

TITLE VI CIVIL RIGHTS ACT

Discrimination on the basis of an individual's actual or perceived race, color, creed, religion or national origin is strictly prohibited regarding interactions between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, and guests.

Definitions

For purposes of this policy, discrimination means communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, or national origin, that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;
- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Procedure

Any employee or student who believes that he or she has been subjected to discriminatory treatment based upon the individual's actual or perceived race, color, creed, religion and national origin, by an officer, supervisor, business invitee, student or by another employee is encouraged to address the matter with any district Title VI Officer*, who shall promptly conduct an intake interview and explain the following options for resolution:

- 1. Registering an informal complaint verbally or in writing; or
- 2. Registering a formal complaint verbally or in writing; or
- 3. Engaging in mediation to arrive at a resolution of the matter; or
- 4. Placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title VI Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title VI Officer will also explain that the complaining employee or student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints

An informal complaint will be promptly reviewed by an intake Title VI Officer, who shall issue a written report to the Superintendent of Schools within seven (7) calendar days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title VI investigator as if it had been filed as a formal complaint.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Title VI Officer, who shall personally or by reference to a designee on the Board's approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

Alternates

The Board shall appoint more than one Title VI Officer and several designated Title VI formal complaint investigators. Complainant will have a choice of which Title VI Officer to approach regarding a Title VI complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within forty-five (45) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

Confidentiality

The District's Title VI Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary.

Any complaint that is determined to have been processed maliciously or in bad faith or the knowing submission of false information shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

1st Reading – November 18, 2020