

**Harassment/Discrimination Investigation and Appeals**

**(FOR INTERNAL ADMINISTRATIVE TRACKING PURPOSES ONLY)**

|                           |                   |                          |
|---------------------------|-------------------|--------------------------|
| STUDENT COMPLAINANT _____ |                   |                          |
| <i>Last Name</i>          | <i>First Name</i> | <i>Middle Initial</i>    |
| STUDENT'S SCHOOL _____    | GRADE _____       | HOMEROOM/CLASSROOM _____ |

The Superintendent shall appoint an investigator who is not an alleged party in the complaint to investigate allegations of harassment/discrimination. The investigator shall be trained in this area, and her/his duties shall be assigned by the Superintendent/designee or, for contractors, set out in a contract, as appropriate. If the Superintendent is the alleged party, the Board shall designate an outside investigator and, after presentation of the final investigative report, determine when and how it is to be released. All instances involving suspected child abuse or criminal conduct shall be reported as required by law.

**ALLEGED HARASSER/DISCRIMINATING PARTY:** \_\_\_\_\_

Investigator: \_\_\_\_\_ Date Complaint Form is Received: \_\_\_\_\_

**INFORMAL PROCEDURE**

If both parties agree, prior to a formal grievance process an administrator may facilitate a conversation between the complainant and the party alleged to have harassed or discriminated against the complainant. Both the complainant and the accused party may be accompanied by a person of their choice. If both parties feel that a resolution has been achieved, no further action need be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the Principal, along with a signed agreement, if one is reached. If any of the interested parties choose not to utilize the informal procedure, or feel that it has been unsuccessful, s/he may opt to proceed to the formal grievance procedure. However, any complaints directed at District employees or alleging criminal acts must be formally investigated and/or reported to state authorities as required by law.

Was this complaint resolved informally, as indicated by an agreement signed by both parties?

Yes     No    Date: \_\_\_\_\_ Facilitator \_\_\_\_\_

**FORMAL PROCEDURE**

Students should make their complaint to their Principal or other designated administrator, who shall immediately, without screening or beginning an investigation, inform the Superintendent of receipt of the complaint. Otherwise, the complaint can be filed directly with the Superintendent or, in cases involving sexual harassment/discrimination, with the Title IX/Equity Coordinator. Employees who have knowledge of alleged or observed student harassment/discrimination shall immediately notify the alleged victim's Principal.

The Superintendent shall designate an individual to investigate the complaint. If necessary, the investigator will seek assistance from District administrators. In some instances it may be necessary to involve legal counsel, when authorized by the Superintendent, or by the Board if the Superintendent is the subject of the complaint.

**TIMELINE**

The investigator shall provide the complainant and the accused with a copy of the District's Policy 09.42811 and Notice to Individuals Complaining of Harassment/Discrimination and inform the complainant and the accused of required timelines that have been established for initiation and completion of an investigation.

**Harassment/Discrimination Investigation and Appeals**

**CORRECTIVE ACTION**

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

**USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.**

Board policy allows for appeal of the investigator’s decision and the opportunity to address the complaint to a higher level of authority. An appeal must be made within ten (10) school days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority?  Yes  No

If yes, to whom will the complaint be referred? \_\_\_\_\_ Date: \_\_\_\_\_

**FIRST APPEAL LEVEL**

|                           |                  |                          |                       |
|---------------------------|------------------|--------------------------|-----------------------|
| STUDENT COMPLAINANT _____ |                  |                          |                       |
|                           | <i>Last Name</i> | <i>First Name</i>        | <i>Middle Initial</i> |
| STUDENT’S SCHOOL _____    | GRADE _____      | HOMEROOM/CLASSROOM _____ |                       |

**ALLEGED HARASSER/DISCRIMINATING PARTY:** \_\_\_\_\_

Superintendent/designee who will consider appeal: \_\_\_\_\_

Date appeal and related data received by Superintendent/designee: \_\_\_\_\_

In some instances it may be necessary to involve legal counsel at the appeal level, when authorized by the Superintendent or by the Board if the Superintendent is the subject of the complaint.

**CORRECTIVE ACTION**

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

**USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF THE STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.**

Board policy allows for appeal of the decision made at this level and the opportunity to address the complaint to the Board of Education. An appeal must be made within ten (10) school days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority?  Yes  No

If yes, to whom will the complaint be referred? \_\_\_\_\_ Date: \_\_\_\_\_

**Harassment/Discrimination Investigation and Appeals**

**SECOND APPEAL LEVEL**

|                           |                   |                          |
|---------------------------|-------------------|--------------------------|
| STUDENT COMPLAINANT _____ |                   |                          |
| <i>Last Name</i>          | <i>First Name</i> | <i>Middle Initial</i>    |
| STUDENT'S SCHOOL _____    | GRADE _____       | HOMEROOM/CLASSROOM _____ |

**ALLEGED HARASSER/DISCRIMINATING PARTY:** \_\_\_\_\_

Board Chairperson: \_\_\_\_\_

Date appeal and related data received by the Chairperson on behalf of the Board: \_\_\_\_\_

**CORRECTIVE ACTION**

If corrective action is needed, the investigator shall recommend to the Superintendent/designee the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

**USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.**

**GUIDELINES**

1. The Board shall not hear grievances concerning personnel actions taken by the Superintendent/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. In some instances it may be necessary to involve legal counsel, when authorized by the Board.
3. The Superintendent/designee shall implement corrective action as determined by the Superintendent or by the Board, as appropriate under law, after appeal rights have been exhausted. If the Superintendent is subject to corrective action, the Board shall implement the action.
4. The District is prohibited from disclosing personally identifiable information contained in student discipline records under the Federal Educational Rights and Privacy Act and corresponding state law.
5. Employee evaluation and private reprimand information generally confidential and may require consent of the employee prior to release.

**RELATED POLICIES:**

09.2211; 09.227

**RELATED PROCEDURES:**

09.227 AP.1, 09.42811 (all procedures)

Review/Revised:7/13/2015