

Policies A 4, A 5, D 1R

PROCEDURES FOR EQUAL EMPLOYMENT, NON- DISCRIMINATION AND HARASSMENT POLICIES

I. NOTIFICATION AND COMPLIANCE ISSUES

A. Content of Notice of Equal Employment and Non-Discrimination Policy.

The Burlington School Department will not discriminate on the basis of race, color, age, creed, religion, disability, handicap, ancestry, place of birth, national origin, sex (including sexual harassment), marital status, or sexual orientation in all aspects of admission to, access to, treatment in, application for employment, or employment in its programs and activities (including vocational education) as required and to the extent provided by Title VI of the Civil Rights Act of 1964 (pertaining to race, color and national origin), 42 U.S.C. 2000d et seq.; Title VII of the Civil Rights Act of 1964 (pertaining to unlawful employment practices on the basis of race, color, religion, sex or national origin), 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972 (pertaining to sex), 20 U.S.C. §1681 et seq.; Section 504 of the Rehabilitation Act of 1973 (pertaining to handicap), 29 U.S.C. §794 et seq.; the Americans with Disabilities Act of 1990 (pertaining to disabilities), 42 U.S.C. §12101 et seq.; the Age Discrimination Act of 1975 (pertaining to age) 29 U.S.C. §623 et seq.; Harassment Policy, 16 V.S.A. §565 (pertaining to harassment) and 21 V.S.A. Chapter 5, subchapter. 6 (pertaining to fair employment practices). For a more detailed description of prohibited discriminatory acts, and District Policy and Procedures please see the laws referenced herein, the posters posted in the Department's buildings or make inquiries to the entities listed below.

The following individuals have been designated to handle inquiries regarding the Burlington School Department's non-discrimination and equal employment opportunity policies, including the internal Complaint Procedures required by law. The District's Title IX Coordinator and the Age Discrimination Act Coordinator and Americans with Disabilities Act Coordinator for employees and others is:

Director of Human Resources
Ira Allen Administration Building
150 Colchester Avenue, Burlington, VT 05401
(802) 864-8474, 1 (800) 253-0191 TDD

The Americans with Disabilities Act Coordinator for students and §504

Coordinator is:

Dylan McNamara
Director of Special Services
Ira Allen Administration Building
150 Colchester Avenue, Burlington, VT 05401

B. Dissemination of Non-Discrimination Policy.

1. The Notice or an equivalent thereof shall be prominently included in announcements, bulletins, catalogs, application forms and material used in connection with recruitment of students and employees, which the Burlington School District makes available to students, parents, employees, applicants for employment or admission, sources of referral of applicants for admission and employment, beneficiaries, participants, including those who are hearing and vision impaired, and to unions or professional organizations holding collective bargaining or professional agreements with the District. None of the above materials shall indicate by text or illustration that the District treats applicants, employees or students differently on the basis of sex, race, national origin, color, or handicap.

Sources: 20 U.S.C. §1681 et seq. Title IX, (sex), 34 C.F.R. part 106.9(a), 106.9(b)(2) and 106.9(c); 29 U.S.C. §794 (handicap), 34 C.F.R. part 104.8(a), 34 C.F.R. part 104, App. A 13; 42 U.S.C. §12115 (disability) 28 C.F.R. part 35.106.

2. Notification of this Equal Employment Opportunity and Non-Discrimination Policy shall be accomplished by specific and continuing efforts of the District, which may include, but are not limited to: (a) featuring the Notice prominently in the Burlington Public School publications such as student and employee handbooks; (b) including the substance of the notice in all application forms for employment and admissions vacancies; (c) informing all unions representing the employees or any professional organizations holding collective bargaining or professional agreements with the Burlington School District or the District's non-discrimination policy; (d) including the content of the Notice in any relevant significant communication, whether oral or written, made to students, employees, parents of students, applicants for admission or employment, or any union or professional organizations holding collective bargaining agreements with the District and sources of referral of applicants for admission or employment, (e) posting copies of the Notice in the community at appropriate places which are readily visible and accessible to the public; (f) publishing the notice at least annually in the local newspaper(s), or magazines of general distribution in the local area.

Sources: 20 U.S.C. §1681 et seq. (Title IX), 34 C.F.R. part 106.9(a) (b) (c); 29 U.S.C. §794 et seq., 34 C.F.R. part 104.8(a) and 34 C.F.R. part 104, App. A (13); 42 U.S.C. §12115 (disability), 28 C.F.R. 35.106. Note: The steps described are ways in which the requirement of paragraph one may be met but paragraph one must be complied with.

