

## SECTION 1

### FOUNDATIONS AND BASIC COMMITMENTS

1.01	District Legal Status	1
1.02	Mission Statement	1
1.03	Nondiscrimination	2
1.04	Americans with Disabilities Grievance	3
1.05	Sexual Harassment	5

#### 1.01 DISTRICT LEGAL STATUS

The Oglala Lakota County School District 65-1 (hereinafter OLCSD) is organized and operates under South Dakota law, including but not limited to Title 13 of the South Dakota Codified Law, the Constitution of the United States, the South Dakota Constitution, and such other federal and state applicable statutes. It is a legal entity created under the authority of SDCL 13-5-1. While interacting closely with the Oglala Sioux Tribe the District is not a tribal controlled entity for the purposes of federal and state law. The Board exercises all authority granted in SDCL Chapter 13 as well as state rules and regulations applicable to the District except as delegated or limited herein. The Board is guided by South Dakota Law, including case law, as well as opinions of the South Dakota Attorney General. Any conflicts between these policies and South Dakota law shall be decided in accordance with the laws of the State of South Dakota.

#### 1.02 MISSION STATEMENT

##### **Oglala Lakota County School District Mission Statement**

To strengthen the Lakota identity and values of students and to assure their overall well-being and academic success.

##### **VISION STATEMENT**

- All OLCSD stakeholders support the students' Lakota identity and values to assure their overall well-being and academic success by embracing the Lakota cultural practices and beliefs.
- All children, staff, and community are filled with confidence and respect for self and others based on Lakota values.

- Collaborative planning and teaming among staff, parents, community and students exists throughout the District.
- Students perceive school as a nurturing environment with a student-centered curriculum.
- Students are highly motivated, actively learning, and are consistently attending school.
- Students, family, school personnel, and community have mutual respect and regard for all.
- The schools are safe, clean, drug and alcohol-free environments.

### 1.03 NONDISCRIMINATION

The Board is committed to a policy of nondiscrimination in relation to race, creed, color, sex, religion, age, national origin, ethnic background, pregnancy, citizenship, mental or physical handicap, sexual orientation, gender identity, or status as a veteran. Respect for the dignity and worth of each individual will be paramount in the establishment of all policies by the Board and in the administration of those policies. The Constitutions of our nation and state, pertinent legislation enacted at those two levels of government, as well as court interpretations regarding citizens' rights, undergird this statement. All OLCSD employees and/or school board members are restricted from making any types of remarks that can be construed as discriminatory.

In keeping with these statements, the following will be objectives of this District:

- To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
- To encourage positive experiences in human values for children and adults who have differing ethnic groups.
- To carefully consider, in all decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
- To initiate a process of reviewing all policies and practices of this District in order to achieve to the greatest extent possible the objectives of this policy.
- To work toward a more integrated society and to enlist the support of individuals as well as that of groups and agencies, both private and Governmental, in such an effort.

The Board's policy on nondiscrimination will extend to students, staff, the general public and individuals with whom it does business. However, many federal grants have provisions requiring the granting of tribal preference. In

such instances, the school may follow federal law and grant provisions without violation of the school's nondiscrimination policy.

The District will assess the extent to which Indian children participate on an equal basis with non-Indian children in the education program.

**Legal References:**

20 USC §§ 1681-1688 (Equal Opportunity in Education Act)

29 USC §621 (Age Discrimination in Employment Act)

29 USC §701 (Vocational Rehabilitation)

42 USC §§ 12101 (Americans with Disabilities Act)

42 USC §§ 6101-6103 (Age discrimination)

Education for All Handicapped Children Act of 1975

Title IX, of the Education amendments of 1972 (Prohibits sex discrimination in federally-funded education programs)

Title VI, Civil rights Act of 1964 (Nondiscrimination in Federally Assisted Programs)

Title VII, Civil rights Act of 1964

#### **1.04 AMERICANS WITH DISABILITIES GRIEVANCE PROCEDURE**

General statement of policy prohibiting Section 504 and Title II discrimination.

Oglala Lakota County School District 65-1 ensures equal employment opportunity for all job applicants and employees. In compliance with the ADA, reasonable accommodations will be provided when requested, both during the application process and during employment. The District makes every effort to provide equal access to all of its facilities, programs, and benefits. If a job application or employee has difficulty with access, the problem should immediately be brought to the attention of the human resources department so a reasonable accommodation can be found.

