

NONDISCRIMINATION

There will be no discrimination in the district because of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. The district also provides equal access to the Boy Scouts of America and other designated youth groups. The following people have been designated to handle inquiries regarding the district's non-discrimination policies:

Section 504/Title II of the Americans with Disabilities Act Coordinator (for questions or complaints based on disability)

Special Education Director
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Title VI of the Civil Rights Act Coordinator (for questions or complaints based on race, color and national origin)

Elementary School Principal
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Title IX Coordinator (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Athletic Director
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Age Act Coordinator (for questions or complaints based on age)

High School Principal
Haskell Public Schools
P.O. Box 278

Haskell, OK 74436

Any individual, who has experienced some other form of discrimination, including discrimination not listed above, may contact:

High School Principal
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Outside Assistance may be obtained from:

U.S. Department of Education
Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

**GRIEVANCE PROCEDURE FOR
FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING
DISCRIMINATION, HARASSMENT, AND RETALIATION**

Definitions

Complaint: A written or verbal complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the district or a parent, guardian, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties..

Section 504/Title II Coordinator – (for questions or complaints based on disability)

Special Education Director
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Title VI (for questions or complaints based on race, color and national origin), Title IX (for questions or complaints based on sex, pregnancy, gender, gender expression or identity), and Age Act (for questions or complaints based on age)

Elementary School Principal
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Any individual, who has experienced some other form of discrimination, including discrimination not listed above, may contact:

High School Principal
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Respondent: The person alleged to be responsible for the alleged discrimination contained in a 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.

Day: Day means a working day when the district's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written or verbal complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, harassment, or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the district's Coordinators.

The Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the district's grievance policy.

As to complaints of discrimination by students, parents or guardians and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Grievant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the district's ability to fully respond to the complaint. If a Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

Within 5 days after completing the investigation, the applicable Coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred,

the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. At the hearing and as far as practicable, efforts should be made to prevent the Grievant and Respondent from personally questioning and cross-examining each other. Additionally, the Grievant and Respondent will be afforded similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decisionmaker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

If the Grievant or Respondent is not happy with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal to the board of education. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. The clerk will place the appeal on a board agenda within 30 days from the date of notification to the board of education.

The board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the board meeting, the board may ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audiotape any oral evidence presented. Within 5 days of the meeting, the board will issue a final decision in writing to all parties involved.

General Provisions

Duty of District Employees to Report Alleged Discrimination: District employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other alleged information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that district employee is investigating the alleged discrimination as part of the district's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the district's designated coordinator. If the district is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the district's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education, training, counseling, transfer, suspension and/or termination of an employee.

Retaliation: The district prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the district's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The district will take steps to prevent the alleged perpetrator or anyone else at the district from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the district will take strong responsive action.

Basis of Decision: At each step in the grievance procedure, the decisionmaker will take or recommend the taking of appropriate measures based on the facts, as revealed by the

investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Special Education Director
Haskell Public Schools
P.O. Box 278
Haskell, OK 74436

Notice: The district will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each school site to which employees or students are assigned.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education, Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106
(816) 268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov

DISCRIMINATION GRIEVANCE COMPLAINT FORM

Name and Address of Charging Party (Grievant):

Date: _____

Phone numbers where Grievant may be reached:

Home: _____ Office: _____

Cell: _____ Other: _____

Statement of grievance (please provide as detailed a statement as is possible and attach supplemental pages so that we may have a complete understanding of your concerns):

Please identify any documents or other materials which support your grievance. If documents or materials are in your possession, please attach copies to this grievance. If documents are not in your possession, please indicate where they are located.

Please identify what action or relief you are seeking as a result of this grievance.

Signature of Grievant

If, as a result of a disability, you need assistance in completing this form, please contact the district's ADA Coordinator, or superintendent, for assistance or accommodation.

DISCRIMINATION, HARASSMENT, AND RETALIATION

The school district is committed to providing all students and employees with a safe and respectful school environment. Both state and federal law specifically prohibit harassment of or by employees and students in connection with the district.

The district prohibits discrimination, harassment or retaliation based on real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. This prohibition applies to students, employees and board members in any aspect of the district's programs, including during school hours, extracurricular activities, school sponsored events, or outside of school hours if the conduct affects the education or working environment.

Definitions

“Employee” for purposes of this policy, includes all district employees, board members and volunteers.

