

Administrative Guidelines
PROCEDURES FOR HANDLING COMPLAINTS OF
HARASSMENT OF EMPLOYEES

The Canaan School District hereby adopts the following administrative procedures to implement the School District's policy with respect to unlawful harassment of school district employees.

School District Equity Coordinator The Superintendent shall designate at least one (or two – one of each gender) individual(s) within the School District/Supervisory Union as the School District Equity Coordinator to receive reports of harassment. If the report involves the School District Equity Coordinator(s), the reporter shall refer the complaint directly to the Superintendent. The School District shall prominently post the name, mailing address, and telephone number of its Equity Coordinator. The District Equity Coordinators are:

The Principal of the Canaan Schools or Special Services Coordinator
P.O. Box 100, Canaan, VT 05903
1-802-266-8910

Informal Inquiry and Resolution

The complainant and the alleged harasser(s) may agree to a meeting facilitated by a school employee. If all parties involved agree the situation has been resolved during such meeting, the facilitator shall report to the Principal only that the matter has been resolved informally. If any party involved does not agree that the situation has been resolved, a formal investigation shall be initiated.

Grievance Procedure for Harassment and/or Discrimination Complaints

Initial Procedure:

1. Any employee in the school district who wishes to file a grievance (complaint) regarding discrimination or harassment shall, if possible, make such a request in writing. If unable to make the request in writing contact the school nurse or another school employee that you feel comfortable with. The nurse or staff member will assist you to put the complaint in writing. The written complaint must be signed by the complainant, dated, and include, at a minimum, for each incident:

- a. Date, time, place
- b. Alleged perpetrators of the discrimination (names, identifiers, e.g., student in complainant's YYY class, or teacher or vendor, etc.)

- c. Description of each incident, by date
- d. Witnesses, if any (names and identifying information, e.g., 10th grade student in XXX class with complainant, or teacher ZZZ or school security officer or crossing guard)
- d. Other relevant information
- e. Possible resolution – what you'd like to see changed as a result of the investigation

2. The written request should be forwarded by yourself or the administrator assisting you to the Special Services Coordinator or Principal. The Principal and Special Services Coordinator will act as the District Title IX and/or Section 504 equity coordinators.

3. The equity coordinator or his/her designee will:

- a. Begin an investigation. The investigation will be prompt and equitable to all parties. The equity coordinator will interview all parties, including witnesses, if any;
- b. Render a decision within three weeks after receipt of the written complaint and notify the Complainant, Principal/Special Services Coordinator, and others who need to be advised of the decision. If additional time is needed for good cause, e.g., key witnesses cannot be interviewed in a timely manner, the decision will be made as soon as reasonably possible. If the decision is to be delayed for good cause, complainant and Principal/Special Services Coordinator of the school shall so be notified and an estimated date for a decision will be noted.
- c. Within one week of the decision, enact or start the changes/recommendations, if any, based on the decision, which may include (or not):
 - 1. proposal to the Board regarding the firing/loss of job or suspension of school employee(s), etc.
- d. Complainant has one week to accept or appeal the compliance officer's decision.
 - 1. accept the decision: so notify the compliance officer in writing;
 - 2. disagree with the decision: appeal the decision in writing by

notifying the compliance officer in writing.

First Appeal Level: Superintendent-level appeal

1. The equity coordinator(s) will forward all materials, including the letter requesting appeal of the initial decision, to the Superintendent of Schools for review.
2. The Superintendent or his/her designee will schedule a meeting within two weeks of receipt of the request for review/appeal.
3. The participants at the scheduled meeting shall be, at a minimum, the complainant, the compliance officer, and the Superintendent and/or his/her designee.
4. The Superintendent, or his/her designee(s), shall conduct a prompt, impartial, equitable and thorough review of the materials. She/he shall have the right to re-interview witnesses, e.g., if testimony is unclear or new evidence has been brought to light, or to interview additional witnesses if needed to ensure an equitable decision.
5. The Superintendent, or his/her designee, will present his/her decision within two weeks after the meeting of the parties unless additional time is needed for good cause. If additional time is needed, complainant shall so be notified, and provided with an estimated date of the appeal decision.
6. The decision of the Superintendent or designee shall be in writing, and sent to the complainant, the principal, and the compliance officer.
7. The complainant has one week to accept or appeal the Superintendent-level decision. The complainant shall notify the Superintendent's Office, in writing, whether she/he accepts or wishes to appeal the decision.

Appeal of the Appeal: School Board-level appeal

1. Should the complainant not be satisfied with the Superintendent-level decision, complainant should follow the above steps but with a copy of the appeal letter being sent to the School Board in addition to the Superintendent's Office. A record should be made of the date the letter is sent by the complainant, and the date the School Board received the letter requesting further review.
2. The School Board shall hire or appoint persons who are impartial and who have not been otherwise-involved in the investigation of this complaint to conduct a prompt, fair, equitable, and thorough investigation of this complaint. The person(s) hired or appointed to conduct this investigation must be knowledgeable in the civil rights laws pertaining to the alleged violation of the complainant, and be knowledgeable in conducting investigations of alleged violations of said law(s).

3. A decision shall be made by the School Board based on the recommendation and findings of the investigator(s) appointed by the School Board within four weeks or from the date the complainant's letter requesting further review is received. If a decision cannot be made within four weeks for good cause, the complainant shall so be notified. The complainant shall be provided with an estimated date for the decision to be made.

Concurrent Appeals or Appeal of the School Board-level appeal

A complainant can, while the investigation is happening at the school level, also contact any of the agency's listed below and request that an independent investigation be conducted.

Note that if a complainant wishes to carry the appeal process to the school board level, and is dissatisfied with the School Board-level decision, she/he must request a review by the Office for Civil Rights (OCR) within 60 days of the School Board's decision.

Retaliation

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 21 V.S.A §495(a)(5) and 9 V.S.A. §4503(a)(5).

Record Keeping and Notification

1. **Record keeping:** The Superintendent shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the School District in a confidential file.
2. **Notification:** The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

Notice

The Superintendent shall provide notice of the policy on unlawful employee harassment and these procedures to all school employee. Copies of the policy and procedures shall appear in the employee handbooks (or other similar publications) as well as publications distributed to community members and shall be posted conspicuously in each school. The notice shall:

1. Include examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would constitute unlawful harassment; and
2. Provide the following information about additional methods of pursuing claims of harassment:

- a. A person may make a complaint of harassment to the Vermont Attorney General's Office or the Federal Equal Employment Opportunity Commission at the following places:

Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
802-828-3171

Equal Employment Opportunity Commission
1 Congress Street
Boston, MA 02114
(617)-565-3200

- b. In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.

DEFINITIONS

Grievance: An issue that an employee believes is a violation of his/her civil rights. This issue involves the violation, interpretation, or application of any article of Part 86, Rules and Regulations and/or the laws or regulations cited at the top of this document.

Employee: Any full-time or part-time teacher, secretary, clerk, clerical staff person, teaching assistant, custodian, administrator, or any person receiving compensation for services rendered to the school district.

Equity Coordinator: The person(s) designated by the school district Board of Education to coordinate efforts to comply with civil rights laws and regulations.

Superintendent: The Superintendent of schools or his/her designated representative.