

NONDISCRIMINATION AND ANTI-HARASSMENT POLICY

General Prohibitions

The Dickinson Public Schools is committed to maintaining a learning and working environment free from discrimination and harassment in all employment and educational programs, activities, and facilities. The District prohibits discrimination and harassment based on a student's, parent's guardian's ~~and/or~~ or employee's race, color, religion, sex, gender identity, sexual orientation, national origin, ancestry, disability, age, marital status, or other status protected by law.

It ~~shall be~~ is a violation of this policy for any district student, parent, guardian, ~~or~~ employee, or third party to discriminate or harass ~~to harass or discriminate~~ against another district student or employee, based on any status protected by law, if the conduct occurred within the context of an education program or activity, or if the conduct had a continuing effect in the educational setting of a program or activity occurring on or off school district property. The District will not tolerate discrimination or harassment ~~or discrimination~~ of a district student or employee by a third party. The District also prohibits aiding, abetting, inciting, compelling, or coercing discrimination or harassment; discriminating against or harassing any ~~person~~ individual affiliated with another who is ~~person~~ protected by this policy and/or law; knowingly making a false discrimination and/or harassment report; and retaliation against individuals who report and/or participate in a discrimination and/or harassment investigation, including instances when a complaint is not substantiated.

The District shall promptly investigate any discrimination, harassment or ~~discrimination~~ retaliation complaint and act on findings as appropriate, which may include disciplinary measures such as, ~~but not limited to~~, termination of employment or expulsion in accordance with board policy, law, and, when applicable, the negotiated agreement. Students and employees are expected to fully cooperate in the investigation process. The District will take steps to prevent recurrence of discrimination, harassment, or retaliation and remedy discriminatory effects on the complainant and others, if appropriate.

Definitions

- *Complainant* is the individual filing the complaint. ~~When~~ If the complainant is not the victim of the alleged discrimination and/or harassment the victim must ~~harassment/discrimination, the victim will~~ be afforded the same rights as the complainant under this policy and regulation AAC-BR.
- *Disability* is defined in accordance with NDCC 14-02.4-02 (5).
- *Discrimination* means failure to treat ~~a person~~ an individual equally due to a protected status.
- *Protected status* shall include the statuses identified above, along with any other status protected by applicable state and federal laws.
- *Employee* is defined in accordance with NDCC 14-02.4-02 (7).
- *Harassment* is a specific type of discrimination based on a protected status. It occurs under the following conditions:

- a. For employees, when enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable ~~person~~ individual would consider intimidating, hostile, or abusive
 - b. For students, when the conduct is sufficiently severe, persistent, or pervasive so as to limit a the student's ability to participate in or benefit from the education program or to create a hostile or abusive education environment
- **Section 504 (Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.**
- *Sexual harassment* is a form of harassment based on sex, sexual orientation, or gender identity. It is defined as unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, or physical conduct or communication of a sexual nature when:
 - a. It is quid pro quo, meaning submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of the basis for employment decisions or educational decisions or benefits for students (e.g., receiving a grade)
 - b. It creates a hostile environment meaning unwelcome sexual conduct or communication that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's program(s). For employees a hostile environment is created when submission to unwelcome sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- *Sexual harassment examples may include, but are not limited to:*
 - a. sexual or "dirty" jokes;
 - b. unwelcome sexual advances;
 - c. requests for sexual favors;
 - d. sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including unwelcome touching, such as patting, pinching, or constant brushing against another's body;
 - e. displaying or distributing of sexually explicit drawings, pictures, and written materials;
 - f. graffiti of a sexual nature;
 - g. sexual gestures;
 - h. touching oneself sexually or talking about one's sexual activity in front of others;
 - i. spreading rumors about or rating other's sexual activity or performance;
 - j. remarks about a person's an individual's sexual orientation; or and
 - k. sexual violence including, ~~but not limited to~~, rape, sexual battery, sexual abuse, and sexual coercion.
- **Title II of the Americans with Disabilities Act extends the prohibition on discrimination established by Section 504 to all services, programs, and activities of State and local government entities.**

- *Title IX* is a federal law that protects people from discrimination, based on sex, in education programs or activities that receive federal financial assistance.

Complaint Filing Procedure

The Board shall create an informal and formal ~~discrimination and harassment and discrimination~~ complaint filing procedure in board regulations AAC-BR. The procedure provides for an impartial investigation free of conflicts of interest. Nothing in this policy or in the ~~discrimination and harassment harassment/discrimination~~ grievance procedure shall prevents an individual from pursuing redress through state and/or federal law.

