

4012-R Non-Discrimination and Anti-Harassment

NON-DISCRIMINATION/ANTI-HARASSMENT COMPLAINT PROCEDURE

Campbell County School District Number (CCSD) is committed to providing a balanced and fair process to resolve complaints of discrimination and harassment so that everyone is granted the right to a safe learning environment, free from discrimination and harassment.

Any student, employee, applicant for employment, CCSD guest, or individual with whom the District does business who believe they may have been subject to discrimination or harassment on the basis of race, color, national origin, sex, disability, age, or any other basis protected by federal, state, or local law, which in any way adversely affects their employment, access to, participation in, ability to benefit from, or otherwise results in inequality in any school-sponsored organizations, clubs, facilities, activities or programs, is encouraged to utilize the due process complaint procedure set forth below to resolve their complaint.

Civil Rights Compliance Officer – CCSD designates the Human Resources Manager as the District’s Civil Rights Compliance Officer for all civil rights issues, exclusive of Title IX Sexual Harassment and Section 504 Due Process Procedures. The Civil Rights Compliance Officer shall have responsibility to coordinate efforts to comply with and carry out responsibilities under federal, state, and local civil rights and discrimination laws. The Civil Rights Compliance Officer may be reached at 1000 West Eighth Street, Gillette, WY 82716, (307) 682-5171.

Complaints/reports involving sexual harassment shall be directed to the Title IX Coordinator as set forth in Policy 4374 Title IX Sexual Harassment.

Complaints/reports involving identification, evaluation, or placement of students involving Section 504 shall be directed to the 504/ADA Coordinator, as set forth in Section 504 Due Process Procedures.

Retaliation. The District will discipline any individual who retaliates against any person related to the filing, defending, reporting, presenting of evidence pertaining to, or decision-making pertaining to, any type of harassment or discrimination complaint, regardless whether the original report of harassment or discrimination is substantiated.

DEFINITIONS

Discrimination - occurs when a student or community member is denied or limited in the ability to participate in or benefit from the District’s services, activities, or opportunities on the basis of race, color, national origin, sex, disability, age, or any other basis protected by federal, state, or local law. Discrimination also occurs when the District fails or refuses to hire an employee; discharges an employee; or otherwise treats an employee differently with respect to compensation, terms, conditions, privileges,

opportunities, or status on the basis of race, color, national origin, sex, disability, age, or any other basis protected by federal, state, or local law.

Discriminatory Harassment - any unwelcome, verbal, written, graphic, physical, or other conduct of a student, employee, or community member based on race, color, national origin, sex, disability, age, or any other basis protected by federal, state, or local law, that is sufficiently severe, pervasive, or persistent to either:

- Interfere with a student's or community member's ability to participate in the District's services, activities, or opportunities; or alter an employee's conditions of employment or create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation of this policy. The conduct must create an environment that would be intimidating, hostile, or offensive to reasonable people.
 - Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work or school performance.

Community Member - any CCSD guest or individual with whom the District does business, who is not an employee or student.

Complainant - a student, employee, or community member alleged to have experienced discrimination or harassment at school. A complainant may or may not be the reporting party.

Reporting Party - a person who raises a concern or allegation of discrimination or harassment on behalf of a complainant. Any District student, parent, employee, or community member may be a reporting party.

Respondent - a student, employee or community member who is alleged to have engaged in discrimination or harassment.

Retaliation - includes, but is not limited to, any form of intimidation, harassment, threats and menacing behavior, coercion, or discriminatory acts taken against any person who reports, files a complaint, or participates in an investigation conducted pursuant to the District's Non-Discrimination & Anti-Harassment policy.

School - includes a classroom or other location on school premises, a school bus or other school related vehicle, a school bus stop, an activity or event sponsored by a school, whether or not it is held on school premises, and any other program or function where the school is responsible for students.

REPORTING

Any student, employee, or community member who believes to have been the victim of

discrimination or harassment by a student or employee of the District or by any third person on school grounds and/or during a school activity is encouraged to immediately report incidents of discrimination.

Reports may be made in any of the manners listed below:

- *Students* - In each District building, the building principal is the person responsible for receiving oral or written reports of discrimination. However, any teacher or other school employee may receive oral reports at the building level. Any employee who receives a report involving a student shall immediately inform a building principal. If the complaint/report involves the building principal, or the principal has been unresponsive to the expressed concerns, the complaint/report shall be filed directly with the Civil Rights Compliance Officer.
- *Employees* – An employee should report to their supervisor. If the complaint/report involves the supervisor, or the supervisor has been unresponsive to the expressed concerns, the complaint/report shall be filed directly with the Civil Rights Compliance Officer.
- *Community Member* – A community member should report directly to the Civil Rights Compliance Officer.
- Students, parents, and employees always have the right to report directly to the Civil Rights Compliance Officer.

