

## **ANTI-DISCRIMINATION, ANTI-HARASSMENT AND ANTI-BULLYING POLICY COMPLAINT PROCEDURE**

Complaints filed pursuant to this policy shall receive prompt and equitable resolution. Documentation of follow-through and resolution in all circumstances will be maintained.

### Complaints alleging a student as offender

1. A student's parent/guardian may file a complaint on the student's behalf. A complaint, filed in good faith, alleging a violation of the District's Anti-Discrimination, Anti-Harassment and Anti-Bullying policy against a student may be brought to the following officials.
  - A. any staff member that the student, or parent of the student, chooses,
  - B. building principal, or
  - C. Dispute Resolution Official (Director of Curriculum & Instruction).
  
2. School personnel should intervene promptly whenever they observe student conduct that has the purpose or effect of ridiculing, humiliating or intimidating another student/school personnel, even if such conduct does not meet the formal definition of harassment or bullying. A staff member receiving a complaint, observing a violation, or substantiating a complaint of violation of the Anti-Discrimination, Anti-Harassment and Anti-Bullying policy must intervene, and must document the complaint on the appropriate incident report. The report is forwarded within one school day to the building administrator, or athletic director where appropriate, who will investigate in a timely manner as required by law. Victims have the right to representation at their own expense.
  
3. School buildings will develop and implement a system of pro-social interventions for students when violations of this policy occur. Communication with parents, subject to state and federal student records laws, of both the victim and perpetrator will occur. Continued reports on a particular student may involve parents in the development of further interventions or actions.

A substantiated charge against a student in the District shall subject that student to disciplinary action consistent with the Student Code of Conduct, which may include suspension or expulsion. Participation in interventions does not supersede the possibility of disciplinary action.
  
4. Any employee who violates this policy by allowing the conduct to go unaddressed will be disciplined. Such discipline may include reprimands, suspensions and/or removal.
  
5. Semiannually a written summary of verified incidents will be provided to the Board of Education, and will be posted on the district web page.

Complaint alleging school personnel as offender

1. A complaint filed in good faith alleging discrimination or harassment perpetrated by school personnel may be brought to any of the following officials:
  - A. A building principal or supervisor;
  - B. Dispute Resolution Official (the Director of Curriculum and Instruction). This person is appointed by the Superintendent annually to represent the District and receives necessary training; or
  - C. In the event that the Dispute Resolution Official is the alleged offender, a complaint may be brought to the Superintendent.
2. The official to whom the complaint is originally brought will make the principal or supervisor, the Dispute Resolution Official, and the Superintendent aware of the allegations.
3. Available Options - A person bringing a complaint is apprised of all options under policy by the official taking the complaint. These options are described below:
  - A. Informal resolution of the complaint
    - 1) with the assistance of the building principal or supervisor,
    - 2) with the assistance of the Dispute Resolution Official.
  - B. Formal resolution of the complaint
    - 1) filed with the building principal or supervisor,
    - 2) filed with the Dispute Resolution Official.
4. Procedures for Intake of Complaints - The official to whom the complaint is initially brought discusses with the complainant the following relevant considerations:
  - A. The complainant should be informed that:
    - 1) A decision to proceed informally does not preclude the filing of a formal complaint at some later time.
    - 2) The filing of an informal complaint is not a prerequisite to a formal complaint.
- 3) Action on the complaint is necessary. Such action normally will not be taken without informing the complainant in advance of such action.
  - A. The behavior that prompted the complaint.
  - B. The complaint process, including the available options.
  - C. The issues involved in the complaint.
  - D. The necessity of an investigation.
  - E. Possible resolutions of the complaint.

- F. Protection of the complainant's interests (e.g., confidentiality consistent with the District's legal obligations, truthfulness by both parties; communication of steps taken during the process; protection of complainant and witnesses against retaliatory action).
- G. Protection of the interests of the alleged offender (e.g., confidentiality consistent with the District's legal obligations; truthfulness by both parties; communication of any formal complaint or informal complaint; opportunity to respond to the complainant's allegations).
- H. The complainant and the alleged offender are given a copy of the Anti-Discrimination, Anti-Harassment and Anti-Bullying Policy and these Complaint Procedures.

Once all of the above information has been discussed, the complainant determines which option to use to resolve the complaint.

5. Matters to be investigated include:

- A. Whether the specific conduct alleged constitutes a form of discrimination or harassment as defined in the Policy, including the type(s) of alleged conduct; frequency of alleged occurrence; date(s) or time period over which the alleged conduct occurred; location of alleged occurrence(s); whether similar complaints have been made by others; and all factual circumstances upon which the complaint is based.
- B. The specific relationship of the alleged offender to the complainant.
- C. The effect of the alleged offender's conduct on the complainant, including any consequences that may be attributed to the conduct.
- D. Whether the alleged offender was aware of the complainant's concern regarding the behavior.
- E. Whether a building principal, supervisor or Dispute Resolution Official was aware of the complainant's concern, and if so, how he/she became aware of the concern.
- F. Whether any prior steps were taken to resolve the complaint.

6. Possible outcomes of investigation:

- A. a finding that there is sufficient evidence supporting the alleged violation and corrective action, which could include discipline, will occur;
- B. a finding that there is insufficient evidence supporting the alleged violation; or
  - 1) a negotiated settlement of the complaint. A negotiated settlement of the complaint may be entered at any time during this process. A negotiated settlement must be approved by both parties and by the Dispute Resolution Official.

- 2) Time period for investigation complaints: Investigations of formal complaints should be concluded within 30 calendar days after they are made. When it is not reasonably possible to conclude the investigation within that amount of time, the Dispute Resolution Official will notify the complainant and the alleged offender in writing of the delay and reasons for the delay.
- 3) Notice to parties. At the conclusion of the investigation, the Dispute Resolution Official promptly informs both the complainant and the alleged offender of the outcome and the factual findings.
- 4) Written report of findings. Upon conclusion of the investigation of a formal complaint, the Dispute Resolution Official prepares a written summary of the findings. If the investigation results in a finding of any discrimination or harassment as defined in the Anti-Discrimination, Anti-Harassment, and Anti-Bullying Policy, recommendations are made to take prompt and effective action, consistent with the severity of the offense. This report is provided to the appropriate administrative official for implementation.
- 5) A finding may be appealed to the Superintendent, then to the Board. Such appeal will be based on the record and any new information which could not have been previously provided with reasonable diligence.
- 6) Sanctions. A substantiated charge against a staff member shall subject that staff member to disciplinary action which may include reprimands, suspensions with or without pay and/or termination.

#### Presence of Support Persons

The complainant and/or alleged offender may be accompanied at any interview by a friend, family member, legal representation and/or other individuals of the complainant's or alleged offender's choice.

#### Confidentiality

To the extent possible, the Dispute Resolution Official treats as confidential all information received in connection with the filing, investigation, and resolution of complaints except to the extent it is necessary to disclose particulars in the course of the investigation. Parties to a complaint should observe the same standard of discretion and respect for the reputation of all parties involved in the process.

Record Keeping

Any person conducting a formal investigation shall maintain a written record of all witness interviews, consent provided, evidence gathered and the outcomes of the investigation. Records of investigation will not be maintained in personnel files or student files unless part of formal corrective action. Investigatory records are maintained by the Dispute Resolution Official in accordance with record retention schedules. Copies of the final report are given to the complainant and the alleged offender.

(Approval date: November 1995, November 17, 2003; December 17, 2007)