Confidentiality

An individual wishing to file an anonymous ~~discrimination and/or harassment and/or discrimination~~ complaint shall must be advised that confidentiality will may limit the district's ability to fully respond to the complaint and that retaliation is prohibited. ~~The Title IX and Nondiscrimination~~ The appropriate grievance coordinator (~~Title IX, 504, Title II or Nondiscrimination~~) shall perform a confidentiality analysis to determine when a request for confidentiality cannot be honored due to safety reasons or the district's obligation to maintain a nondiscriminatory educational environment. ~~The complainant must be notified in writing of the confidentiality analysis outcome.~~ A ~~discrimination or harassment or discrimination~~ investigation report is subject to the open records law after 60 days or when the investigation is complete (whichever comes first), with limited exceptions such as when the record is protected by FERPA.

Responsible Employees

~~The Superintendent shall identify school employees responsible for receiving and reporting discrimination and harassment incidents and complaints. These individuals shall be listed in student handbooks and shall receive appropriate training on their reporting duties.~~

Policy Training and Dissemination

~~The Board authorizes the Superintendent to develop harassment and discrimination awareness training for students and employees. In addition, the Superintendent shall display this policy and complementary grievance procedure in a prominent place in each district building and publish it in student and employee handbooks.~~

Title IX and Nondiscrimination Coordinator

~~The Board designates the assistant superintendent as the Title IX and Nondiscrimination Coordinator. The assistant superintendent may be contacted at: 444 4th Street West, Dickinson, ND (701) 456-0002. The Title IX and Nondiscrimination Coordinator and any other school official responsible for investigation of discrimination complaints shall receive appropriate training.~~

Complaint Recipients

If any District employee receives a discrimination or harassment complaint, the employee shall forward it to the appropriate grievance coordinator. All District employees must receive training on their reporting duties.

Policy Training and Dissemination

The Board authorizes the Superintendent to develop discrimination and harassment awareness training for students and employees. In addition, the Superintendent shall display this policy and complementary grievance procedures in a prominent place in each district building and publish it in student and employee handbooks.

Grievance Coordinator

The Title IX Coordinator's responsibilities include overseeing the District's response to Title IX reports and complaints and identifying and addressing any patterns or systemic problems revealed by such reports and complaints. The Title IX Coordinator must have knowledge of the requirements of Title IX, of the District's policies and procedures on sex discrimination, and of all complaints raising Title IX issues throughout the District. To accomplish this, the Title IX Coordinator must be informed of any report or complaint raising Title IX issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The board designates the Human Resources Director as the Title IX Coordinator. He/She may be contacted at: 444 4th Street West, Dickinson, ND 58601 or 701-456-0002.

The 504/Title II Coordinator's responsibilities include overseeing the District's response to disability discrimination reports and complaints. The 504/Title II Coordinator must have knowledge of the requirements of Section 504 and Title II, of the District's policies and procedures on disability discrimination, and of all complaints raising Section 504/Title II issues throughout the District. To accomplish this, the 504/Title II Coordinator must be informed of any report or complaint raising 504/Title II issues, even if the report or complaint was initially filed with another individual or office or if the investigation will be conducted by another individual or office. The Board designates the Director of Student Services as the 504/Title II Coordinator. He/She may be contacted at: 444 4th Street West, Dickinson, ND 58601 or 701-456-0002.

All other complaints other than Title IX, 504, or Title II shall be referred to the Human Resources Director.

~~The Nondiscrimination Coordinator's core responsibilities include overseeing the District's response to discrimination and harassment reports and complaints that do not include sex or disability, but instead the other protected statuses. The Board designates the Human Resources Director as the Nondiscrimination Coordinator. He/She may be contacted at: 444 4th Street West, Dickinson, ND or 701-456-0002.~~

The Title IX, 504/Title II, ~~and Nondiscrimination Coordinators~~, and any other school official responsible for the investigation of discrimination complaints, shall receive training. This training will include (1) the definition of discrimination, harassment, and retaliation; (2) the handling of complaints under the Discrimination and Harassment Grievance Procedure (AAC-BR); and (3) the applicability of confidentiality requirements.

Complementary Documents

- ~~AAC-AR, Designation of Responsible Employee~~
- AAC-BR, Discrimination and Harassment Grievance Procedure
- AAC-E, Filing a State or Federal Discrimination and/or Harassment Complaint
- AAC-E2, Discrimination and/or Harassment Complaint Confidentiality Assessment
- AAC-E3, Discrimination and/or Harassment Training Requirements for Students and Employees
- AAC-E4, Reasonable Accommodation Request Physician Form
- FGDB, Student Handbooks

End of Dickinson School District #1 Policy AAC..... Amended: 08/10/15