“Student” refers to any person who is enrolled in any district school or program.

“Discrimination” means unfair treatment which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of discrimination include, but are not limited to: Refusing to consider a person for a position or declining to enroll a student in a program based on legally discriminatory factors. Harassment can be a specific form of legally prohibited discrimination.

“Harassment” means repetitive, unwelcome conduct which is based on a person's real or perceived race, color, sex, pregnancy, gender, gender identity or expression, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Examples of harassment include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse; intimidation (physical, verbal or psychological); impeding or blocking a person's movement; unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities. Demeaning comments about a student's ability to excel in a class historically considered a “boy's” or a “girl's” subject may also constitute harassment.

“Sexual harassment” is a type of harassment which includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which:

- is made an explicit or implicit term or condition of an employee’s employment or a student’s ability to obtain an education; or
- is used as a basis for decisions impacting either an employee’s employment or a student’s education; or
- has the purpose or effect of unreasonably or substantially interfering with an employee’s work performance or a student’s educational performance, or creating an intimidating, hostile, or offensive environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between minor students and employees will always be considered unwelcome. Sexual harassment also includes conduct such as rape, sexual assault, stalking, and any other form of sexual violence.

Sexual harassment may occur between persons of the same gender or sex.

Nothing in this policy precludes legitimate, nonsexual physical contact to avoid physical harm to persons or property.

“Retaliation” is any negative conduct which is taken in response to an individual’s complaint of harassment or discrimination, or participation in any investigation of a harassment or discrimination complaint.

Reporting

Students who have been harassed or discriminated against, or who witness such conduct, are encouraged to report the offensive conduct to any teacher, counselor, administrator, or board member.

Employees who witness, suspect or receive a report of harassment or discrimination must immediately report the incident to the superintendent or a board member – even if that report must be made after hours to the superintendent or board members home or cell phone.

Any employee who receives a harassment, discrimination or retaliation report will immediately refer the matter to the superintendent or the Title IX coordinator, unless the superintendent or Title IX coordinator is the alleged malfeasant. In such circumstances, the complaint will be referred to the board president or the district’s legal counsel. To ensure impartiality, no person who is the subject of a complaint shall conduct any investigation into the improper conduct.

If possible, reports should be made in person and/or in writing, and be signed by the reporting party. However, in order to encourage full, complete and immediate reporting, any person may report such incidents anonymously in writing by mailing the report to the personal attention of either the superintendent or a board member. All reports should state:

- the name of the alleged harasser;

- the person(s) being harassed;
- the nature, context and extent of the prohibited activity;
- the dates of the prohibited activity, and;
- any other information necessary to a full report and investigation of the matter.

Any employee who is subjected to job related sexual harassment is entitled to protection under Title VII of the Civil Rights Act of 1964 and the Oklahoma Anti-Discrimination Act. Individuals may simultaneously report an allegation of this type of misconduct to school officials and to the United States Equal Employment Opportunity Commission, the Oklahoma Human Rights Commission, or local law enforcement.

Administrative Response

The district will promptly, thoroughly and impartially investigate all reports of harassment and discrimination. This process will include:

- A statement from the individual who was allegedly harassed;
- Appropriate and reasonable steps to separate and protect the alleged victim pending conclusion of the investigation and necessary remedial action;
- Reasonable updates to the alleged victim of the investigation's progress, subject to federal and state laws and regulations;
- Interviews with the alleged harasser, alleged victim and witnesses; and
- Review of relevant documents, including district files and records.

The district will review all relevant facts and take into account the totality of the circumstances - including the nature, extent, context and gravity of the activities. At the conclusion of this process, the superintendent, in conjunction with the Title IX coordinator, will issue findings based on the preponderance of the evidence and take appropriate measures, including but not limited to: education, information on available outside resources, training and counseling, transfer, suspension, and any other appropriate remedy under the circumstances. Employees may also be terminated for engaging in harassment, discrimination or retaliation.

Confidentiality shall be maintained during and after the investigation to the extent reasonably possible. However, public disclosure of personal or confidential employee information may be made during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

Penalties

Penalties shall be imposed based on the facts taken as a whole and the totality of the circumstances such as the nature, extent, context and gravity of such activities or incidents.

Any employee or student engaging in harassment, discrimination or retaliation will be subject to any and all disciplinary action allowed by school policy and Oklahoma law.