

SOUTH SUMMIT SCHOOL DISTRICT POLICY MANUAL

Article: 3000

Policy: 3019

District Organization

Discrimination and Harassment

I. POLICY STATEMENT

The South Summit School District is committed to providing a working and educational environment free from unlawful discrimination, harassment, and/or retaliation. Accordingly, no otherwise qualified person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to unlawful discrimination in any District program or activity on the basis of age, color, disability, gender, gender identity, national origin, pregnancy, race, religion, sexual orientation, or veteran status.

II. AUTHORITY AND DESIGNATION OF DISTRICT OFFICIALS

Federal statutes both mandate and provide authority to the District to prohibit discrimination, harassment, and retaliation in its programs, activities, or employment practices on the basis of race, color, age, religion, national origin, gender, sexual orientation or any other classification protected by law. All student civil rights issues may be directed to the Director of Human Resources at (435) 783-4301. District officials are designated to administer, enforce, or provide information and answer questions regarding this policy and the legal protections against discrimination or harassment. Some examples are identified below, but not limited to:

- A. Discrimination/Harassment on the basis of Disability:
 - 1. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and its implementing regulations (34 C.F.R. Part 104).
 - 2. Title II of the Americans with Disabilities Act (42 U.S.C. §§ 12131 - 12134) and its implementing regulations (28 C.F.R. Part 35).
- B. Discrimination/Harassment on the basis of Gender: Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) and its implementing regulations (34 C.F.R. Part 106).
- C. Discrimination/Harassment on the basis of Race, Color, or National Origin: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d)) and its implementing regulations (34 C.F.R. Part 100).
- D. Discrimination/Harassment on the basis of Age: The Age Discrimination Act of 1975 (29 U.S.C. § 631) and its implementing regulations (34 C.F.R. Part 110).
- E. Employment Discrimination/Harassment: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000(e)).

III. DEFINITIONS

- A. “Complainant” refers to the individual(s) making the allegation.
- B. “Designated District Official” refers to the person responsible at the District level for resolving complaints involving this policy and relevant laws or regulations.
- C. “Discrimination” refers to conduct which adversely affects another’s environment or results in disparate treatment or impact, which is substantially based upon immutable

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characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

- D. "Harassment" refers to unwelcome conduct targeted at an individual or group of individuals, that is derisive, demeaning, or disparaging in nature and is based in whole or in part on the individual's age, race, color, sex, pregnancy, religion, national origin, marital status, disability, sexual orientation, or gender identity, or because an individual conforms or fails to conform with a real or perceived stereotype.
- E. "Interim Supportive Measures" refers to services, adjustments, or other assistance temporarily put in place to protect any party during the investigation process, including appeals.
- F. "Investigation Team" refers to a team consisting of the Designated District Official and appropriate district administrator.
- G. "Respondent" refers to individual(s) against whom the allegation is made.
- H. "Retaliation" refers to any form of intimidation, reprisal, or harassment of individuals associated, in any way, with the filing of a complaint or its subsequent investigation.
- I. "Witness" refers to the individual(s) with direct knowledge of or information about the allegations.

IV. EXTERNAL REPORTING

- A. Complaints by parents, guardians, and patrons who believe they have been subject to discrimination or harassment may report a complaint. Officials at the lowest possible level will work collaboratively with the complainant to understand what occurred and respond appropriately.
- B. At any time, a more formal complaint may be submitted to a Designated District Official using the Discrimination/Harassment Report Form
- C. Nothing in this policy shall prohibit a person from filing an education discrimination or harassment claim with the Office for Civil Rights, Region VIII, US Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, CO 80204.

V. INTERNAL REPORTING

A. Reporting a Complaint

- 1. Any employee or student who believes that he or she has been discriminated against or harassed may personally, or through a representative, report a complaint. An initial complaint can be made orally or in writing.
- 2. The following reporting options are available:
 - a. The building principal is the person responsible for receiving complaints of discrimination or harassment at the school level. The building principal will work with their district administrator.
 - b. If the complaint involves the principal, or the complainant is otherwise unwilling to notify the principal, the complaint may be reported directly to the Designated District Official. The Designated District Official will work with the appropriate district administrator.