3. The District shall post and keep posted in reasonable numbers posters stating the substance of the District's non-discrimination policies in each of the District's schools and administrative buildings, in prominent places which are accessible to students, employees, applicants for employment and Union members.

Sources: 29 U.S.C. §623, 627 (Age); 42 U.S.C. 2000e-10, 29 C.F.R. part 1627.10; 42 U.S.C. §12115; 21 V.S.A. 495 et seq.

4. The District shall advise all of its admission and employment recruitment representatives of its Equal Employment and Non-discrimination Policy and require those representatives to adhere to the Policy.

5. Visually and hearing impaired students, parents, employees, applicants and the public, may be informed of the non-discrimination and equal employment opportunity policy, of the Coordinator's identity and address, and that inquiries can be directed to the Coordinator, by public announcements and informing local advocacy groups for the visually and hearing impaired on an annual basis.

Sources: 20 U.S.C. §1681, 34 C.F.R. part 106.9(c); 42 U.S.C. §12101, et seq.

6. Any recruitment materials and publications containing general information to be made available to participants, beneficiaries, applicants or employees shall include the Notice. (This requirement may be met by including an appropriate insert in such material and publications, or by reprinting the materials and publications.)

Sources: 29 U.S.C. §794, 34 C.F.R. 104.8(b).

C. Locating and Notifying Handicapped People Not Receiving Services.

On an annual basis, the District will take steps to identify and locate every qualified handicapped person (as defined in 29 U.S.C. §794; 34 C.F.R. part 104.3(k)(2)) residing within the District's jurisdiction who is not receiving a public education. The District will notify the handicapped person and his or her parents or guardian of the District's responsibilities and the rights of the handicapped person, and his or her parents or guardians under 29 U.S.C. §794 et seq.

Sources: 34 C.F.R. 104.32, 104 App. A (22).

D. No Preferences Indicated in Employment Advertisements.

The Burlington School Board will not indicate a preference for or discriminate against anyone for employment on the basis of race, color, religion, sex or national origin in any printing or publication of notices or advertisements relating to employment. (e.g. no advertisement for patrolman). Where one of the above classifications is a bona fide occupational qualification, this prohibition is not applicable.

Source: 20 U.S.C. §1681, 34 C.F.R. part 106.59, Title VII 42 U.S.C. §2000e-3.

E. Ensuring Operators of Independent Educational Programs Comply with Title IX

The District utilizes educational programs and activities which are not operated wholly by the Burlington School District. If the District requires any student, applicant or employee to participate in such a program or activity or considers participation therein to be part of or the equivalent of a District education program, the Superintendent or designee will require that operators of these educational programs and or activities take no action affecting any student, applicant or employee which the District is prohibited from taking pursuant to Title IX. Further, if the operator is found to have taken such action, the District shall end its contact with that operator.

Source: Title IX, 20 U.S.C. §§1681, 1682; 34 C.F.R. 106.31(d)

II. COMPLAINT PROCEDURES GENERALLY.

Students, employees, guardians, parents and community members who are the designated beneficiaries of Complaint Procedures provided for in Title V, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794, et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq.; The Age Discrimination Act of 1975, 29 U.S.C. §623, et seq.; The Americans With Disabilities Act of 1990, 42 U.S.C. §12101, et seq.; Harassment Policy, 16 V.S.A. §565 and Fair Employment Practices, 21 V.S.A. Chpt. 5, subchapter. 6 and their accompanying regulations may use the appropriate Complaint Procedures provided by the School District below to address any allegedly discriminatory action and or harassment by the Board of School Commissioners, its employees, students or others where appropriate, in violation of these statutes and their regulations.

Sources: 20 U.S.C. §1681 et seq.; 34 C.F.R. part 106.8(b); 29 U.S.C. §794 et seq., 34 C.F.R. part 104.7(b); 34 C.F.R. part 104 App. A, 42 U.S.C. §12101 et seq. 28 C.F.R. part 35.107(b); 42 U.S.C. 2000e-2(a), 29 C.F.R. 1604.11; 42 U.S.C. §6103, 34 C.F.R. 110.25.

The existence of the School District's Complaint Procedures does not affect the right of any individual or group to pursue any other procedure provided for by contract, or by state or federal law, including, where provided, the filing of a complaint with the Regional Director, Office for Civil Rights, U.S. Department of Education, Region I, McCormack Post Office and Courthouse, Room 22, Post Office Square, Boston, MA 02109-4557, (617) 223-9662; (617) 223-9695 (TDD); the Equal Employment Opportunity Commission, One Congress Street, Boston, MA 02114, (617)565-3200; (617)565-3204 (TDD); or the State of Vermont Attorney General's Office, 109 State Street, Montpelier, VT 05602, 802-828-3171 (Voice/TDD); Vermont Human Rights Commission, 133 State Street, Montpelier, Vermont 05633-6301 (802) 828-2580 (Voice/TDD).

The District provides separate procedures for complaints of discrimination and complaints of harassment, both which are stated below. The District will apply the procedures which it believes is appropriate to the circumstance.

III. PROCEDURES FOR COMPLAINTS OF ALLEGED DISCRIMINATION ON THE BASIS OF DISABILITY, HANDICAP, SEX AND AGE

The following Complaint Procedure is hereby established and adopted by the Burlington School Board as a means for addressing complaints from a person alleging that the School District has violated The Americans With Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975, all as they may be amended from time to time.

The following Complaint Procedure may be used as a means for addressing complaints from a person alleging that the School District has not provided proper access to services, facilities, or employment opportunities to an individual with a disability to the extent such procedures are available pursuant to The Americans With Disabilities Act of 1990, as it may be amended from time to time and its rules and regulations. Any person who has any of the above described complaints may use the following Procedure.

The following Complaint Procedure may also be used as a means for addressing complaints from an otherwise qualified handicapped person alleging that the School District has excluded him/her from participation in, denied he or she the benefits of, or was otherwise subjected to discrimination under any of the District's programs or activities on the basis of handicap to the extent such procedures are available pursuant to Section 504 of the Rehabilitation Act of 1973, as it may be amended from time to time and its rules and regulations. These Complaint Procedures will be applied in an manner that will provide due process to the complainants. Any person who has any of the above described complaints may use the following procedure except that these procedures are specifically not available to applicants for employment.

The following Complaint Procedure may also be used as a means for addressing complaints from a person that the School District has excluded him/her from participation in or denied him/her the benefits of any of the District's education programs or activities on the basis of sex or that it discriminated against the person on the basis of sex in any education program or activity pursuant to Title IX of the Education Amendments of 1972, as it may be amended form time to time, and its rues and regulation ("Title IX"). The Board provides the following Complaint Procedures to be used by certain beneficiaries of Title IX - students, parents of students and employees - who believe that that the District has violated Title IX. This Policy is intended only to provide the benefits required by Title IX to the designated beneficiaries of Title IX and does not provide any additional entitlements. The Complaint Procedures will be interpreted to provide for a prompt and equitable resolution of the complaint.

The following Complaint Procedure may be used as a means for addressing complaints from a person that the School District has violated the Age Discrimination Act of 1975 and its rules and regulations, as it may be amended from time to time ("The Age Act") The Board provides the following Complaint Procedures to be used by certain beneficiaries of the Age Act who believe that that the District has violated the Age Act.

This Procedure is intended only to provide the benefits required by the Age Act to the designated beneficiaries of The Age Act and does not provide any additional entitlements. The Complaint Procedures will be interpreted to provide for a prompt and equitable resolution of the complaint.

The ADA Coordinator, the §504 Coordinator, the Title IX Coordinator or the Age Act Coordinator can assist a complainant in following the complaint procedures and he/she may be reached at telephone number 802-864-2159(TDD 1-800-253-0191).

A. Discrimination Complaint Procedures:

1. Any person with a disability who believes that the School District has failed to provide access to a service, facility, or employment opportunity or is otherwise discriminating against the person on the basis of his/her disability may file a written complaint with an ADA Coordinator. Such complaint shall be addressed to the Coordinator and shall state in as much detail as possible the basis for the person's belief that the School District is failing to provide proper access to its services or otherwise discriminating against the person on the basis of his/her disability.

Any otherwise qualified handicapped person who believes that the School District has excluded him/her from participation in, denied he or she the benefits of, or has otherwise subjected to him/her to discrimination under any of the District's programs or activities on the basis of handicap may file a written complaint with the Section 504 Coordinator. Such complaint shall be addressed to the Coordinator and shall state in as much detail as possible the basis for the person's belief that the School District has excluded him/her from participation in, denied he or she the benefits of, or has otherwise subjected to him/her to discrimination under any of the District's programs or activities on the basis of handicap

Any student, parent of student or employee who believes that he District has excluded him/her from participation in or denied him/her the benefits of any of the District's education programs or activities on the basis of sex or that it discriminated against the person on the basis of sex in any education program or activity pursuant to Title IX may file a written complaint with the Title IX Coordinator. Such complaint shall be addressed to the Coordinator and shall state in as much detail as possible the basis for the person's belief that the School District has excluded him/her from participation in, denied he or she the benefits of, or has otherwise subjected to him/her to discrimination under any of the District's programs or activities on the basis of sex.

Any person who alleges that the District has violated The Age Discrimination Act of 1975 and its rules and regulations may file a written complaint with the Age Act Coordinator. Such complaint shall be addressed to the Coordinator and shall state in as much detail as possible the basis for the person's belief that the School District violated the Age Discrimination Act of 1975 and its rules and regulations.

2. Upon receipt of such a complaint, the Coordinator shall investigate the facts as alleged, and shall attempt to resolve the complaint to the mutual satisfaction of the complainant and other parties involved. All Burlington school employees shall cooperate in any investigation under these procedures and be honest and forthcoming with any relevant information. Should the Coordinator be unable to resolve the matter to the satisfaction of all parties within ten (10) school days following receipt of the complaint, the Coordinator shall prepare findings and recommendations relevant to the matter and submit the findings and recommendations to the Superintendent.

3. Upon receipt of findings and recommendations from the Coordinator, the Superintendent shall provide notice to the complainant of an opportunity to present testimony relative to the complaint. The Superintendent shall render a decision within fifteen (15) school days following the completion of the hearing.

4. If the complaint cannot be resolved to the complainant's satisfaction by the Superintendent, the complaint will be heard by a committee of School Board. The committee will make a determination within fifteen (15) school days of its review of the matter. The committee decision shall be the final administrative remedy available to the complainant.

5. This administrative complaint procedure is not a prerequisite to the pursuit of other legal remedies, including the pursuit of a complaint with the appropriate federal enforcement agencies for the applicable statute.

IV. HARASSMENT COMPLAINT PROCEDURES

A. GENERAL HARASSMENT PROCEDURES:

1. A complaint under this procedure is a report alleging any action, policy, procedure or practice by the School Board, its employees, or a member of the school community which is believed to constitute harassment, on the basis of national origin, color, religion, age, gender, disability, sexual orientation, ancestry, marital status, or place of birth as provided for in Title V, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.; The Age Discrimination Act of 1975, 29 U.S.C. § 623, et seq.; The Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.; Fair Employment Practices, 21 V.S.A. Chpt. 5, and Harassment Policy, 16 V.S.A. § 565. When a student, parent, guardian, employee or member of school community who is protected from harassment by the above-referenced laws has a complaint, the procedures outlined below will be followed. Appendix A, Harassment Complaint Form, may be used to make a report.

2. Complaints of alleged harassment prohibited by the above laws or school policy shall be resolved in a prompt, effective and fair manner. Except in cases of alleged severe conduct, including but not limited to, allegations of a Relationship of a Sexual Nature, a second complaint of harassment against the same individual, allegations of quid pro quo harassment or alleged criminal conduct, reasonable efforts will be made to resolve complaints informally at the school level.

3. Where a complaint of harassment is received or the District has a reasonable suspicion of the existence of a "Relationship of a Sexual Nature," an investigation will be promptly initiated as more fully described below. All reasonable effort will be made to thoroughly investigate the complaint or suspicion and complete the investigation promptly. The investigation will be completed within fourteen (14) school days after receipt of the complaint unless performing a thorough investigation requires more time. If more than fourteen (14) school days are needed, the investigator will contact the complainant and the accused and inform them of the specific extension of time needed to complete the investigation.

4. To the extent possible, all complaints of harassment will be kept confidential. Once reported, however, a complaint will be investigated and may require the disclosure of the name of the complainant or witness depending on the circumstances.

5. Notwithstanding the previous paragraph, complainants and parents of complainants who are students will be provided with the results of the investigation but only to the extent that such information can be legally released.

6. A complainant may choose to confront the alleged harasser but shall not be required to do so.

7. Each school/program shall make available in its central office the name, address and phone number of its principal/program director and that of the Title IX Coordinator, the ADA Coordinators, the Age Discrimination Act Coordinator, and the §504 Coordinator.

8. In the event that a complaint is against the person responsible for the complaint process at any level, the complainant may make the complaint directly to the next appropriate level.

9. Retaliation in any form for the filing of a complaint, the reporting of instances of harassment or any other participation in the complaint procedures is prohibited and unlawful. (9 V.S.A. §4503(a)(5).) The pay, status, grades, or work assignments of the complainant, reporter or other participant shall not be affected in any way as a result of such report or participation.

10. When a complaint of harassment is received, the allegations will be evaluated to determine if informal or formal procedures should be followed. When performing this evaluation, the appropriate range of consequences if the allegations are proved true should be considered. If an allegation is made of a Relationship of a Sexual Nature, formal complaint procedures will always be followed. If, during the investigation, new information arises which indicates that formal procedures should be followed, the investigator will contact the Title IX Coordinator and if appropriate, the Title IX Coordinator or his designee will continue the investigation.

11. Records of Complaints and Investigations: Copies of Complaint Resolution forms and Reports of Investigations will be maintained in the students' records and at Central Office. When a student graduates to middle school and/or to high school, his/her record will be purged of informal complaint resolution forms and documents. Records of formal complaints and reports will remain in the students' records and at Central Office.

12. If the alleged harasser is a student with a disability whose education involves services under the Individuals with Disabilities Education Act or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, see Policy F 13, Student Conduct and Discipline for guidance on appropriate disciplinary measures.

13. These procedures, however, shall be modified and supplemented as necessary to comply with applicable federal and state laws, district employee/union contracts and district policies.

14. Allegations of potential criminal conduct should be reported to the appropriate law enforcement agency. Allegations of conduct which may be sexual abuse or child abuse must be reported within 24 hours to the SRS. See Policy H 2, Child Abuse and Neglect Reporting.

15. The right to appeal the decision resulting from informal or formal procedures is granted only to students and District employees. Where the remedy is a ban from school property or functions for other school community members, he/she shall have the right to appeal to the Superintendent or his/her designee.

16. All Burlington School District employees shall fully cooperate in any investigation under these Procedures and be honest and forthcoming with any relevant information.

Definitions: For the purposes of the Harassment Procedures, the following definitions shall apply:

1. “Member of the school community” includes but is not limited to, all school employees, Board members, volunteers, spectators and participants in school activities and employees of entities engaged in business with the school.

2. “Relationship of a Sexual Nature” means any kind of physical or verbal conduct by an employee with a student engaged in by the employee for the purpose of obtaining power over the student through sexual activity or to gratify a sexual desire.

3. A “second complaint of harassment” A second complaint of harassment is the next informal or formal complaint received after the first complaint received during any period of elementary school, middle school or high school. Informal complaints of harassment are cumulative during the periods of elementary school, middle school and high school and will be purged between these periods of school. A formal complaint will always be counted as one complaint regardless of when it occurred and will not be purged. The basis of the first and the second complaint of harassment need not be the same.

4. “Quid Pro Quo” means that there is something given or withheld in exchange for something else, although the exchange can be very subtle. Perpetrators are usually in a position of power over the other person and can be employees, students, or other people at a school or school activity.

PROCEDURES FOR FILING AND PROCESSING HARASSMENT COMPLAINTS.

Except in the case of alleged criminal conduct, alleged serious conduct including a Relationship of a Sexual Nature, an alleged quid pro quo harassment or a second alleged complaint of harassment, the principal/program director, guidance counselor, the Title IX Coordinator, the §504 Coordinator, ADA Coordinators and/or the Equity Coordinator will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to the complaint. Where informal resolution is not appropriate, formal resolution procedures shall be followed.

B. STUDENT TO STUDENT HARASSMENT

If, and only if, the complainant is a student and the accused harasser is also a student, the procedures outlined below shall be followed.

A student's complaint of harassment may be reported to teachers, administrators, principals/program directors, guidance counselors, the Equity Coordinator or the Title IX Coordinator. A student is strongly encouraged to make his or her complaint as soon as possible to facilitate prompt and effective termination of any discriminatory behavior. It is recommended that the complaint be reported within thirty calendar days after the student knew, or should have known, of the alleged discrimination/harassment. This recommendation does not prevent the filing of a complaint beyond the recommended period.

1. Informal Procedures:

a. Upon receipt of a complaint, the principal/program director, Equity Coordinator, Title IX Coordinator, guidance counselor or their designee will act immediately to terminate any inappropriate conduct which caused the complaint while an investigation is proceeding.

b. The Principal, Program Director, Assistant Principal, Equity Coordinator, guidance counselor or their designee shall act as the investigator of the complaint. As soon as possible, but not later than **(2) two school days following receipt of the complaint**, the investigator shall commence an investigation of the complaint.

c. Where the complainant and/or the accused are elementary students, his/her legal guardian or parents will be informed of any allegations and the results of any investigation as soon as reasonably possible. Where the complainant and/or the accused are middle school or high school students, his/her legal guardian or parents will be informed of any allegations and the results of any investigation at the discretion of the administrators.

d. Upon the completion of the investigation, the investigator will immediately review the information received, determine whether the alleged conduct is prohibited and whether it occurred. Where appropriate, the investigator will recommend mediation or other methods of informal resolution will be suggested to the Complainant and/or institute such methods. Methods of informal resolution include, but are not limited to:

- i. Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- ii. Counseling with school guidance counselor or other sensitivity training;
- iii. Conducting training for the individual or groups in the setting in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- iv. A letter of apology by the accused to the Complainant;
- v. Writing letters of caution to the accused;
- vi. Separating the parties. Caution should be exercised, however, to not force the Complainant to move. The Complainant should not move unless the movement is voluntary.

e. The investigator shall document the complaint received, the students involved, witnesses and the results/consequences of the investigation. See Appendix B for Complaint Resolution form.

f. In all cases, the investigator or a designee shall follow up to ensure that the prohibited conduct has terminated and document the follow up on the Complaint Resolution form.

g. If either student is dissatisfied with the result, he or she may appeal the decision to the Superintendent or designee within ten (10) school days of the decision.

STUDENT-STUDENT HARASSMENT- FORMAL COMPLAINT PROCEDURES

2. Formal Procedures:

Where the Complainant alleges criminal conduct, serious conduct including a Relationship of a Sexual Nature, quid pro quo harassment, or a second complaint of harassment, the following procedures will be followed.

a. The recipient of the complaint shall bring the complaint to the attention of the principal or program director immediately who shall then bring the complaint immediately to the Title IX Coordinator.

b. Upon receipt of the complaint, the principal/program director or Title IX Coordinator or their designee will act immediately to terminate any inappropriate conduct that caused the complaint while an investigation is proceeding.

c. The parent/legal guardian of students directly involved in the complaint will be informed of the allegations within **one (1) school day** of the receipt of the complaint by the Title IX Coordinator.

d. The Title IX Coordinator shall assign the principal/program director, the Equity Coordinator, a guidance counselor or other designee to be the investigator and the investigator shall begin an investigation of the complaint within **one (1) school day** of its receipt by the Title IX Coordinator.

e. Upon completion of the investigation, the investigator shall provide the results to the Title IX Coordinator. The Title IX Coordinator shall review the results, determine if the alleged conduct is prohibited, whether it occurred, and impose appropriate discipline, including, but not limited to one or more of the following;

- i. Oral warnings or reprimands;
- ii. Written warnings or reprimands;
- iii. Counseling and/or training;
- iv. Suspension of ten (10) days or less;
- v. Referral to the superintendent with a recommendation that the matter be forwarded to the Board for further discipline up to and including expulsion.

f. If the matter is referred to the superintendent for further disciplinary action the Procedures outlined in the Board's Student Conduct and Discipline Policy shall be followed.

g. In all cases, the investigator or a designee shall conduct a follow up investigation to ensure that any prohibited conduct has terminated. The follow-up activity and its result will be documented. See Appendix C.

h. If the remedy is anything less than referral to the Superintendent or designee, and either student is dissatisfied with the result, he or she may appeal the decision to the Superintendent within ten (10) school days of the decision.

C. COMPLAINTS OF HARASSMENT INVOLVING EMPLOYEES OR OTHERS

The following procedures will be followed where the complaint alleges harassing conduct involving members of the school community *unless both the complainant and the accuser are students*.

A complaint may be reported to teachers, administrators, a principal/program director, the Equity Coordinator or the Title IX/§504/ADA/Age Act Coordinator.

A Complainant is strongly encouraged to make his or her complaint as soon as possible to facilitate prompt and effective termination of any discriminatory and/or harassing behavior. It is recommended that complaint be reported within thirty (30) calendar days after a complainant knew, or should have known, of the alleged discrimination/harassment. This recommendation does not prevent the filing of a complaint beyond this thirty (30) day period.

1. Informal Procedures:

a. The principal/program director or Title IX Coordinator or their designee will act immediately to terminate any inappropriate conduct that caused the complaint while an investigation is proceeding. If it appears that the accused is a teacher or other employee and potential discipline may include a reprimand or more severe discipline, than the Formal Procedures or contractual procedures shall be followed.

b. The Principal, Program Director, Assistant Principal or another designee of the Title IX Coordinator shall act as the investigator of the complaint. As soon as possible, but not later than **(2) two school days following receipt of the complaint**, the investigator shall commence an investigation of the complaint.

c. If a student is the complainant or the accused: At the elementary schools, the student's parents/legal guardians shall be informed of allegations as soon as reasonably possible and the results of any investigation. At the middle school and high school level, the student's parents/legal guardians will be informed of the allegations and the results of any investigation at the discretion of the administrator.

d. Upon the completion of the investigation, the investigator will immediately review the information received, determine whether the alleged conduct is prohibited and whether it occurred. Where appropriate, investigator will recommend mediation or other methods for informal resolution to the Complainant and/or institute such methods. Methods of informal resolution include, but are not limited to:

- i. Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- ii. Counseling or other sensitivity training;

- iii. Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- iv. A letter of apology by the accused to the complainant;
- v. Writing letters of caution only if accused is student;
- vi. Separating the parties. Caution should be exercised, however, to not force the Complainant to move. The Complainant should not move unless the movement is voluntary;
- viii. Referral to the Superintendent for further action, which may include, but is not limited to, a ban from school property;

e. In all cases, the investigator or a designee shall follow up to ensure that the prohibited conduct has terminated. The follow up activity and its result will be documented on the Complaint Resolution Form, Appendix B.

f. If the remedy is anything less than referral to the Superintendent, and either party is dissatisfied with the result, he or she may appeal the decision to the Superintendent within ten (10) school days of the decision.

EMPLOYEES AND OTHERS - FORMAL COMPLAINT PROCEDURES

2. Formal Procedures:

Where the Complainant alleges criminal conduct, serious conduct including a Relationship of a Sexual Nature, quid pro quo harassment or a second complaint of harassment, the following procedures will be followed.

a. The recipient of the complaint shall bring the complaint to the attention of the principal or program director immediately who shall then bring the complaint immediately to the Title IX/§504/ADA Coordinator.

b. Upon receipt of the complaint, the principal/program director or Title IX Coordinator or their designee will act immediately to terminate any inappropriate conduct that caused the complaint while an investigation is proceeding.

If the Accused is a Student, use Procedures c Through h Below. If the Accused is Not a Student, Use Procedures, i through r Below.

c. The Title IX Coordinator shall assign the principal/program director or equity coordinator to be the investigator. The investigator shall begin an investigation of the complaint within **one (1) school day** of its receipt by the Title IX Coordinator.

d. The parent/legal guardian of students directly involved in the complaint will be informed of the allegations within **one (1) school day** of the receipt of the complaint by the Title IX Coordinator.

e. If a school employee is alleged to have engaged in harassment, the employee's due process rights will be observed, as will any applicable contractual rights.

f. Upon completion of the investigation, the principal program director shall forward the information resulting from the investigation to the Title IX Coordinator.

g. The Title IX Coordinator will review the investigation's results, prepare a report the reasons for his/her determination whether the conduct was harassment in violation of the Policy(s), the reasons for his/her determination whether the alleged conduct occurred and impose appropriate discipline, including, but not limited to, one or more of the following:

- i. Oral warnings or reprimands;
- ii. Written warnings or reprimands;
- iii. Counseling and/or training;
- iv. Suspension for 10 (ten) days or less;

- v. Referral to the superintendent with a recommendation that the matter be forwarded to the Board for further discipline up to and including expulsion.

h. If the remedy is other than referral to the Superintendent, then either the Complainant or the accused may appeal the Title IX Coordinator's decision to the Superintendent within ten (10) school days and his or her decision shall be final.

If the Accused is Not a Student, Use Procedures i Through r Below:

i. The Title IX Coordinator will be the investigator. The Title IX Coordinator shall begin an investigation of the complaint within **one (1) school day** of its receipt by the Title IX Coordinator.

j. The parent/legal guardian of any student(s) directly involved in the complaint will be informed of the allegations within **one (1) school day** of the receipt of the complaint by the Title IX Coordinator.

k. If a school employee is alleged to have engaged in harassment, the employee's due process rights will be observed, as will any applicable contractual rights.

l. Upon completion of the investigation, the Title IX Coordinator shall forward the information resulting from the investigation to the Superintendent.

m. The Superintendent or his/her designee shall promptly review the Title IX Coordinator's report. The Superintendent or his/her designee will make a preliminary determination of whether the complaint alleges conduct prohibited by the applicable policies. If the Superintendent or designee determines that the complaint does not allege prohibited conduct, the complainant and the accused shall be promptly informed and the complaint will be considered terminated. Either party can appeal this decision to a Committee of the Board consistent with the provisions for appeals provided below.

n. If the Superintendent concludes that the complaint alleges conduct that violates the applicable policies, the Superintendent or the designee will promptly meet with the accused and the Title IX Coordinator to address the complaint. The Superintendent or designee will inform the accused in writing prior to this meeting of his/her due process rights, if any, the allegations made and the information supporting the allegations. Both the accused and the investigator will have the opportunity to present information relevant to the complaint and to examine or respond to all opposing witnesses and information. If students are to be witnesses, appropriate procedures will be utilized to protect students but still allow the accused to effectively question the students.

o. After the meeting, the Superintendent or designee will make a written determination regarding the complaint. If the Superintendent or designee concludes that prohibited behavior occurred, the Superintendent or designee shall take appropriate action,

impose appropriate discipline up to and including dismissal or may make a recommendation to such effect to the Board of School Commissioners where appropriate.

p. If a professional educator has been found to have engaged in sexual harassment, a report of the findings shall be filed with the Licensing Office of the Vermont Department of Education for further action, unless such decision is appealed.

q. If it is determined that prohibited behavior occurred by a student or another, the principal/director shall conduct a follow-up investigation to ascertain whether the prohibited conduct has in fact terminated. See Appendix C.

r. Unless the Superintendent refers the matter to the Board, either the accused or the complainant may appeal the Superintendent's decision to a Committee of the Board as described below.

3. Appeals Process – Formal Complaints, Student is not the Accused.

a. Only a complainant or accused who is a student, a district employee or a board member or other individual legally entitled to an appeal, may appeal the Superintendent's or the designee's determination to a Committee of the Board of School Commissioners. Any such appeal must be dated and made in writing to the Committee within ten (10) working days after receipt of the decision of the Superintendent of his/her designee.

b. In the event that the decision of Superintendent or the designee is against the accused, the Administration shall represent the complainant's position before the Committee. In the event that the initial decision is against the complainant, the Administration shall represent the accused's position before the Committee.

c. The Committee shall convene as soon as reasonably possible or as otherwise required by law. The Committee shall notify the parties of the date and time of the hearing, or consideration of the appeal, as soon as practical.

d. The appellant is entitled to a hearing before the Committee only "on the record," unless otherwise required by law or contractual rights, if the Superintendent or designee takes any one of the following actions: 1) imposes discipline, short of dismissal, 2) determines that the complainant did not allege conduct prohibited by the policies; or 3) determines that the prohibited conduct alleged did not occur. "On the record" means that the Committee will only consider the official record made of the hearing before the Superintendent or his/her designee.

e. If the appeal is on the record, the Committee shall apply the following standard:

(i) Did the Superintendent or designee apply and follow the proper policies and procedures; and

(ii) Are the Superintendent's or designee's findings fairly and reasonably supported by the evidence which was before the Superintendent or designee and do the findings support the conclusion?

f. If the Superintendent or designee imposes or recommends dismissal, then the appellant shall be entitled to a de novo hearing before the Committee. The appellant will be provided any due process rights he/she is entitled to by law. A "de novo" hearing is an opportunity for the appealing party to present his/her full case to the Committee as if there had been no hearing before the Superintendent or designee. The appealing party, however, may not present information to the Committee that was not presented to the Superintendent. The Committee may waive the immediately preceding provision in circumstances that it deems appropriate.

g. The Committee shall render its written decision within ten (10) working days of the de novo hearing or considering the appeal on the record. The decision of the Committee shall be final and shall be forwarded to both parties.

h. If a professional educator is found to have engaged in sexual harassment, a report of the findings shall be filed with the Licensing Office of the Vermont Department of Education.

D. STATEMENT OF FINALITY

If the Complainant or Accused is not satisfied with the decision at any level and fails to proceed to the next appropriate level within the prescribed time, the decision reached at the previous level is final.

CROSS REFERENCES:

Sexual Harassment, D 8; Equal Employment Opportunity and Non-Discrimination Policy, A 4; Non-Discrimination in Vocational Education Programs, A 5; Harassment on the Basis of Protected Characteristics, D 1R; Student Conduct and Discipline, F 13; Child Abuse and Neglect Reporting, H 2

PROCEDURE UPDATED:

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