The District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by civil rights regulations implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Section 12131. Section 504 states, in part, that "No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance ...." Title II provides "No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity."

Provisions of the ADA include prohibitions on:

Using employment tests, pre-employment questions, or other selection criteria that screen out or tend to screen out individuals or classes of individuals with disabilities.

Requiring physical examinations prior to a bona fide job offer or after the post-offer stage, except in limited circumstances, such as documenting the disabilities of workers requesting accommodation.

Administering tests in a manner that fails to accurately reflect the skills, aptitude or other factors intended to be measured.

Denying reasonable accommodation of the known physical and mental limitations of a qualified individual who is an applicant or employee, unless an undue business hardship can be demonstrated.

Limiting the duties of individuals based on their disabilities rather than qualifications and experience.

Adopting separate lines of progression for employees with disabilities based on the presumption that they would not be interested in moving into particular jobs.

Denying a job, promotion, raise, or benefits to a disabled person because of his or her disability or to a qualified able-bodied individual because he or she has a relationship with a disabled person.

Disclosing confidential disability related information, except on a need-to-know basis to select officials.

Denying employment based on generalized fears about the safety of the applicant or higher rates of absenteeism; and

Retaliating against someone who attempts to avail him or herself of the protections provided by the ADA.

The District prohibits retaliation which is defined as any action taken by an employer that might deter a reasonable employee from making or supporting a charge of discrimination. Examples of protected activity included:

Filing a discrimination complaint;

Testifying on another complainant's behalf;

Protesting an allegedly discriminatory practice; or

Participating in any way in an investigation under the ADA.

## **1.05 SEXUAL HARRASSMENT**

It is the District's policy that sexual harassment is illegal, unacceptable and shall not be tolerated; that no employee or student of the District may sexually harass another. Any employee or student will be subject to disciplinary action including possible termination or expulsion for violation of this policy. Sexual harassment can arise between employees, by an employee to a student and student to student. All forms of sexual harassment are subject to this policy.

### **DEFINITION**

Any unwelcome sexual advances, solicitation or sexual activity by promise of rewards, coercion of sexual activity by threat of punishment, verbal sexist remarks, or physical sexual assaults constitute sexual harassment. This conduct can have the effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive employment or educational environment regardless of intent.

### **EXAMPLES**

A non-exclusive list of examples of sexual conduct include:

- Sexual advances.
- Touching of a sexual nature.
- Graffiti of a sexual nature.
- Displaying or distributing sexually explicit drawings, pictures or written materials.
- Sexual gestures.
- Sexual or "dirty" jokes.
- Pressure for sexual favors.
- Touching one-self sexually or talking about one's sexual activity in front of others.
- Posting or use of social media of a sexual nature.
- Spreading rumors about or rating other staff or students as to sexual activity or performance.

Not all physical conduct would be considered sexual in nature. Some examples of non-sexual conduct are:

- A high school athletic coach hugging a student who made a goal.
- A kindergarten teacher's consoling hug for a child with a skinned knee.
- One student's demonstration of a sports move requiring contact with another student.

## **RESPONSIBILITY**

District officers, employees and students are responsible for maintaining a working and learning environment free from sexual harassment. Careful scrutiny will be undertaken of all allegations of sexual harassment. False allegations that are malicious or ill-founded may constitute libel or slander. Copies of the policy will be available at all administrative offices.

## **COMPLAINTS**

- **Employees.** Any employee who believes that he or she has been a subject of sexual harassment by a district employee or officer should report this incident immediately to his or her immediate supervisor. If the immediate supervisor is involved in the activity, the violation should be reported to the supervisor's immediate supervisor.

- **Students.** A student who believes he or she has been sexually harassed (or a parent or guardian who believes that his or her child has been harassed) should immediately report it to a responsible school official. This could be a teacher, principal, faculty member, administrator, campus security officer, affirmative action officer, staff in the office of student affairs, or the school's Title IX coordinator.

- **Investigation.** All reported incidents will be thoroughly investigated and subject to disciplinary action. While absolute confidentiality cannot be guaranteed, confidentiality consistent with due process will be strictly maintained. Criminal acts must be reported to law enforcement authorities. An employee or student may file a written complaint because of dissatisfaction with the handling of a harassment complaint and may utilize any applicable grievance procedure for the purpose.

- **False Claims.** The making or reporting of a false claim of sexual harassment shall constitute grounds for disciplinary action up to and including termination of employment.