

**NONDISCRIMINATION**

There will be no discrimination in the district because of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information in its programs, services, activities and employment. 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)

Sharon Herrington, Superintendent  
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)

Sharon Herrington, Superintendent  
Haskell Public Schools  
P.O. Box 278  
Haskell, OK 74436

Title IX Coordinator (for questions or complaints based on sex)

Sharon Herrington, Superintendent  
Haskell Public Schools  
P.O. Box 278  
Haskell, OK 74436

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

Sharon Herrington, Superintendent  
Haskell Public Schools  
P.O. Box 278  
Haskell, OK 74436

## **HARASSMENT**

The district is committed to providing all students and employees with a safe school environment in which all members of the school community are treated with respect. Harassment is unlawful discrimination and will not be tolerated. Both state and federal law specifically prohibit harassment of employees and students in connection with their employment by or enrollment in schools.

It is the policy of the district to prohibit, without qualification, unlawful harassment based on real or perceived race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information. Students, employees and board members of the District have a duty not to harass on the above listed grounds.

This policy sets forth the rules to be followed by all students, employees and board members of the district with regard to the issue of sexual harassment. Harassment of students or employees of either sex by employees or other students of the same or opposite sex is strictly prohibited. All students, employees and board members are strictly prohibited from engaging in any form of sexual harassment of any student, employee and applicant for employment, vendor representative, or patron of the district.

Sexual harassment is prohibited regardless of whether or not the harassment occurs inside or outside the classroom. For example, sexual harassment is prohibited during school hours, extra-curricular activities, school-sponsored events, field trips, athletic competitions, and in the cafeteria, classroom, hallways, and school buses. Harassment is prohibited in both academic and non-academic settings.

### Definitions

*“Employee”* means any person who is authorized to act on behalf of the district, whether that person is acting on a temporary or permanent basis, regardless of whether or not the person is compensated. Employee denotes all staff of the school, both full-time and part-time, and includes board members and school volunteers.

*“Student”* means any person who is enrolled in any school participating in a program of the District.

*“Sexual Harassment”* is a form of unlawful harassment which means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Sexual harassment also includes conduct that is criminal in nature such as rape, sexual assault and stalking.

#### **A. Sexual Harassment of an Employee of the School District**

“Sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by one employee toward another employee which:

1. is made an explicit or implicit term or condition of an employee's employment; or
2. is used as a basis for employment decisions affecting that employee; or
3. has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile, or offensive working environment.

**B. Sexual Harassment of a Student of School District**

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors and other unwelcome verbal or physical conduct of a sexual nature by any person toward a student which:

1. is made a term or condition, either implicitly or explicitly, of obtaining an education; or
2. is used as a basis for decisions affecting an individual's education; or
3. has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile, or offensive learning environment.

In order to constitute sexual harassment, the conduct at issue must be unwelcome. Sexual conduct between an elementary age student and an adult employee will not be considered welcome. In addition, conduct between a secondary age student and an adult is presumptively unwelcome.

**Examples of Sexual and Other Harassment**

Examples of sexual harassment include, but are not limited to: 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. For example, demeaning comments about a student's ability to excel in a class historically considered a "boy's" or a "girl's" subject may constitute sexual harassment.

Examples of harassment because of race, national origin, religion or disability include, but are not limited to: slurs, epithets, insults, jokes or derogatory comments; verbal or physical abuse of a person; intimidation (physical, verbal or psychological); or impeding or blocking movement of a person.

This prohibition against sexual harassment does not preclude legitimate, nonsexual physical contact such as the use of necessary interventions to avoid physical harm to persons or property.

## 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 engaging in sexual or other harassment will be subject to disciplinary action, including but not limited to suspension, demotion, forfeiture of pay or benefits (as permitted by law) and termination.

Any student engaging in sexual or other harassment is subject to any and all disciplinary action which may be imposed under the school district's student discipline policy.

## Reporting to School District

### A. By Students

The District encourages students who have been sexually or otherwise harassed or who know of sexual or other harassment to report the claim. Students should report any incident of sexual or other harassment to any teacher, guidance counselor, school administrator, superintendent, or board member.

### B. By Employees

Any employee of the district who witnesses, overhears, suspects or receives a report of harassment *shall* immediately report the incident to either the superintendent or any board member of the District. If the report of the incident occurs after normal school hours, an employee should contact the superintendent or any school board member at home.

### C. The Report

If possible, the report should be made in person or in writing, signed by the reporting party.

However, in order to encourage full, complete and immediate reporting of such prohibited activities, any person may report such incidents anonymously in writing by mailing the reports to the personal attention of either the superintendent or a board member.

All reports should state:

1. the name of the alleged harassing student, employee, board member, or other person;
2. the person(s) being harassed;
3. the nature, context and extent of the prohibited activity;
4. the dates of the prohibited activity, and;
5. any other information necessary to a full report and investigation of the matter.

## Reports to Outside Officials

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. Likewise, a concerned employee may report an allegation to both school officials and to the United States Equal Employment Opportunity Commission, or the Oklahoma Human Rights Commission.

Good faith reporting of charges of sexual or other harassment will not result in reprisals or retaliation. Reprisals and retaliation, due to a sexual harassment allegation, are prohibited.

