

CIVIL RIGHTS POLICY

The District complies with the Civil Rights Laws (Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) in assuring the students, parents, and employees of the District that the District does not discriminate on the basis of race, color, sex, national origin, disability, religion, or age. The Superintendent is designated by the Board to coordinate the District's efforts to comply with this assurance.

I. Definitions: The following definitions apply for purposes of this policy:

- A. **Compliance Officer:** An employee designated by the Superintendent to coordinate compliance efforts with the Americans with Disabilities Act, Title VI., Title VII, Title IX, and Section 504 and to investigate complaints.
- B. **Complaint:** A written complaint alleging that a policy, procedure, or practice of the District discriminates on the basis of race, color, national origin, sex, religion, age, or disability.
- C. **Day:** Day means a working day; the calculation of days in processing a complaint shall exclude Saturdays, Sundays, and holidays.
- D. **Discrimination** includes harassment such as physical or verbal conduct which is based on a person's race, color, national origin, sex, religion, age, or disability. Discrimination also includes creating a hostile environment which substantially interferes with the Complainant's work or education.
- E. **Complainant:** A student or an employee of the District who submits a complaint alleging discrimination on the basis of race, color, national origin, sex, religion, age, or disability.
- F. **Respondent:** The person alleged to be responsible for the violation alleged in the complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

II. Pre-filing Procedures: Prior to the filing of a written complaint, the Complainant is encouraged to visit with a Compliance Officer and to make a reasonable effort to informally resolve the problem or complaint.

II. Filing Complaint and Investigation:

- A. If the Complainant desires to proceed with a Complaint, then, the Complainant shall submit a Complaint to a Compliance Officer immediately but no later than fifteen (15) days after the alleged violation. The requirement for timely submission will allow the District to properly investigate and to adequately address the issues raised. Students shall submit complaints to one of the Student Compliance Officers; employees should submit complaints to the Human Resources Director who shall serve as the Compliance Officer for employee complaints under this policy. In either case, the Compliance Officers and the Human Resources Director shall provide the Superintendent with a copy of the Complaint. The Complaint shall state the Complainant's name, the nature of the alleged violation, the date of the alleged violation, the names of persons responsible, and the requested action.
- B. Within ten (10) days of receiving the Complaint, the Compliance Officer shall notify the Respondent of the Complaint and shall provide a copy of the Complaint to the Superintendent.
- C. Within ten (10) days of notification, the Respondent shall submit to the Compliance Officer an answer which shall confirm or deny the facts upon which the allegation is based, indicate acceptance or rejection of the Complainant's requested action, and/or outline alternatives.
- D. Within ten (10) days of receiving the Respondent's answer, the Compliance Officer shall schedule a hearing with the Complainant and the Respondent. In determining whether a violation has occurred and whether there has been discrimination, the Compliance Officer shall consider a) the surrounding circumstances, b) the nature of the behavior, c) past incidents or continuing patterns of behavior involving either the Complainant or the Respondent, d) the relationship between the parties, e) how often the complained-of conduct occurred, f) the ages of the parties, and g) the context in which the alleged violation occurred. The Compliance Officer shall determine on a case-by-case basis considering all of the facts and circumstances presented whether a violation of a person's civil rights has occurred.
- E. Within ten (10) days of the hearing, the Compliance Officer shall render a written decision and shall provide a copy of the written decision to both the Complainant and the Respondent.
- F. Within ten (10) days of receipt of the Compliance Officer's decision, if either the Complainant or the Respondent is not satisfied with the decision of the Compliance Officer, either may submit a written request to the Compliance Officer for a hearing before the Board.

- G. Within ten (10) days of receiving a request for a hearing before the Board, the Compliance Officer shall notify the Board and the Superintendent of the request for a hearing and shall schedule a hearing to be conducted by the Board. Such hearing shall be conducted within thirty (30) days of the date on which the Compliance Officer receives notification of the request for a Board hearing. A hearing before the Board shall generally consist of a review of the written record and any tape recording of the hearing conducted by the Compliance Officer, unless the Board requests additional information of the parties.
- H. The Board shall render its decision on the Complaint at the Board meeting where the hearing is held. The Board may affirm, reverse, or modify the decision of the Compliance Officer. The decision of the Board shall be final and shall be reflected in the minutes of the Board meeting. If the Complainant is not present at the Board meeting, the Compliance Officer shall notify the Complainant in writing of the Board's decision.
- I. All employees and students shall cooperate with any investigation of a violation of this policy.

IV. Extension of Time: Any time limits established by this policy and these procedures may be extended by mutual consent of the parties involved. However, the total number of days from the date that a Complaint is filed until the complaint is resolved shall not exceed one hundred eighty (180) days.

V. Confidentiality of Records: All records, complaints, notes, documents, and statements made during or relating to allegations of discrimination shall be maintained on a confidential basis by the Compliance Officer to the extent possible. Disclosure of the Complaint and facts surrounding the Complaint shall be limited to those persons with a need to know, including but not limited to, the Superintendent, appropriate supervisory personnel, the Respondent, and other persons to the extent necessary to fully investigate the Complaint. If a Complainant wishes to remain anonymous, the Complainant shall be informed that such confidentiality may significantly limit the District's ability to fully investigate and respond to the Complaint. No information concerning any Complaint shall be documented in an employee's personnel file. However, in the event official proceedings relating to such allegations are initiated by a party or the District, such records may become public in accordance with law. Information pertaining to Complaints shall be maintained for three (3) years after resolution of the Complaint or after completion of the investigation of a Complaint.

VI. Discipline: The Compliance Officer may recommend to the appropriate supervisory personnel that students or employees who are found to have engaged in discrimination in violation of the District's policies prohibiting discrimination be disciplined. An employee may be subject to disciplinary action up to and including termination or non-reemployment. A student may be subject to disciplinary action up to and including suspension or expulsion.

VII. Retaliation: No person shall take any retaliatory action against a Complainant or any person who participated in the investigation of alleged discrimination. Employees or students who engage in prohibited retaliation may be disciplined as set forth above.

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