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- c. If the complaint involves the Designated District Official or district administrator, the complaint shall be reported to the Superintendent.
- B. Formal Complaint Information
 - 1. Complaints reported to a Designated District Official shall be in writing. A complainant may request assistance in the preparation or reporting of a complaint in providing the following information:
 - 2. A description of the events in question and the dates of the occurrence.
 - 3. The name(s) of the individual(s) involved, including person(s) responsible and witnesses.
 - 4. Relevant background information.
 - 5. The complaint may also include a statement of requested relief or corrective action.
- C. Time Limits
 - 1. A complaint must be reported within 180 calendar days of the occurrence of the alleged discriminatory or harassing action. The Designated District Official, upon a finding that the circumstances of a complaint warrant an extension, may extend this time limit or other time limitations of this policy.

VI. INVESTIGATION AND REMEDIATION

- A. Upon receiving a formal complaint, an investigation team will review the complaint, implement any appropriate interim supportive measures (such as counseling, schedule modifications, increased supervision, etc.), warn all parties against retaliation, and initiate an investigation into the alleged violation of district policy.
 - 1. The investigation team will practice objectivity and proceed with the presumption of innocence. Any finding of responsibility can only come at the end of the investigation process.
- B. Notification of Respondent
 - 1. A member of the investigation team shall promptly notify the respondent in writing of the complaint. The notice shall include a copy of this policy and advise the respondent of the opportunity to submit an answer to the complaint.
- C. The respondent may provide a written answer within ten (10) working days and may include:
 - 1. affirmation or denial of each allegation in the complaint
 - 2. an indication as to the extent to which the complaint has merit
 - 3. an acceptance or rejection of relief or action requested in the complaint if any, and
 - 4. other relevant information

VII. INVESTIGATION FINDINGS, CONCLUSIONS, AND RESPONSE

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- A. An investigation shall be completed as quickly as practicable, but within thirty (30) working days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.
- B. After gathering relevant information, the investigation team shall weigh and analyze the information using the “preponderance of evidence” standard to draw conclusions about whether, and to what extent, the alleged conduct occurred.
- C. Within ten (10) working days of the conclusion of the investigation, the Investigation Team shall provide all parties with a written disposition of the complaint.
 - 1. The disposition will explain the position of the District and offer options for substantive resolutions of the complaint.

VIII. GENERAL PROVISIONS

- A. Right to Assistance
 - 1. Both the complainant and the respondent have the right to be assisted by knowledgeable persons, organizations, or groups of their selection at their own expense, at any point during the initiation, reporting, or investigation of the complaint.
- B. Confidentiality
 - 1. The District will strive to respect the confidentiality of the complainant and respondent, consistent with the district's legal obligations and the necessity to take appropriate action
- C. Prohibition of Retaliation
 - 1. Good faith submission of complaints will not adversely affect the complainant's future employment, grades, or work assignments. The district will discipline any individual who retaliates against any person who reports a complaint or who testifies, assists, or participates in a proceeding or hearing relating to a complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.
- D. False Claim
 - 1. Malicious or frivolous complaints may subject a complainant to discipline or legal action.
- E. Notice
 - 1. A summary of this policy and a reference to the full policy shall be delivered to each patron of the District annually and shall appear on the District website, school websites, and in other conspicuous locations. It shall also be posted in the front office of each district building and in the Human Resources Department.

IX. APPEAL PROCESS

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- A. Complainants or respondents that are unsatisfied with the determination of the investigation findings, may make a written appeal of the decision to the Superintendent within ten (10) workdays of receiving the decision. The request should include a rationale for the appeal.
- B. Within ten (10) work days of receiving the appeal, the Superintendent, or Superintendent's designee, shall review the case and render a decision that serves as the final administrative action.

X. TRAINING

- A. All new employees shall receive information about the procedures and the corresponding policy at contract signing.
- B. Site administrators shall be responsible for posting a summary of complaint procedures in their facility and for training all staff annually on this Discrimination and Harassment Policy.
- C. Administrators who have specific responsibilities for investigating and resolving complaints of discrimination and harassment shall receive training on a regular basis on this policy.