

Discrimination/Harassment Complaint Procedure

Regulation: ACA-R
Adopted: October 13, 2020

Any employee, student and/or the parents/guardian of any student or employee who believe they have been subject to discrimination or harassment on the basis of race, color, national original, sex, sexual orientation, gender identity, transgender status, age, disability, and religion which in any way adversely affects their employment, access to, participation in, ability to benefit from, admissions, membership, or otherwise results in inequality in any school-sponsored organizations, clubs, facilities, activities, or programs, is encouraged to utilize the due process procedure set forth below as a mechanism to resolve his/her complaint.

Complaints of sexual harassment/discrimination pursuant to Title IX will be covered by Policy ACA.

CIVIL RIGHTS COMPLIANCE OFFICER: Fremont County School District No. 25 designates Dallas Myers, whose address is 121 North 5th West, Riverton, WY 82501, phone 307-856-5250, as the District's Civil Rights Compliance Officer for all civil rights issues, inclusive of disability not covered by the Section 504 Due Process Procedures. The Civil Rights Compliance Officer shall have responsibility to coordinate efforts to comply with and carry out responsibilities under Title II, Title VII, and all other civil rights and discrimination laws, both state and federal. The Compliance Officer shall have responsibility to investigate any complaint communicated to the Compliance Officer alleging noncompliance or alleging any actions that would be prohibited by Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, all civil rights laws, including both state and federal laws, in any way governing discrimination and/or harassment based upon a protected class. The District may designate a different person to carry out the duties of the 504 Compliance Officer.

ALTERNATIVE LEGAL REMEDIES: Nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts.

SECTION 504:

With regard to any complaint involving identification, evaluation, or placement involving Section 504, you are entitled to receive notice of your student and parental rights regarding Section 504. The hearing procedures below shall be used for complaints related to identification, evaluation and/or placement under Section 504. Any person wishing to file a complaint regarding 504 Due Process is directed to contact Karly Ward, Section 504 Coordinator, 121 North 5th West Riverton, WY 82501.

RECORDS:

With regard to any claim involving harassment or discrimination, you shall also be given the opportunity to examine all relevant records. Documents submitted or utilized in the grievance procedure shall be retained for not less than three (3) years.

NONRETALIATION:

No retaliation (reprisal) of any kind shall be taken against any person participating in this grievance procedure either as a complainant, respondent or witness.

PROCEDURES:

1. It is often possible to resolve complaints informally at the level at which the alleged discrimination occurred. Therefore, before a formal complaint is filed, the following informal procedure should be followed.
2. If a student feels he/she has been discriminated against or harassed or otherwise has a grievance pertaining to any state or federal nondiscrimination laws, the student and/or student's parents/guardian are encouraged to attempt to discuss the matter with the student's teacher in an effort to resolve the problem as expeditiously as possible. In some cases, discussing the complaint with the teacher who is alleged to have engaged in such conduct may not be appropriate. In such cases, the student and/or the student's parents may discuss their complaint with the principal as described below.
3. If after discussion with the teacher, the student or student's parents/guardian are not satisfied with the disposition of the matter, he/she shall have the right to present the matter and discuss it with the principal.
4. Similarly, if any other employee of the District feels that he/she has been discriminated against or harassed, the employee is similarly encouraged to present the matter to the principal and discuss it with the principal or, if an administrator other than the principal is his/her supervisor, then with the appropriate administrator. The administrator shall, within ten (10) school days, investigate the matter and provide a written decision regarding the complaint, and if the complaint is determined to be valid, a proposed resolution to the complaint.
5. If the aggrieved student or employee is not satisfied with the disposition of his/her grievance by the principal or if no decision has been rendered within ten (10) school days after presentation of the grievance in writing, he/she may file a written complaint with the Compliance Officer for Fremont County School District No. 25. If requested, an alternative form of the complaint other than in writing may be accepted. At that stage the complainant will proceed forward with the Compliance Officer conducting an impartial investigation and informal hearing. If the Compliance Officer is alleged to not be impartial, the hearing shall be before the Superintendent of Schools; and if the complainant asserts that neither is impartial, then the Superintendent shall appoint another person to act as the impartial hearing officer.

Hearing Process:

The hearing process will allow the complainant to submit to the hearing officer all documents and information supporting the complainant's position and also provide the hearing officer with the names of all witnesses that would support the complainant's position. A copy of all information provided to the hearing officer will also be provided to the party alleged to have engaged in the harassment or discrimination. The hearing officer shall, within fifteen (15) school

days after receipt of the complaint, interview the complainant, the charged party, and any witnesses that either party believes have relevant information to the complaint or the defense thereof, as well as any other persons the hearing officer deems appropriate to interview. The hearing officer will give both the charging party and the responding party an opportunity to present their positions in the presence of each other and with the assistance of a representative, including legal counsel, as they deem appropriate. The oral presentation of the grievance shall occur not sooner than fifteen (15) school days or later than thirty (30) school days after the original complaint is filed. A formal written decision of the hearing officer will be provided to both parties together with a directive for resolving the matter if the complaint has been substantiated. The proposed resolution may include any disciplinary procedure against the student, up to and including expulsion, and may include any disciplinary procedure against a staff member, up to and including termination.

CONFIDENTIALITY:

- a) The District wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The District recognizes that individuals may be concerned about the confidentiality of information they share, and will strive to preserve confidentiality to the fullest extent possible.
- b) Discussions for the purpose of obtaining general information or advice from responsible administrators, managers or supervisors (such as the Superintendent or Personnel Manager or Legal Counsel) at the District may remain confidential. No action will be taken when individuals wish only to make an inquiry, so long as they do not disclose any identifying information about themselves or the person accused (e.g., names, department, position).
- c) However, the anonymity described cannot always be maintained if the individual wishes to have the District take some corrective or disciplinary action in a particular case. Moreover, the District may be legally obligated to take action once the personnel office is informed that discrimination, harassment or retaliation has occurred or may be occurring. Confidentiality cannot be guaranteed in such a case.

Limitations:

Any student, parent or employee who believes the student or employee has been discriminated against or harassed based upon their protected classification, must initiate the complaint procedure at least at the principal level within sixty (60) calendar days after the student or employee knew or should have known of the act or condition on which the complaint is based, the complaint shall be considered as having been waived if the hearing process has not been initiated. In the case of a continuing discrimination or harassment, the complaint must be filed within sixty (60) calendar days of the last incident of harassment or discrimination.

Agency Contacts:

Persons with complaints involving harassment and/or discrimination may also contact the Wyoming Department of Education, Office for Civil Rights Coordinator, 2nd Floor, Hathaway Building, Cheyenne, WY 82002-0050 or 307-777-6198 or the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Blvd., Denver, CO

80204-3582 or 303-844-3417 or the Wyoming Department of Employment at 1510 E. Pershing Blvd., Room 150, Cheyenne, WY 82002, 307-777-7261.