Employee responsibility. Every employee shares in the responsibility of preventing and responding to discrimination and harassment. Thus, if an employee: 1) is notified about an allegation of discrimination or harassment or about conduct or events reasonably suggesting that discrimination or harassment has occurred; or, 2) personally observes such conduct or events, then the employee shall take appropriate steps in response. Appropriate steps may include but are not limited to: 1) encouraging the individual raising the allegation (the complainant or reporting party) to make a complaint directly to the Civil Rights Compliance Officer; or 2) notifying the building principal, supervisor or Civil Rights Compliance Officer directly.

Timing. A complaint/report should be filed within sixty (60) days after the complainant or reporting party becomes aware of the alleged incident of discrimination.

Confidentiality. If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the complainant may make such a request to the appropriate person as set forth above, who shall evaluate that request in light of the duty to provide a safe and nondiscriminatory environment for all students, staff, and other third parties engaging in District activities. Note that the District's ability to remedy and respond to a reported incident may be limited if the complainant does not want the District to proceed with an investigation and/or the resolution.

SUPPORTIVE MEASURES

During an initial meeting, the building principal, supervisor, or Civil Rights Compliance Officer shall determine whether supportive measures are appropriate to protect the complainant and/or reporting party or the respondent prior to the investigation or while the investigation is pending. The timing and nature of the supportive measures will depend on the nature of the allegations and will be determined on a case-by-case basis.

Supportive measures can include, but are not limited to:

- Counseling, social emotional programming, or intervention
- Extensions of time and course related adjustments
- Modification of work or class schedules
- Restrictions on contact between the parties
- Changes in work locations
- Increased security and monitoring

INFORMAL RESOLUTION

It is often possible to resolve complaints informally at the level at which the alleged discrimination occurred. Therefore, all persons who have complaints regarding a violation of the District's Non-Discrimination & Anti-Harassment policy are encouraged to resolve the dispute at the level closest to the point of violation without entering the formal grievance process. Upon receipt of a report or complaint, the building principal, supervisor and/or Civil Rights Officer will reach out to the complainant to discuss options for informal resolution. Before a formal complaint is filed, the complainant is encouraged to follow the informal procedure set forth below.

- *Student.* If a student feels he/she has been discriminated against or harassed in violation of the District's Non-Discrimination & Anti-Harassment policy, the student and/or their parents will be encouraged to attempt to discuss the matter with the student's teacher in an effort to resolve the matter as expeditiously as possible. If, after discussing the matter with the teacher, the student and/or parent are not satisfied, he/she will have a right to present the matter to the principal. The principal shall, within ten (10) school days, investigate the matter and provide a written decision regarding the complaint, and if substantiated, propose a resolution.
- *Employee.* If a District employee feels he/she has been discriminated against or harassed in violation of the District's Non-Discrimination policy, the employee will be encouraged to present the matter to their supervisor. The supervisor shall, within ten (10) school days, investigate the matter and provide a written decision regarding the complaint, and if substantiated, propose a resolution.
- *Community Member.* If a community member feels he/she has been discriminated against or harassed in violation of the District's Non-Discrimination policy, the Civil Rights Compliance Officer shall facilitate investigation and informal resolution. A written decision regarding the complaint, and if substantiated, a proposed resolution will be provided by the Civil Rights Compliance Officer within ten (10) school days.

FORMAL RESOLUTION

Written Complaint- If the complainant is not satisfied with the disposition of the matter through the Informal Process, they may file a formal written complaint with the Civil Rights Compliance Officer within ten (10) school days from the issuance of a written decision addressing informal resolution.

The complaint should include a written statement providing a detailed description– to the best of the person’s ability –of the alleged conduct or events, the dates the alleged events occurred, the names of the parties involved, and the names of any witnesses

Investigation- All formal complaints of discrimination, harassment, or retaliation shall be processed by the Civil Rights Compliance Officer. The Civil Rights Compliance Officer shall immediately initiate an investigation. Every reasonable effort shall be made to determine the merits of each complaint/report while protecting the interests and well-being of both the complainant and respondent.

In determining whether discrimination or harassment has occurred, the District uses a preponderance of the evidence standard (“it is more than likely than not that discrimination or harassment occurred”).

The Civil Rights Compliance Officer may designate the role of investigator to another District employee, trained in such investigations. If the facts and circumstances warrant, the Civil Rights Compliance Officer may, at their discretion, delegate responsibility for investigating the complaint to a trained third-party, who may or may not be a District employee.

The complainant shall submit to the Civil Rights Compliance Officer all documents and information supporting complainant’s position and also provide the names of all witnesses that would support the complainant’s position.

The respondent shall also submit to the Civil Rights Compliance Officer all documents and information supporting respondent’s position and also provide the names of all witnesses that would support the respondent’s position.

The investigation shall consist of personal interviews with the complainant, respondent, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.

The investigation will also consist of any other methods and documents deemed pertinent by the investigator, including but not limited to a review of records, video surveillance, electronic content/web content and any tangible evidence.

