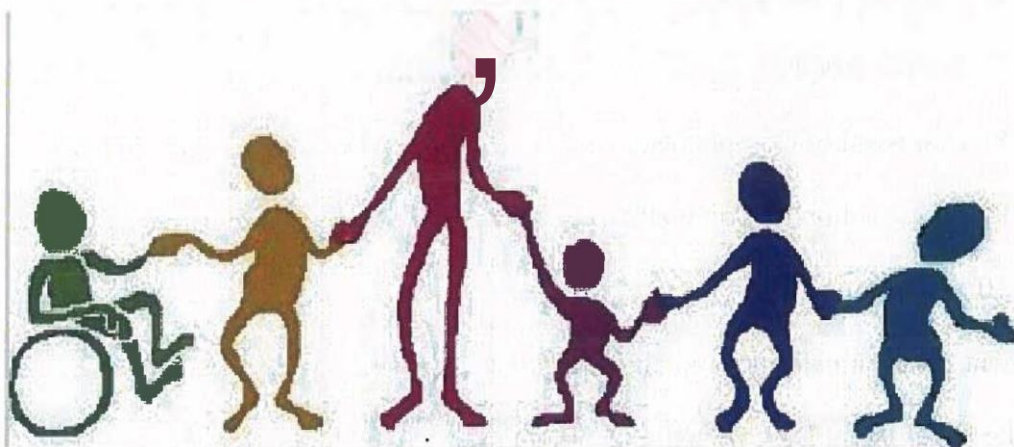


Hardin County Schools

HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE



"It's About Kids"

**Hardin County Schools
Civil Rights Compliance Officer
65 W.A. Jenkins Rd.
Elizabethtown, Kentucky 42701
270-769-8822**

HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE
(Reference: Policies 03.162, 03.262, 09.42811)

TABLE OF CONTENTS

Section 1: 3

Section 2: Scope.....3

Section 3: Definitions 3

Section 4: Representation4

Section 5: Confidentiality..... 4

Section 6: Informal Resolution..... 5

Section 7: Formal Resolution5

Section 8: Dismissal of Complaints 6

Section 9: Investigation of Complaints 6

Section 10: Appeal of Decisions 7

Harassment/Discrimination Complaint Checklist.....Form A

Employee Harassment/Discrimination Complaint..... Form B

Student Harassment/Discrimination Complaint.....Form C

Harassment/Discrimination Complaint Appeal.....Form D

Approved by Hardin County Board of Education

HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE

(Reference: Policies 03.162, 03.262, 09.42811)

Section 1:

The Hardin County School District shall provide a learning and working environment free from harassment/discrimination. The HCS District is governed by federal, state, and HCS anti-harassment/discrimination laws and acts. To that end, these procedures provide a mechanism of redress for students, parents/guardians, and employees to identify barriers to a harassment/discrimination-free learning and working environment. The following complaint procedure is provided as an avenue for the expeditious processing of complaints toward the elimination of unlawful acts of harassment/discrimination. **Counseling and "advocacy" will be offered to all impacted during the scope of the investigation, along with offering a change of class(es), change of school placement, etc.**

Section 2: Scope

These procedures shall govern all compliance proceedings for students, parents/guardians, **third party individuals**, and employees of HCS if they believe that an unlawful act of harassment/discrimination has occurred due to an individual's race, creed, color, national or ethnic origin, age, religion, sex, **sexual orientation, gender identity**, political affiliation, veteran status, or disability with regard to placement, treatment, admission, or access to learning or employment in HCS programs or activities.

Alleged retaliation, harassment, or intimidation due to an individual's filing of a complaint or participating in an investigation, proceeding, or hearing regarding a claim of harassment/discrimination shall be prohibited.

Section 3: Definitions

Allegation means an incident(s) that the Complainant believes constitutes an unlawful form of harassment/discrimination.

Agency means Hardin County Board of Education.

Complainant is the person who files a complaint based on alleged harassment/discrimination.

Complaint is an allegation of harassment/discrimination on the basis of race, creed, color, national or ethnic origin, age, religion, sex, political affiliation, veteran status, or disability, or alleged retaliation, harassment, or intimidation due to participation in an investigation, proceeding, or hearing regarding a claim of harassment/discrimination. Any student, parent, or employee may file a complaint.

Day means a work day (Monday through Friday).

Discrimination means making a distinction in treatment of people due to race, creed, color, national or ethnic origin, age, religion, sex, political affiliation, veteran status, or disability.

Employee means any person employed by the Hardin County Board of Education.

Individual with Disability means **(1)** a person who has a physical or mental impairment that substantially limits one or more major life activities, **(2)** a person with a record of physical or mental impairment that substantially limits one or more major life activities*, and **(3)** a person who is regarded as having a physical or mental impairment that substantially limits** one or more major life activities.

*Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not an exhaustive list of all major life activities. Instead, it is representative of the types of activities that are major life activities.

**Substantially limits means unable to perform or significantly restricted in performing a major life activity that the average person in the general population can perform.

Respondent means the person answering the complaint.

Religion means all aspects of religious observance, and practice, as well as belief, unless a Supervisor/Principal demonstrates that he/she is unable to reasonably accommodate an employee's or student's religious observance or practice without undue hardship on the HCS District.

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, other verbal and/or physical behaviors of a sexual nature, and the use of symbols which creates a climate that adversely affects the work environment or educational process.

Student shall mean any individual enrolled in the Hardin County Schools.

Supervisor is defined as an employee's immediate Supervisor, School Principal, Director, or Superintendent.

Section 4: Representation

- a. The Complainant, Respondent or any individual or **third party** involved under these procedures are entitled to be accompanied, represented, and advised by a representative of their choice throughout all stages of the complaint process. Nothing contained therein shall be construed to require any representative to be an attorney at law nor as requiring the HCS District to pay for such representation. **Respondents have the right to file a complaint with local law enforcement officials and are encouraged to do so by HCS.**
- b. The HCS District likewise may be so represented.

Section 5: Confidentiality

Information regarding an investigation of alleged harassment/discrimination shall be kept confidential to the extent possible. Individuals involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

Section 6: Informal Resolution

- a. Many problems can be solved by an informal meeting. Complainants are encouraged to discuss their complaints in a prompt manner. Employees with a complaint are encouraged to first discuss it with their Supervisor with the objective of resolving the matter promptly and informally. Students and parents/guardians with a complaint are encouraged to first discuss it with their Principal with the objective of resolving the matter promptly and informally.
- b. The Complainant and the Supervisor/Principal shall meet concerning the complaint with the objective of arriving at a mutually satisfactory resolution. At the conference, the Supervisor/Principal shall inform the Complainant of the Board policy on harassment/discrimination complaints. The Complainant should expect a decision at the end of the informal meeting(s), when possible, but no later than five (5) days.
- c. If the matter is not resolved informally to the satisfaction of the Complainant, then within five (5) days of the informal decision, the Complainant may file a formal written complaint and submit it to:

Bryan Lewis
Civil Rights Compliance Officer
Hardin County Schools
65 W.A. Jenkins Rd.
Elizabethtown, Kentucky 42701
(270) 769-8822

Necessary forms for filing may be obtained from any Hardin County public school, from a Supervisor/Principal, from the Civil Rights Compliance Officer by calling 270-769-8800 during normal business hours.

- d. All persons submitting complaints shall be given or mailed a copy of these procedures.

Section 7: Formal Resolution

- a. The Complainant may file a written complaint with the Civil Rights Compliance Officer. If an informal resolution has been sought, the written complaint shall be filed within five (5) days of the disposition at the informal level. A complaint must contain a signed statement from the person claiming to be aggrieved. This statement must be sufficiently precise to identify the aggrieved individual and the department or school and, where applicable, the identity of any individuals against whom the allegations are made. The statement shall describe specifically the action(s) or practice(s) that forms the basis of the complaint. The complaint must also contain a telephone number and address where the Complainant or the representative can be contacted. Formal complaints must be submitted on the appropriate Harassment/Discrimination Complaint

form (Form B-employee, Form C-student). All parties, during the course of the investigation, may present witnesses and other forms of evidence(s) germane to the investigation and shall be submitted to the Compliance Officer.

b. The Civil Rights Compliance Officer shall conduct a complete and fair investigation of the complaint in a timely manner. Once the Compliance Office receives the complaint, and investigation of allegations of harassment/discrimination will commence as soon as circumstances allow, but no later than three (3) school days of the receipt of the original complaint. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Superintendent/designee may take interim measures to protect complainants during the investigation, to include: commiserate school setting, new class schedule, "no contact" order placed on the individual(s) accused of alleged harassment/discrimination, etc. A process to identify and implement, within three (3) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. - U corrective action is not required, an explanation shall be included in the report. Should the investigation continue beyond thirty (30) calendar days, the Civil Rights Compliance Officer will notify the Complainant of the anticipated date that the investigation will be completed. Once the investigation is completed, a written notice of the investigation will be provided to all parties.

Notifications:

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

Section 8: Dismissal of Complaints

The Civil Rights Compliance Officer shall dismiss a complaint or a portion of a complaint:

1. that fails to state a claim under Section 2;
2. that fails to comply with the applicable time limits contained in Sections 6 and 7, unless the Civil Rights Compliance Officer determines that due to extenuating circumstances, the time limit should be extended;
3. that is the basis of a pending civil action in a Federal or State Court, or an action filed with the Human Rights Commission/Equal Employment Opportunity Commission in which the Complainant is a party, or that was the basis of a civil action decided by a Federal or State Court or the Human Rights Commission/Equal Employment Opportunity Commission, in which the Complainant was a party;
4. That is moot or alleges that a proposal to take an action or other preliminary step is discriminatory;

5. where the Complainant cannot be located, provided that reasonable efforts have been made to locate the Complainant and the Complainant has not responded within 15 days to a notice of proposed dismissal sent to his/her last known address; or

6. where the Civil Rights Compliance Officer has provided the Complainant with a request to provide relevant information or otherwise proceed with the complaint, and the Complainant has failed to respond to the request or the Complainant's response does not address the request.

Section 9: Investigation of Complaints

a. The following procedures apply:

1. The Complainant, department, school, or any HCS employee or students shall produce such documentary and testimonial evidence as the Civil Rights Compliance Officer deems necessary. Statements of witnesses may be required to be made under oath or affirmation.

2. A Respondent, whether identified at the time a formal complaint is filed or during the investigation, must be given an opportunity to respond to all allegations made against him/her. In this respect, the Civil Rights Compliance Officer should interview and receive information from the Respondent as often as may be necessary to ensure that the Respondent has an opportunity to respond to all the allegations.

b. The Civil Rights Compliance Officer has authority to investigate written harassment/discrimination complaints. The Superintendent may designate other investigators as warranted. If possible, the Civil Rights Compliance Officer will facilitate the resolution of the complaint at any stage in the proceedings. If the Complainant and Respondent cannot agree on resolution, the Civil Rights Compliance Officer will prepare a written report of the investigation, which will include the following:

1. A clear statement of the allegations of the complaint and remedy sought by the Complainant.

2. A statement of the facts as contended by the Respondent and any other witnesses.

3. A statement of the facts as found by the Civil Rights Compliance Officer and identification of evidence to support each fact.

4. A list of all witnesses interviewed and documents reviewed during the investigation.

5. A narrative describing any attempts to resolve the complaint.

6. A conclusionary statement as to whether the allegations in the complaint are meritorious.

7. Recommendations to rectify the situation.

Section 10: Appeal of Decisions

Appeal of the Civil Rights Compliance Officer's Decision

1. Within five (5) days after receipt of the Civil Rights Compliance Officer's written report, either the Complainant or Respondent may appeal any part of the findings and corrective actions to the Superintendent by filing a written appeal from the Civil Rights Compliance Officer's decision (see Attachment D). The appeal shall briefly state the reasons for the appeal.
2. The Superintendent shall review the previously presented information and administrative decisions and conduct any necessary meetings and investigations in order to render a fair and impartial decision.
3. The Superintendent shall issue a written decision within five (5) days after receipt of the appeal from the Civil Rights Compliance Officer's decision. The Superintendent's decision shall be final. Copies of the final decision shall be sent to all appropriate parties. All forms of discrimination/harassment will be subject to suspension, alternative school placement, or a due process hearing before the Hardin County Board of Education for expulsion. For students involved in "reoccurring" acts, the district will seek to me charges and look at Hardin County Day Treatment for educational services. Should any party retaliate in any form or fashion during or after the conclusion of the investigation, the Hardin County Board of Education will seek "Due Process" proceedings that may result in an alternative school placement or expulsion for each offender.

Form A: Harassment/Discrimination Complaint Checklist

The following checklist should be followed for the filing of a complaint alleging harassment/discrimination, using the Hardin County Schools' harassment/discrimination complaint procedure. This checklist is provided to facilitate understanding of the complaint process.

Informal Resolution (Not Mandatory -May Begin with Formal Resolution Below)

1. Discuss the complaint with Supervisor/Principal, with the purpose of resolving the issue.
2. Should the informal resolution be unsatisfactory in resolving the issue, then within five (5) days of the informal resolution process, file a formal written complaint with:
Bryan Lewis
Civil Rights Compliance Officer
Hardin County Schools
65 W.A. Jenkins Rd.
Elizabethtown, KY 42701
(270) 769-8822

Necessary forms for filing may be obtained from any Hardin County public school, from a Supervisor/Principal, or from the Civil Rights Compliance Officer.

Formal Resolution

1. Complainant should submit a formal written complaint on the Harassment/Discrimination Complaint Form (Form B-employee, Form C-student)
2. The Civil Rights Compliance Officer shall be empowered to investigate all written complaints and take all necessary action to avoid delay and maintain order in the proceedings.
3. The Civil Rights Compliance Officer may hold a conference to resolve the issue(s).
4. The Civil Rights Compliance Officer may interview witnesses as part of the fact-finding process.
5. The Civil Rights Compliance Officer may facilitate the resolution of the complaint at any stage of the proceedings.
6. The Civil Rights Compliance Officer will send a written finding to the Complainant and the Respondent.

FormB

Employee Harassment/Discrimination Complaint

This form provides the opportunity for an employee to report alleged incidents of harassment/discrimination and to secure an equitable, prompt, and appropriate resolution.

Mail or deliver this form to:
Civil Rights Compliance Officer
65 W.A. Jenkins Rd.
Elizabethtown, Kentucky 42701

To be completed by Civil Rights Compliance Officer:

Date Received: _____

Case Number : _____

Employee Information

Name: _____ Home Telephone No.: _____

Home Address: _____
(Number and Street) (City) (State) (ZIP)

Work Location: _____ Position Held: _____

Work Address: _____

Supervisor: _____ Work Telephone No.: _____

Type of Alleged Harassment/Discrimination

Please check:

Race Creed Color _National/Ethnic Origin _Age _Religion
Sex Political Affiliation - Veteran Status _Disability

Statement of Complaint (Use additional sheet(s) if necessary)

Identify the harassment/discrimination that you allege has occurred. Be complete, and use full names/titles, dates, exact location(s), and specific occurrence(s), if appropriate.

Date(s) harassment/discrimination occurred: Earliest: _____ Latest: _____

Previous steps taken to STOP the harassment/discrimination: _____

Was the Informal Resolution process used prior to filing this Complaint? _Yes _No

What results are you seeking by filing this complaint? _____

Have you filed this complaint with any other governmental agency? _Yes _No

If yes, specify: Federal Court State Court HRCIEEOC Other: _____

Signature: _____ Dme: _____

Forme

Student Harassment/Discrimination Complaint

This form provides the opportunity for a student or parent to report alleged incidents of harassment/discrimination and to secure an equitable, prompt, and appropriate resolution.

Mail or deliver this form to:
Civil Rights Compliance Officer
65 W.A. Jenkins Rd.
Elizabethtown, Kentucky 42701

To be completed by Civil Rights Compliance Officer:

Date Received: _____

Case Number: _____

Student Information

Student's I.D. No.: _____

Name: _____
(Last) (First) (Middle Initial)

Home Address: _____
(Number and Street) (City) (State) (ZIP)

Age: _____ Date of Birth: _____ Telephone No.: _____

School: _____ Grade: _____ Homeroom/Classroom: _____

Name of Parent/Guardian: _____ Daytime Telephone No.: _____

Type of Alleged Harassment/Discrimination

Please check:

Race Creed Color National/Ethnic Origin Age Religion
Sex Political Affiliation Veteran Status Disability

Statement of Complaint (Use additional sheet(s) if necessary)

Identify the harassment/discrimination that you allege has occurred. Be complete, and use full names/titles, dates, exact location(s), and specific occurrence(s), if appropriate.

Date(s) harassment/discrimination occurred: Earliest: Latest:

What results are you seeking by filing this complaint?

Have you filed this complaint with any other governmental agency? Yes No

If yes, specify: Federal Court State Court HRC/EEOC Other:

Signature:

Date:

Signature of Parent/Guardian or Student If Over 18 Years Old

Form D

Harassment/Discrimination Complaint Appeal

This form provides the opportunity to submit a written appeal to the Superintendent regarding any part of the findings and recommendations rendered as a result of the investigation conducted by the Civil Rights Compliance Officer within five working days.

Mail or deliver this form to: Civil Rights Compliance Officer 65 W.A. Jenkins Rd. Elizabethtown, Kentucky 42701

To be completed by Civil Rights Compliance Officer:

Date Received: Case Number :

Form with fields for Appeal Information, Employee, Student/Parent/Guardian, Name, Home Address, Home Telephone No., Daytime Telephone No., and Name of Student (if applicable).

