



PROHIBITION OF DISCRIMINATION, HARASSMENT AND RETALIATION

USD 230
2020-2021

Statement of Prohibition of Discrimination, Harassment and Retaliation

The district is committed to maintaining an educational environment and workplace that is free from discrimination, harassment and retaliation in admission or access to, or treatment or employment in, its programs, services, activities and facilities. The District will provide equal opportunity in all areas of education, recruiting, hiring, retention, promotion and contracted service. The District strictly prohibits discrimination and harassment against students, employees, or others on the basis of race, color, ethnicity, national origin, religion, sex/gender (to include orientation, identity or expression), age, disability, genetic information or any other basis prohibited by law. Any form of discrimination or harassment toward any person associated with the District, regardless of where the conduct occurs, is a violation of this policy. The district also strictly prohibits retaliatory actions against those who engage in protected activities.

All policies of the Board of Education and administrative procedures shall be enforced in compliance with this policy.

Source: USD 230 BOE Policy AC, GAAB and KN

Statement of Compliance with Non-Discrimination and Equal Access Law

The District will comply with the provision and requirements of:

- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the 1973 Rehabilitation Act
- Individuals with Disabilities Education (IDEA)
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Genetic Information Nondiscrimination Act (GINA)
- Kansas Act Against Discrimination and Kansas Age Discrimination in Employment Act
- Boy Scouts of America Equal Access Act
- U.S. Department of Agriculture (USDA) civil rights regulations and policies


Complaint Process

Any incident of discrimination in any form shall promptly be reported to an employee's immediate supervisor, the building principal or the district compliance officer (Mr. Brad Willson).

- The USD 230 BOE encourages all complaints regarding the district to be resolved at the lowest possible administrative level.
- Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the administration for study and possible resolution.

The Director of Human Resources, Ms. Michelle Hackney, has been designated to coordinate compliance with non-discrimination requirements contained in Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.

- The USD 230 BOE encourages all complaints regarding the district to be resolved at the lowest possible administrative level.
- Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the administration for study and possible resolution.



ANY EMPLOYEE WHO ENGAGES IN
DISCRIMINATORY CONDUCT SHALL BE
SUBJECT TO DISCIPLINARY ACTION, UP TO
AND INCLUDING TERMINATION.

USD 230 BOE Policy GAAB

Complaints About Discrimination, Harassment or Retaliation

All complaints about discrimination, harassment or retaliation should be reported and investigated as provided in USD 230 BOE Policy KN.

Definition of Discrimination

Unequal, adverse, or negative treatment, including harassment, of a person or class of persons based on one or more protected classifications that denies or limits the person's ability to obtain educational benefits or that interferes with the educational or work environment. Conduct that could constitute prohibited discrimination includes, but is not limited to, the following based on a protected class:

- Unequal treatment in regards to the terms and conditions of employment
- Unequal treatment in terms of educational programs or opportunities
- Employment or academic decisions based on stereotypes or assumptions about a person's abilities, traits or performance

Definition of Harassment

A form of discrimination; an unwelcome verbal, written, physical or other conduct toward a person or class of persons based on a protected class that is sufficiently severe, pervasive, and/or persistent that it unreasonably interferes with, or deprives the person from participating in or benefiting from the District's education or employment programs and/or activities. Conduct that could constitute prohibited harassment includes, but is not limited to the following based upon a protected class:

- Slurs
- Derogatory stereotypes or remarks
- Name-calling or insults
 - Including name-calling or insults about personal appearance or hair
- Teasing or taunting
- Derogatory jokes, gestures, drawings, graffiti, pictures, symbols or other written material
- Threats or intimidating conduct
- Hostile action or physical acts of aggression or violence
- Theft or damage to property
- A single sufficiently serious act, such as an act of physical violence or quid pro quo, can amount to harassment if the act is based on a protected class

Definition of Sexual Harassment

- A form of harassment based on sex/gender (to include orientation, identity or expression) involving unwelcome conduct of a sexual nature. Behaviors that could constitute prohibited sexual harassment include:
 - Conditioning the provision of an aid, benefit or services on a person's participation in unwelcome sexual conduct (quid pro quo)
 - Punishing or reprimanding persons who refuse to comply with sexual requests, activities, or contact
 - Sexual violence, including but not limited to sexual assault, unwanted sexual contact or sexual coercion perpetrated against a person's will or where a person is incapable of giving consent
 - Stalking
 - Physical contact or touching of a sexual nature
 - Pressure of any kind for sexual favors, activities or contact
 - Name-calling, slurs, jokes, gestures or communication of a sexual nature or based on sex
 - Comments about an individual's body, sexual activity or sexual attractiveness
 - Sexual harassment may occur between persons of the same or opposite sex
 - Any conduct of a sexual nature directed by an employee toward a student is presumed to be unwelcome
 - Retaliation-Intimidation, threats, coercion, or discrimination against a person based on the person engaging in the protected activity

District Complaint Procedures

The BOE encourages all complaints to be resolved at the lowest possible administrative level.

Informal Complaint Procedures:

- The building principal shall attempt to resolve the complaint in an informal manner at the building level.
- If the matter is resolved to the satisfaction of the individual, documentation will occur indicating the proposed resolution.
- If no formal complaint is filed, supportive measures provided to both parties, document and close.
 - The Compliance Coordinator will file the information.

District Complaint Procedures

Formal Complaint Process:

- A report is made to or forwarded to the Compliance Coordinator (Mr. Brad Willson). A formal complaint can be filed by submitting the complaint in person, by mail, by telephone, or by email to the Compliance Coordinator or designee. If a verbal report of prohibited conduct is made, the complainant will be asked to submit a written complaint. If a complainant refuses or is unable to submit a written complaint, the Compliance Coordinator or other District employee to whom the report was made will summarize the verbal complaint in writing and sign the summary.
- The Compliance Coordinator contacts the complainant:
 - To discuss the availability of supportive measures.
 - Consider the complainant's wishes with respect to supportive measures with or without the filing of a formal complaint.
 - Inform the complainant of their availability of supportive measures with or without the filing of a formal complaint.
 - Explain the complaint process for filing a formal complaint.

Complaint Procedures-cont'd

- The designated investigator will interview the complainant, witnesses, and the respondent and review relevant records.
- Within 30 working days of receiving the formal complaint, the investigator will conclude the investigation and create a report that summarizes the relevant evidences. For all complaints other than complaints implicating Title IX:
 - The report will also include the investigator's determination as to whether the preponderance of the evidence shows that this policy was violated.
 - The investigator will give written notice to the parties of the investigator's determination.
 - The investigator's determination is final, unless a timely appeal is filed.

Complaint Procedures-cont'd

Additional Investigation Steps for Formal Complaints Implicating Title IX:

- The designated investigator will send written notice to the parties of the allegation, including the identities of the parties involved, the alleged prohibited conduct, and the date and location of the alleged incident.
- Within 20 working day of receiving the formal complaint, the investigator will gather all relevant evidence and, as appropriate, provide the parties with copies of the evidence gathered. The parties will have 10 working days to inspect, review and respond to the evidence.
- Once the investigator's report summarizing the relevant evidence is completed, the investigator simultaneously will send the report to: (a) parties for their review and written response; and (b) the decision-maker.
- The parties will have 10 working days to submit a response to the investigator's report, including proposed relevant questions for the decision-maker to ask the other party and/or any witnesses. In their sole discretion, the decision-maker may re-interview parties and/or witnesses to ask follow-up questions.

Complaint Procedures-cont'd

- No later than 20 working days after receipt of the investigator's report, the decision-maker simultaneously will issue to the parties a written determination as to whether the preponderance of the evidence shows that this policy was violated.

Appeal: No later than 20 working days after the issuance of a determination, a party may appeal the determination due to the following reasons only:

- Procedural irregularity that affected the determination.
- New evidence that was not reasonably available at the time the determination was made.
- Conflict of interest or bias on behalf of the Compliance Coordinator, investigator or decision-maker.

Complaint Procedures-cont'd

- Upon receipt of appeal, the appeal officer will issue written confirmation to the parties that the appeal was received. No later than 20 working days after receiving notice of the appeal, the appeal officer simultaneously will issue to the parties a written decision describing the result of the appeal and a concise rationale for the result. The appeal officer's decision is final.
- Except as necessary to complete a thorough and effective investigation and grievance process under this policy and as required by law or Board policy, the identity of complainants, respondents, and witnesses, information related to the investigation, evidence gathered, and records created during the investigation will be maintained in strict confidence.
- Investigation files will be kept for 10 years.



REPORTING RESPONSIBILITY:

All District employees share in the responsibility of preventing and responding to discrimination, harassment and retaliation. All employees who personally observe conduct that could constitute discrimination, harassment, or retaliation, or who are notified about an allegation of discrimination, harassment, or retaliation, or about conduct or events reasonably suggesting that such conduct has occurred, are required to immediately report the conduct to the Compliance Coordinator, Mr. Brad Willson.

Please Note: Employees who observe discrimination, harassment, or retaliation are expected to intervene to stop the situation in which they have supervisory control and it is safe to do so.



CONCLUSION:

- Ending discrimination, harassment and retaliation is everyone's responsibility.
- Spring Hill School District is committed to ensuring a positive work environment free from discrimination and harassment.