DISTRICT ACTION

If the formal investigation determines a violation of the Non-Discrimination & Anti-Harassment Policy, the Civil Rights Compliance Officer shall recommend corrective,

remedial, and/or disciplinary action under the guidance of the District's policies, as appropriate, based on the result of the investigation.

Remedial Action- If the investigation substantiates the claim of discrimination or harassment, the District shall take remedial action to ensure a safe learning environment for the complainant and others, to be determined on a case-by-case basis.

Remedial measures are those intended to stop and correct prohibited conduct from reoccurring, and protect, support and intervene on behalf of the complainant and others. The District shall direct remedial measures to the complainant as well as the respondent.

Disciplinary Action-

- *Student Respondent-* The range of corrective measures and discipline for a student who has violated the Non-Discrimination & Anti-Harassment policy will vary depending on the facts of the case, but may include suspension or expulsion. All corrective measures and discipline taken shall remain at the full discretion of the District and shall be administered in accordance with District policy, the District's student handbook, and all applicable law.

Any corrective or disciplinary action(s) should be consistent with past discipline imposed by the District in similar situations.

- *Employee Respondent-* Disciplinary sanctions against an employee respondent will be imposed in accordance with District policy and all applicable law. A determination of responsibility against an employee respondent may be considered "good and just cause" for suspension, termination or dismissal.

District Notification- Upon completion of the formal investigation, the Civil Rights Compliance Officer shall respond in writing to the complainant and respondent as expeditiously as possible, but in no event not later than (30) school days following receipt of the written complaint, absent extenuating circumstances that have been communicated to all parties.

The response may include:

- A summary of the findings of the investigation;
- Whether the District found that the alleged conduct occurred and whether the alleged action violates the Non-Discrimination & Anti-Harassment policy;
- Any individual remedies offered or provided to the complainant and other steps the District has taken to eliminate the hostile environment, as applicable, though this information shall not be provided to the respondent;
- Whether disciplinary action or other sanctions are imposed on the respondent that directly relate to the complainant; if not, such information is provided to the respondent only.

APPEAL

- *Level I-* Either party may appeal the determination of the Civil Rights Compliance Officer within ten (10) school days of receipt of the written determination, except that no right to appeal exists with respect to remedies or sanctions imposed upon the other party.

The appeal will be heard by a hearing officer designated by the Board of Trustees. The appeal must be in writing and include copies of the original complaint, the written determination, and any supporting statement or evidence the proponent would like to include. The non-appealing party may submit a response to the appeal and any supporting statement or evidence within ten (10) school days of receipt of the appealing party's filing of appeal.

After consultation with the parties, the hearing officer at their discretion, may convene a hearing at which the parties may present additional argument. Such hearing will be held no later than twenty (20) school days following receipt of the request for appeal, unless the parties agree otherwise. The hearing shall be recorded in such a manner that it can be transcribed, if necessary.

If no hearing is held, the hearing officer will rely upon the written submissions of the parties to render a decision. The hearing officer will provide a written copy of their determination to both parties within ten (10) days of any hearing or submission of the non-appealing party's written submission, if no hearing is held.

- *Level II-* Either party may appeal the determination of the Level I appeal to the Board of Trustees within ten (10) school days of receipt of the hearing officer's written determination. The appeal must be in writing and include copies of the original complaint, the written determination of the Civil Rights Compliance Officer, the written determination of the Level 1 hearing officer, and any supporting statements the proponent would like to include. No right to appeal exists with respect to remedies or sanctions imposed upon the other party. The Board will appoint one of its members to serve as a hearing officer. The non-appealing party may submit a response to the appeal and any supporting statement within ten (10) school days of receipt of the appealing party's filing of appeal. The hearing officer, at their discretion, may convene a hearing at which the parties may present additional argument. If no hearing is held, the hearing officer will rely upon the written submissions of the parties to render a decision. The hearing officer will then make a recommendation to the Board of Trustees for final action at the next regularly scheduled Board meeting. Any discussion of the hearing officer's recommendation will take place in executive session.

Within ten (10) school days of the Board consideration of the appeal, the Board will provide both parties a written decision.

LAW ENFORCEMENT

Under certain circumstances, harassment and discrimination may constitute child abuse or neglect under W.S. § 14-3-201 et seq., as amended. In such situations, the District shall comply with the reporting requirements.

If an alleged incident of discrimination may have violated criminal law, a report shall be made to the appropriate authority. A criminal investigation does not relieve the District of its legal obligation to proceed under this policy.

RECORDS

Documents submitted or utilized in the grievance procedure shall be retained for not less than two (2) years.

ADOPTION DATE: June 8, 2021

LEGAL REFERENCE(S): Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Immigration Reform and Control Act of 1987; Section 504 of the Rehabilitation Act of 1973; Amended Section 9525 of the Elementary and Secondary Education Act of 1965 (ESEA)

CROSS REFERENCE(S): 4012, 4014, 4374

ADMINISTRATIVE REGULATION: