

NONDISCRIMINATION

Policy 7010

General Statement

It is the policy and practice of the Hickman Mills C-1 School District to treat all employees and students fairly and equally and not to discriminate on the basis of gender, age, race, religion, color, national origin or disability.

The administrators and staff of the Hickman Mills C-1 School District are responsible for learning and applying laws and Board policies pertaining to nondiscrimination.

All employees are reminded that acts of discrimination prohibited by this policy are also prohibited by federal and state statutes. Any employee who feels aggrieved by a perceived act of discrimination is encouraged to report the conduct to the appropriate agency and/or to file a complaint as provided herein.

Retaliation against anyone reporting or thought to have reported an act of discrimination is also prohibited. Retaliation is prohibited independent of whether an act of discrimination is substantiated.

The Associate Superintendent/Human Resources shall be the compliance officer designated by the Hickman Mills C-1 School District.

Discrimination in Employment

Complaint Process for Employee Complaints of Discrimination

Complaints Involving Discrimination Based Upon Gender, Race, Religion, Color, National Origin, Age and Handicap

Complaint Process

Any employee who believes that s/he has been discriminated against on the basis of gender, race, religion, color, national origin, age or handicap, may file a complaint with the compliance officer, or if the complaint involves compliance officer, the superintendent.

The compliance officer shall investigate the complaint and, if necessary, consult with the superintendent. A written response regarding the complaint shall be provided to the complainant within ten (10) business days from the receipt of the complaint. If the investigation cannot be completed within the ten-day period, the claimant shall be notified of the reason for the delay and the date by which the investigation is expected to conclude.

If the complainant is not satisfied with the results of the investigation, s/he may appeal to the Board of Education as provided in this policy.

Complaints Involving Sexual Harassment

Sexual Harassment Defined

Sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee of the school district that denies, limits or differentiates the conditions of employment and/or the provision of benefits, services, or treatment encompassed in the Policies of the Board of Education, administrative directives and staff guidelines.

Confidentiality

The confidentiality of any person reporting sexual harassment will be observed provided it does not interfere with the district's ability to investigate or take corrective action.

Discrimination in Employment

Complaint Process for Employee Complaints of Discrimination

Complaint Process

If a district employee feels that he or she is the subject of sexual harassment by an employee of the school district, it is appropriate for and the employee is encouraged to inform a district hearing officer regarding the specifics of the complaint. The district hearing officers shall be the Associate Superintendent-Human Resources and the Associate Superintendent-Curriculum/Instruction.

The district hearing officer will conduct an investigation of the complaint and, based upon the findings of the investigation, propose a solution satisfactory to all parties concerned or address the complaint and the resolution to the superintendent for further consideration or action.

A written response regarding the complaint shall be provided to the complainant within ten (10) business days from the receipt of the complaint. If the investigation cannot be completed within the ten-day period, the claimant shall be notified of the reason for the delay and the date by which the investigation is expected to conclude.

If the complainant is not satisfied with the results of the investigation, s/he may appeal to the Board of Education as provided in this policy.

Discrimination in Employment

Board of Education Review

Any employee who feels s/he is aggrieved by a determination made in a complaint of discrimination may petition to the Board of Education for review of the determination.

If the complainant is not satisfied with the results of the investigation involving a complaint of discrimination based upon gender, race, religion, color, national origin, age or handicap, or a complaint involving a complaint of sexual harassment , s/he may appeal to the Board of Education. The request for appeal shall be in writing and delivered to the superintendent.

The Board of Education shall consider the appeal no later than the 2nd regularly scheduled meeting following receipt of the request for review. The Board may decline to review the appeal or may review the matter with or without a hearing.

Student Complaints of Discrimination

Discrimination Based on Gender, Race, Religion, Color, National Origin or Disability

Building Level Process

Any parent/guardian or student who believes the s/he is the subject of discrimination based upon gender, race, religion, color, national origin or disability may file a complaint with the building principal or the appropriate associate superintendent/instruction.

The complaint shall be investigated and a written response provided to the complainant. Any determination made at the building level shall be provided to the associate superintendent/instruction.

No reprisals or retaliation by students or employees resulting from good-faith reporting of a complaint will be tolerated.

The parent/guardian shall be notified within 5 business days of the conclusion of the investigation that the complaint has been resolved. To the extent possible within the limitations of the Federal Education Right to Privacy Act, 20 U.S.C. 1232 et seq., the parent/guardian shall be notified of the resolution of the complaint.

If the parent/guardian is not satisfied with the resolution of the complaint, the parent/guardian may appeal to the Superintendent. The appeal shall be in writing to the Superintendent within twenty (20) days of receipt of the notice of resolution and shall state the reasons that the resolution is not appropriate. The Superintendent shall review the file and shall report her findings to the parent/guardian within ten (10) school days of receipt of the appeal, unless for good cause the time period should be extended.

Student Complaints of Discrimination

Discrimination Based on Gender, Race, Religion, Color, National Origin or Disability

Board of Education Level Process

If the parent/guardian is not satisfied with the resolution of the complaint after review by the Superintendent, the parent/guardian may appeal to the Board of Education. The appeal shall be in writing to the Secretary of the Board of Education within twenty (20) days of receipt of the notice of resolution and shall state the reasons that the resolution is not appropriate. The Board of Education may decline to review the appeal or may review the matter with or without a hearing. The parent/guardian shall be promptly notified in writing of the Board's action.

The Superintendent shall forward to the Board of Education for consideration and disposition any appeal received pursuant to this policy within 60 days of receipt of the appeal, but no later than the 2nd regularly scheduled Board of Education meeting following receipt of the appeal.

If in the discretion of the Board of Education, more time is needed to consider the issues raised in the appeal, the Superintendent shall notify in writing the parent/guardian of such fact and the new date the appeal will be considered.

Student Complaints of Discrimination

Complaint Process for Student Complaints of Sexual Harassment

Employee-to-Student Complaints

The principal shall appoint a complaint manager of each gender within the school. Students shall be notified at the beginning of each school year of the names of the complaint managers. Students shall have access to a complaint manager of the same sex during the school day or at other times as arranged by appointment. Students may report an allegation of sexual harassment to any teacher or other adult employed in the school who shall refer the allegation to a complaint manager. The complaint manager shall immediately notify the building principal of such a report.

Any complaint alleging inappropriate conduct by an employee of the district shall be immediately referred to a district hearing officer and processed as provided herein under Administrative Level Process.

The district hearing officers shall be the Associate Superintendent-Human Resources and an Associate Superintendent-Curriculum/Instruction.

Student-to-Student Complaints

Building Level Process

The principal shall appoint a complaint manager of each gender within the school. Students shall be notified at the beginning of each school year of the names of the complaint managers. Students shall have access to a complaint manager of the same sex during the school day or at other times as arranged by appointment. Students may report an allegation of sexual harassment to any teacher or other adult employed in the school who shall refer the allegation to a complaint manager. The complaint manager shall immediately notify the building principal of such a report.

Student Complaints of Discrimination

Complaint Process for Student Complaints of Sexual Harassment

Complaints shall be investigated by the building complaint manager. Within two (2) school days, the complaint manager will conduct an informal investigation to determine if there is sufficient information to substantiate a charge of sexual harassment. Complainant's parent/guardian will be notified that an allegation has been filed.

After investigation by the complaint manager and in consultation with the principal, complaints may be dealt with as a discipline matter under applicable sections of the student discipline policy. If in the opinion of the complaint manager in consultation with the principal, actions are appropriate which extend beyond those outlined in the student discipline policy, the complaint may be forwarded to the district hearing officer.

At the conclusion of each building level investigation, the complaint manager shall notify in writing the building principal and the district hearing officer of the nature of the complaint, any findings of fact, and any action taken.

The building complaint manager shall complete the investigation within ten (10) school days from receipt of the initial complaint. If the investigation cannot be completed within ten (10) school days, the building complaint manager shall inform in writing the district hearing officer of the reasons the investigation cannot be concluded. For each successive five-day period that the complaint remains open, the building complaint manager shall inform the district hearing officer of the reasons the investigation cannot be concluded.

Confidentiality of both the complainant and the accused will be respected consistent with the school's obligation to investigate the allegation.

Student Complaints of Discrimination

Complaint Process for Student Complaints of Sexual Harassment

Administrative Level Process

The district hearing officers shall be the Associate Superintendent-Human Resources and an Associate Superintendent-Curriculum/Instruction.

Within two (2) days of receiving the referral from the building complaint manager, or upon receipt of an initial complaint involving an allegation of employee-student harassment, the district hearing officer shall notify the complainant's parent/guardian and the Superintendent. The parent/guardian shall be given notice of the right to attend an interview of the student in a non-intimidating environment in order to elicit full disclosure of the allegations. This interview will take place within five (5) school days from the receipt of the referral from the building complaint manager. If no parent/guardian attends the interview, another adult, mutually agreed upon by the student or parent/guardian and the district hearing officer shall attend and may serve as the student's advocate.

The district hearing officer shall impress upon all persons present the confidential nature of the complaint process.

Following the interview, the student will be asked to sign a written statement describing the alleged sexual harassment. The parent/guardian or student advocate will be asked to initial the statement. The student may request a copy of the statement.

The district hearing officer will keep the complainant and the parent/guardian informed about the progress of the investigation. Absent extraordinary circumstances, the district hearing officer shall complete the investigation within 15 school days of receipt of the complaint by the district hearing officer. The parent/guardian shall be updated at least every 15 school days of the status of the investigation.

Student Complaints of Discrimination

Complaint Process for Student Complaints of Sexual Harassment

If the district hearing officer finds a substantiated charge of harassment by another student or employee, the results of the investigation shall be sent to the appropriate administrator (building level administrator or Superintendent) for consideration of appropriate disciplinary action.

If the district hearing officer concludes that sexual harassment is not substantiated, but the accused student's behavior was inappropriate, the accused student will be referred back to the building level administrator for appropriate remedial action.

The district hearing officer shall fully document the investigation of every complaint of sexual harassment, even if inconclusive. Such documentation will include a summary of the allegations, a description of the investigation and any recommendations made by the hearing officer. The hearing officer shall maintain this documentation in a district file.

No reprisals or retaliation by students or employees resulting from good-faith reporting of a complaint will be tolerated.

The parent/guardian shall be notified within 5 business days of the conclusion of the investigation that the complaint has been resolved. To the extent possible within the limitations of the Federal Education Right to Privacy Act, 20 U.S.C. 1232 et seq., the parent/guardian shall be notified of the resolution of the complaint.

If the parent/guardian is not satisfied with the resolution of the complaint, the parent/guardian may appeal to the Superintendent. The appeal shall be made in writing to the Superintendent within twenty (20) days of receipt of the notice of resolution and shall state the reasons that the resolution is not appropriate. The Superintendent shall review the file maintained by the district hearing officer and shall report her findings to the district hearing officer and the parent/guardian within ten (10) school days of receipt of the appeal, unless for good cause the time period should be extended.

Student Complaints of Discrimination

Complaint Process for Student Complaints of Sexual Harassment

Board of Education Level Process

If the parent/guardian is not satisfied with the resolution of the complaint after review by the Superintendent, the parent/guardian may appeal to the Board of Education. The appeal shall be made in writing to the Secretary of the Board of Education within twenty (20) days of receipt of the notice of resolution and shall state the reasons that the resolution is not appropriate. The Board of Education may decline to review the appeal or may review the matter with or without a hearing. The parent/guardian shall be promptly notified in writing of the Board's action.

The Superintendent shall immediately forward to the Board of Education for consideration and disposition any appeal received pursuant to this policy. Within 60 days of receipt of the appeal, but no later than the 2nd regularly scheduled Board of Education meeting following receipt of the appeal, the Board of Education shall render its decision regarding the appeal.

If in the discretion of the Board of Education, more time is needed to consider the issues raised in the appeal, the Superintendent shall notify in writing the parent/guardian of such fact and the new date the appeal will be considered.

Nondiscrimination Policy Compliance

To ensure compliance with the District's policy of nondiscrimination on the bases of gender, age, race, religion, color, national origin or disability, the Superintendent shall designate a member of the administrative staff who shall:

Coordinate efforts of the District to comply with this policy;

Develop and ensure the maintenance of a filing system to keep all records required under this policy;

Ensure the proper administration of the complaint procedures established in this policy; and,

Provide for the publication and dissemination of this policy on an ongoing basis to students, parents, employees and prospective employees.