## Administrative Responsibility and Action

The school district is committed to promptly and thoroughly investigating all reports of harassing conduct. When a report is received, the District will conduct a thorough and impartial investigation. To ensure impartiality, no person who is the subject of a complaint shall conduct the investigation.

During and after the investigation, confidentiality shall be maintained, as far as reasonably possible; provided however, nothing in this policy shall preclude public disclosure of any information of a personal or confidential nature during the course of any suspension, dismissal, non-renewal hearing or resulting litigation.

After all facts and circumstances are reviewed, the District shall take any and all disciplinary actions to prevent further harassment. 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.

Upon receipt of a formal or informal report of sexual or other harassment, the superintendent shall do the following as quickly as possible:

1. Obtain an oral or written statement from the individual who allegedly was sexually harassed. The statement should contain information necessary to conduct a full investigation of the matter. Relevant information includes, but is not limited to: the name of the alleged harassing student, employee or board member; the person(s) being harassed; the nature, context and extent of prohibited activity; the dates of the prohibited activity; and the names of any witnesses;
2. Take appropriate and reasonable steps to separate and protect the individual who is allegedly being sexually harassed from the alleged harasser, until the matter can be fully investigated and the appropriate remedial steps taken;
3. Keep the individual who is allegedly being sexual harassed reasonably apprised, to the extent allowed under federal and state privacy laws and regulations, of the investigation and the actions taken as a result of the investigation;
4. Conduct a full and complete investigation, to the extent reasonably possible, regarding the alleged sexual harassment. This investigation includes, but is

not limited to: interviewing the allegedly harassed individual, interviewing any witnesses, interviewing the alleged harasser, and reviewing supporting documents;

5. Review the facts of the investigation and take into account the totality of the circumstances. Nature, extent, context and gravity of activities must be taken into account. Based on both the facts of the investigation and the surrounding circumstances, the superintendent or board member shall take or recommend the taking of appropriate measures. Appropriate measures include but are not limited to: suspension, demotion, forfeiture of pay or benefits (as permitted by law), termination, or reassignment;
6. Report the allegations to appropriate authorities, including law enforcement and the Department of Human Services.

In instances where the report is received by a school official or board member, the report shall be promptly relayed to the superintendent for investigation except in instances where the report names the superintendent as a person responsible for harassment. In any instance in which the superintendent is deemed to have a conflict with regard to the investigation of a report of harassment, the report may be conveyed to the school's legal counsel for investigation or for designation of an appropriate investigator.

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

Definitions

Discrimination Complaint: A written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, 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, 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.

Title VI, Title IX, 504/Title II, and Age Act 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.

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

Sharon Herrington, Superintendent  
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), and Age Act (for questions or complaints based on age)

Sharon Herrington, Superintendent  
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.

### Pre-Filing Procedures

Prior to the filing of a written complaint, the student, parent or guardian, employee or patron is encouraged to visit with the building principal or the Coordinator, as applicable, and reasonable effort should be made by the district at this level to resolve the problem or complaint.

### Filing, Investigation, Hearing and Review Procedures

The Grievant submits a written complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, 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.

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.

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. 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.

At the 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, 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

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, 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.

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:

Sharon Herrington, Superintendent  
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.

**DISCRIMINATION GRIEVANCE COMPLAINT FORM**

Name and Address of Charging Party (Grievant):

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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):

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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.

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

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\_\_\_\_\_  
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.

### **DISCRIMINATORY HARASSMENT AND RETALIATION**

The district is committed to providing a workplace and learning environment free from discriminatory harassment. The district prohibits harassment by students and employees, including volunteers, of any person based upon race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

For purposes of this policy, discriminatory harassment of a student includes any verbal, written or graphic expression or physical conduct relating to the individual's race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information when:

1. the discriminatory harassment is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment;
2. the discriminatory harassment has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. the discriminatory harassment otherwise adversely affects an individual's learning opportunities.

In determining whether alleged conduct constitutes a violation of this policy, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances.

Discriminatory harassment may include, but is not limited to:

1. intimidation and implied or overt threats of physical violence motivated by race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
2. physical acts of aggression or assault upon another or damage to the property of another that is motivated by race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
3. threatening or intimidating conduct directed at another because of race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
4. demeaning jokes, taunting, slurs, derogatory names, innuendos or other negative or derogatory remarks relating race, color, sex, national origin,

religion, disability, veteran status, sexual orientation, age, or genetic information;

5. graffiti, slogans or visual displays, such as cartoons, posters or computer images, which depict slurs or derogatory sentiments or images relating to race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information;
6. criminal offenses directed at persons because of their race, color, sex, national origin, religion, disability, veteran status, sexual orientation, age or genetic information; and
7. unwelcome sexual advances, requests for sexual favors and other unwelcome verbal, written or graphic expression or physical conduct of a sexual nature by any person towards a student or conduct that denies or limits, on the basis of sex, a student's ability to participate in or to receive benefits, services or opportunities in the district's programs or activities.

The district also 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.

All employees are expected to take appropriate measures to prevent discriminatory harassment and retaliation by others. Employees who believe they are being harassed or retaliated against or who witness or otherwise become aware of potential harassment or retaliation must promptly report the offending conduct so that it can be stopped.

All employees, including but not limited to staff, supervisors, senior officials and volunteers, are required to comply with this policy. Employees who violate this policy are subject to disciplinary action, up to and including termination. Students who violate this policy are subject to disciplinary action in accordance with the district's code of student conduct.