5. The investigator or designee shall monitor the implementation and effectiveness of recommendations and shall notify the Superintendent or Board President (if the Superintendent is the subject of the complaint) if harassment/discrimination persists.~~

~~Both the complainant and the accused have the right to terminate the informal procedure at any time to pursue a remedy under the formal grievance procedure.~~

Formal Grievance Procedure

- ~~1. Filing a Complaint:
 - ~~a. A victim or witness of alleged harassment or discrimination may file a formal complaint either orally or in writing to an immediate supervisor, principal, school counselor, Superintendent, or Title IX Coordinator. If any of these individuals is the subject of the complaint, it should be filed with an alternative source. Harassment/discrimination complaints about the Superintendent shall be filed with the Board President.~~
 - ~~b. Upon receipt of the complaint, the recipient shall document the date, time, and nature of the complaint and shall request the complainant's signature on this document.~~
 - ~~c. Within five school days of receiving the complaint or as soon as practical, the recipient of the complaint shall issue a notice to the complainant and the accused that a complaint has been filed.~~~~
- ~~2. Investigation Process:
 - ~~a. The recipient of the complaint shall confer with the Superintendent or Board President (if the Superintendent is the subject of the complaint) about who will be best suited to investigate the complaint. The investigation may be conducted by school personnel or a third party designated by the District.~~~~

- ~~b. Before the investigation commences, the investigator in coordination with the Superintendent or Board President (if the Superintendent is the subject of the complaint) shall determine if interim measures must be taken to prevent harassment/discrimination during the course of the investigation and whether law enforcement or other applicable officials should be notified.~~
- ~~c. The investigation shall consist of interviews with the complainant, the accused, and any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint and may involve gathering and review of information relevant to the complaint. Witnesses shall be instructed not to discuss this matter with others. At no time during the investigation shall the complainant be required to meet with the accused to discuss the complaint.~~
- ~~d. The investigator shall complete his/her investigation within 15 calendar days or as soon as practical.~~
- ~~e. Any deviation from the investigation procedure should be documented with an explanation. Reasons for delays in the investigation also should be documented.~~

~~3. Investigation Report:~~

- ~~a. After the investigator has completed the investigation, s/he shall complete a written report containing a determination of whether allegations were substantiated, whether the discrimination/harassment policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis and based on, but not limited to, the following criteria:
 - ~~i. Whether evidence suggests a pattern of conduct supporting of disproving the allegations or harassment or discrimination;~~
 - ~~ii. Whether behavior meets the definition of harassment, sexual harassment, and/or discrimination as defined in board policy;~~
 - ~~iii. Ages of the parties involved;~~
 - ~~iv. Relationship between the parties involved;~~
 - ~~v. Severity of the conduct;~~
 - ~~vi. How often the conduct occurred, if applicable;~~
 - ~~vii. How the District resolved similar complaints, if any, in the past.~~~~
- ~~b. The investigator shall submit his/her report to the Superintendent or Board President (if the Superintendent is the subject of the complaint). This individual shall review the report, determine if the recommendations are appropriate, implement the portions of the report s/he approves, and develop a monitoring plan to evaluate the effectiveness of the recommendations and help prevent recurrence. Any disciplinary action shall be carried out in accordance with board policy, law, and, when applicable, the negotiated agreement.~~
- ~~c. Prior to implementing the recommendations, the Superintendent or Board President (if the Superintendent is the subject of the complaint) shall issue his/her decisions in writing to the complainant~~

~~and accused. These decisions shall be binding; however, nothing shall prevent the parties from seeking redress through state and/or federal law.~~

~~d. The entire complaint filing, investigation, and reporting process should be completed within 30 calendar days or as soon as practical not to exceed 60 calendar days.~~

End of Dickinson Public School District #1 Board Reg. AAC-BR.....Amended: