

STUDENTS

NON-DISCRIMINATION GRIEVANCE PROCEDURES

I. Policy

The Board declares it to be the policy of this district to provide an equal opportunity for all students to achieve their maximum potential through the programs offered in the schools regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, handicap/disability, or any other legally protected classification. The district shall provide to all students, without discrimination, course offerings, counseling, assistance, employment, athletics and extracurricular activities.

The Board declares it be the policy of this district to provide to all persons equal access to all categories of employment in this district, regardless of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, familial status, handicap/disability, or any other legally protected classification.

Further, in all other respects, the Board declares it to be the policy of this district that no person shall be excluded from participation in, be denied the benefits of, or otherwise subjected to unlawful discrimination on the ground of race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, handicap/disability or any other legally protected classification with respect to any of its programs or activities or in the employment of any personnel.

**Berkeley County Schools is committed to having a school environment free from sexual harassment, including gender-based harassment. The District prohibits sexual harassment in the school environment, including all academic, extracurricular and school-sponsored activities. Students are encouraged to immediately report incidents of harassment. Staff must promptly report to the school principal all incidents of harassment of which they become aware, by whatever means they become aware. The District will investigate formal and informal complaints of harassment.**

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.

A school is responsible for addressing harassment incidents about which it knows or reasonably should have known. In some situations, harassment may be in plain sight, widespread, or well-known to students and staff, such as harassment occurring in hallways, during academic or physical education classes, during extracurricular activities, at recess, on a school bus, or through graffiti in public areas. In these cases, the obvious signs of the harassment are sufficient to put the school on notice. In other situations, the school may become aware of misconduct, triggering an investigation that could lead to the discovery of additional incidents that, taken together, may constitute a hostile environment. In all cases, schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the school to incidents of harassment.

When responding to harassment, a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The specific steps in a school's investigation will vary depending upon the nature of the allegations, the source of the complaint, the age of the student or students involved, the size and administrative structure of the school, and other factors. In all cases, however, the inquiry should be prompt, thorough, and impartial.

If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. These duties are a school's responsibility even if the misconduct also is covered by an anti-bullying policy, and regardless of whether a student has complained, asked the school to take action, or identified the harassment as a form of discrimination.

The district shall make reasonable accommodations for identified physical and mental impairments that constitute disabilities, consistent with the requirements of federal and state laws and regulations.

**Sexual Harassment and other types of harassment (as defined below) are forms of unlawful discrimination and are expressly prohibited under this policy. These procedures apply to complaints of sex discrimination (including sexual harassment, sexual assault and sexual violence) by employees, students or third parties.**

This policy covers, without limitation, sexual harassment by a student to another student; a student to an employee; an employee to a student; and employee to an employee; a third party to a student or employee; a student or employee to a third party; a male to a male; a female to a female; a male to a female; and a female to a male.

**The Board encourages students, employees, and third parties who have been subject to discrimination to promptly report such incidents to designated employees. The Board's informal complaint filings procedure is optional.**

## II. Definitions

### A. Harassment

Harassment has been defined in various ways in state and federal law and regulation. The Board recognizes that these definitions are important standards and it will develop its policy to comply with them. It is also the Board's goal, in developing its policy, to prevent incidents of misbehavior from occurring and/or escalating, to promote a positive school environment, and to limit liability.

Harassment as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Such conduct, verbal threats, intimidation or abuse, includes, but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived: race; color; weight national origin; ethnic group; religion; religious practice; disability; sex; sexual orientation; and/or gender (which includes a person's actual or perceived sex, as well as gender identity and expression).

For purposes of this policy, "harassment" shall consist of verbal, written, graphic, or physical conduct relating to an individual's race, color, national origin/ethnicity, ancestry, gender, age, disability/handicap, sexual orientation, religion, creed, or any other legally protected classification when such conduct:

1. Is sufficiently severe, persistent, or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or to perform job functions, or creates an intimidating, threatening, or abusive educational or work environment.
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance.
3. Otherwise adversely affects an individual's learning or employment opportunities.
4. The term "harassment" also includes all activity which constitutes "sexual harassment."

### B. Sexual Harassment

**For purposes of this policy, "sexual harassment" shall consist of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, graphic, or physical conduct of a sexual nature when:**

1. **Submission to such conduct is made explicitly or implicitly a term or condition of a student's academic status or an individual's employment.**
2. **Submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting the individual.**
3. **Such conduct deprives a student of educational aid, benefits, services, or treatment.**
4. **Such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of substantially interfering with a student's school performance or on employee's job performance, or creating an intimidating, hostile, or offensive educational or working environment.**

**Examples of conduct that may constitute sexual harassment include, but are not limited to, sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile, or offensive learning or working environment.**

#### **C. Sexual Assault**

**Sexual assault is any unwanted, non-consensual sexual contact against any individual by another. Sexual assault can occur either forcibly (against a person's will) or when a person cannot give consent (under the age of consent, intoxicated, developmentally disabled, mentally/physically unable to consent, etc.).**

#### **D. Sexual Violence**

**Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.**

## E. Sexual Discrimination

**Sexual Discrimination means differential treatment based on sex.**

## F. Disability Harassment

Disability harassment is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services or opportunities in the institution's program. Harassing conduct can take many forms, including verbal acts and name-calling, as well as nonverbal behavior like graphic and written statements, or conduct that is physically threatening, harmful or humiliating.

When harassing behavior is so severe, persistent or pervasive that it creates a hostile environment, it can violate a student's 504/ADA rights. This is so, even if there are no tangible effects on the student but where the harassment is serious enough to adversely affect the student's ability to participate in or benefit from the educational program.

Bullying/harassment of a student with a disability could constitute discrimination and a violation of federal law (IDEA, Section 504, ADA), not just state law or school district policy.

## G. Racial Harassment

Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or otherwise adversely affects an individual's employment or academic opportunities.

H. Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

## I. Religious/ethnic harassment

Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct: has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or otherwise adversely affects an individual's employment or academic opportunities.

J. Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

### III. Delegation of Responsibility

In order to maintain a program of nondiscrimination practices and a learning and working environment that is in compliance with applicable laws and Regulations, the Board designates the Assistant Superintendent of Student Services as the district's Compliance Officer to serve as the coordinator and/or compliance official for purposes of Title IX of the Educational Amendments Act of 1972, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and all other nondiscrimination statutes and regulations. The Compliance Officer shall publish and disseminate a notice of this policy and complaint procedure at least annually to students, parents/guardians, employees, and the public, together with either a copy of this policy or a statement how to obtain a copy of this policy. A copy of this policy will be distributed to all buildings and facilities within the district, and included or referenced in all student or employee handbooks, online or in print. **Nondiscrimination statements shall include the position, office address and telephone number of the Compliance Officer, which is as follows:**

**RONALD STEPHENS  
ASSISTANT SUPERINTENDENT OF STUDENT SERVICES  
BERKELEY COUNTY SCHOOLS  
401 SOUTH QUEEN STREET  
MARTINSBURG, WEST VIRGINIA 25401  
TELEPHONE: (304)267-3500**

A school is responsible for addressing incidents of harassment about which it knows, or reasonably should have known, regardless of when the misconduct is covered by an anti-bullying policy, the student has not complained for asked the school to take action or the student has not identified the harassment as “disability harassment” or a form of discrimination.

### IV. Implementation

The Compliance Officer is responsible to monitor the implementation of nondiscrimination procedures in the following areas:

1. Curriculum and Materials—Review of curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Training—Provision of training for students and staff to identify and alleviate problems of discrimination and unlawful harassment. Provision of training to all building principals to investigate complaints under this policy.

3. Student Access—Review of programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. District Support—assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment and related matters.
5. Student Evaluation—Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.
6. Employment Relations—
  - a. Development of position qualifications, job descriptions and essential job functions.
  - b. Recruitment materials and practices.
  - c. Procedures for screening, interviewing and hiring.
  - d. Promotions
  - e. Disciplinary actions, up to and including terminations.
7. Reports and Complaints—Administration of the reporting and complaint procedure provided in this policy.

Each employee shall be responsible to maintain a learning and working environment free from all forms of unlawful discrimination and harassment, and to report all incidents of unlawful discrimination or harassment which he/she observes or is informed about to the building principal or Compliance Officer.

Each student shall be responsible to respect the rights of their fellow students and district employees and to ensure an environment free from all forms of unlawful discrimination and harassment, and to report all incidents of unlawful discrimination or harassment which he/she observes or is informed about to the building principal or Compliance Officer.

## V. Complaint Procedure

### A. Reporting Violations; Filing Complaints

1. A student (or his/her parent/guardian), employee, or third party who believes he/she has been subject to conduct that constitutes a violation of this policy is encouraged to report the incident to the building principal as soon as possible;

however, such reporting or filing of informal complaints is optional. A student may also report incidents/violations to any school employee, including, but not limited to: teacher, coach/advisor, counselor, or administrator.

2. Any school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy, shall report the incident to the building principal as soon as possible (not later than twenty-four (24) hours unless extenuating circumstances justify a reasonable extension of that deadline) and to law enforcement, where appropriate and the West Virginia Department of Health and Human Resources, where appropriate. If it is not possible to contact the building principal in a timely fashion, the school employee shall report the incident to the Compliance Officer or another building principal as soon as possible.
3. If the building principal is the subject of the complaint or otherwise not impartial, the student, third party, or employee shall report the incident directly to the Compliance Officer. If the Compliance Officer is also a subject of the complaint or otherwise not impartial, the report shall be made to another building principal.
4. All Complaints by a student (or his/her parent/guardian), employee, or third party who asserts that he/she has been subject to conduct that constitutes a violation of this policy shall be made in writing on the form attached to this policy (which will be made available by the building principal or Compliance Officer). If the incident was initially reported orally, the building principal or Compliance Officer shall inform the student, parent/guardian, employee, or third party of the right to file a complaint and the complaint procedure, and shall promptly provide all necessary forms and assistance to enable the complainant to file an appropriate written complaint if he/she so desires.
5. The building principal or Compliance Officer shall inform any complainant or potential complainant who is a minor that he/she may be accompanied by a parent/guardian during all steps of the complaint procedure.
6. Complaints shall be filed within thirty (30) calendar days after any incident alleged to constitute a violation of this policy or they shall be deemed untimely, unless special circumstances exist which justify a later filing.
7. Even if no formal written complaint has been filed by or on behalf of a person who alleges he/she has been subjected to conduct that constitutes a violation of this policy, any building principal or Compliance Officer who receives a report of a possible violation of this policy shall cause an informal investigation to be made, and take all necessary interim actions reasonably calculated to prevent any violations during the periods before the completion of informal and formal procedures under this policy. If the informal investigation suggests that there has

been a violation of this policy, the school principal and/or Compliance Officer shall be informed. The school principal and/or Compliance Officer shall review the matter, conduct such further investigation as he/she deems appropriate, and, if he/she concludes that there has been a violation of this policy, the school principal and/or Compliance Officer shall take prompt, corrective action to ensure that conduct violating this policy ceases and will not recur, and to remedy any effects of the violation for which the district is responsible. The school principal and/or Compliance Officer shall also initiate such disciplinary procedures as he/she deems appropriate. The filing of informal complaints is optional.

- 8. Nothing in this policy prevents any person from reporting violations to a law enforcement agency. Where appropriate, a matter may be referred to law enforcement and/or Child Protective Services; however these procedures must be followed regardless of whether the matter is also being investigated by another agency except that the District must comply with law enforcement requests for cooperation and such cooperation may require the District to temporarily suspend the fact-finding aspect of an investigation while the law enforcement agency is in the process of gathering evidence. The District will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to 10 calendar days, although the delay in the District's investigation may be longer in certain circumstances. The District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the alleged victim(s) and the school community and the avoidance of retaliation. The District will also maintain on-going contact with the alleged victim throughout the investigation.**
- 9. The District will offer counseling services to any person found to have been subjected to harassment and, where appropriate, to the person who committed the harassment.**
- 10. The District will offer academic support services to any person found to have been subjected to harassment.**

**B. Appointment of Initial Investigator**

Upon receiving a written complaint of discrimination, the building principal shall immediately notify the Compliance Officer. (If the Compliance Office is the subject of the complaint or otherwise not impartial, the building principal shall notify the Superintendent of Schools. The Compliance Officer (or Superintendent) shall authorize the building principal to investigate the complaint, unless the building principal is the subject of the complaint, is otherwise not impartial, or is unable to conduct the investigation. In the later case, the Compliance Office (or Superintendent) shall

authorize another building principal or administrator who is not the subject of the complaint and who is impartial to conduct the initial investigation. If no administrators are able to conduct the investigation, the Superintendent shall designate a qualified third party to conduct the investigation.

District employees and officials shall ensure that the initial investigator shall be appointed and initiate a formal investigation within 24 hours after the filing of a written complaint under this policy, unless extenuating circumstances justify a reasonable extension of that deadline.

In the event the person designated to conduct the initial investigation shall be unable to complete the investigation in a timely manner, the Compliance Officer (or Superintendent) shall authorize another appropriate person to complete the initial investigation.

At Hedgesville Middle School, Principal Elizabeth Adams is designated as the individual with primary responsibility to investigate all discrimination and harassment complaints. At Hedgesville Middle School, Assistant Principal, William Harper, is designated as a second administrator to serve as a back-up in the event that the primary person, Principal Elizabeth Adams, is unavailable to respond, due to her absence or other circumstances.

#### C. Rights During Complaint Procedure

The building principal or other person designated to conduct the initial investigation shall be responsible to:

1. When any student is to be interviewed in connection with an investigation pursuant to a Level 3 or Level 4 behavior (as described in the Expected Behavior in Safe and Supportive Schools Policy) , a reasonable effort shall be made to contact the student's parent, custodian or guardian and invite them to be present during such interview, provided such parental notification does not compromise overall school/student safety. Parental notification is encouraged at level 2 and discretionary at level 1.
2. Permit an employee to be accompanied by a representative at any conference, meeting or hearing with the employee that may lead to disciplinary action against that employee.
3. Provide an opportunity for the complainant and the accused to present witnesses and other evidence.
4. Take all necessary interim actions reasonably calculated to prevent any other violations of this policy prior to the completion of the complaint procedure.

5. Comply with the confidentiality requirements of this policy.
- 6. Notify the complainant and the accused of the status of the investigation and complaint procedure on a periodic basis and at appropriate stages of the procedure.**
7. Insure that when a complaint of sexual harassment has been filed by or on behalf of a female student or employee, a female counselor shall be present at all discussions and meetings with the student or employee if requested by the student or employee; and that when a complaint of sexual harassment has been filed by or on behalf of a male student or employee, a male counselor shall be present at all discussions and meetings with the student or employee if requested by the student or employee.

After the initial investigation has been completed, the school principal and/or Compliance Officer shall be responsible to implement the above requirements until the conclusion of the complaint procedure.

#### 8. Investigation

1. The formal investigation shall include individual interviews with the complainant, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation, and shall consider all information presented by the complainant and the accused. Every attempt will be made to conduct and complete the investigation as thoroughly and speedily as possible. **The school principal and/or compliance officer shall maintain on-going contact with the victim throughout the investigation.**
2. The obligation to conduct this investigation shall not be negated by the fact that a criminal or insurance investigation of the incident is pending or has been concluded.
3. All school administrators, including Principal Elizabeth Adams and Assistant William Harper at Hedgesville Middle School, receive specialized training in investigating disability discrimination and harassment complaints.
4. This policy provides for an adequate, reliable and impartial investigation. The investigation must, at a minimum consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. All parties involved must be given an opportunity to present witness and other evidence. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

5. Some student misconduct that falls under the Districts' Anti-Harassment policy may also trigger responsibilities under the District's Grievance policy and procedures preventing discrimination against students on the basis of race, color, national origin, sex or disability. Individuals receiving complaints of "discrimination" or "harassment" should consider both sets of District policies that prohibit both discrimination and harassment based on race, color, national origin, sex or disability.
6. Consequences for the failure of an employee to properly respond to violations of this policy are specified in West Virginia Board of Education Policy 5310-Performance Evaluation of School Personnel.

D. Investigative Report

1. The building principal or other person designated to conduct the initial investigation shall prepare a written report within 10 school days following the reported violation, unless additional time to complete the investigation is required. In that case, the investigator shall report on the status of the investigation to the complainant, the accused, and the Compliance Officer at the expiration of the 10 day period and 5 school days thereafter. Although the District may extend the investigation when necessary, it must insure that the completion provides a prompt and equitable resolution.
2. The written report shall include a summary of the investigation; findings of fact and an explanation of the evidence in support of such findings (including a determination with respect to the factual allegations of the complaint); conclusions whether there have been any violations of this policy based on the factual findings and a discussion of the reasons for such conclusions; and a recommended disposition of the complaint, including any recommended district action.
3. Copies of the report shall be provided to the complainant, the accused, and the Compliance Officer. Any such copies shall be redacted as necessary to comply with the confidentiality requirements of this policy.

E. District Action

**If the investigation or appeal results in a finding that the complaint is factual and constitutes a violation of this policy, the district shall take prompt, corrective action reasonably calculated to ensure that such conduct ceases and will not recur, and to remedy any effects of the violation for which the district is responsible. District action within the authority of administration shall be implemented as recommended in the investigation and appeal process. The school principal and/or Compliance Officer shall contact the individual harassed within a reasonable period of time following the conclusion of the investigation to**

**assess whether there has been on-going harassment or retaliation and to determine whether additional supportive measures are needed.**

**Any student or employee who is found to have engaged in conduct constituting unlawful discrimination or harassment in violation of this policy shall be subject to discipline up to and including expulsion from school or termination of employment. Disciplinary actions and procedures shall be consistent with the Expected Behaviors in Safe and Supportive Schools Policy, Board policies and district procedures, and other applicable state and federal laws, rules, regulations, and constitutional requirements. Possible disciplinary action for students may include verbal warning, referral to support staff or agencies for counseling or other therapeutic services, suspension or expulsion from school.**

**Remedies available to victims and/or witnesses of harassment and/or discrimination shall include, as appropriate, provision of resources, including counseling and/or academic services and other strategies to educate the school-wide population regarding awareness of harassment and discrimination issues through the guidance program or other appropriate means. Appropriate steps to end harassment may include separating the accused harasser and the target, providing counseling for the target and/or harasser, or taking disciplinary action against the harasser. These steps should not penalize the student who was harassed. In addition, depending on the extent of the harassment, the school may need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond. A school also may be required to provide additional services to the student who was harassed in order to address the effects of the harassment, particularly if the school initially delays in responding or responds inappropriately or inadequately to information about harassment. An effective response also may need to include the issuance of new policies against harassment and new procedures by which students, parents, and employees may report allegations of harassment (or wide dissemination of existing policies and procedures), as well as wide distribution of the contact information for the district's Title IX and Section 504/Title II coordinators.**

#### **F. Appeal**

If the complainant is not satisfied with any finding or recommended corrective action proposed in the investigative report, he/she may submit a written appeal to the Compliance Officer within 10 school days after receipt of the investigative report. If the Compliance Officer is the subject of the complaint or otherwise not impartial, the appeal shall be submitted to the Superintendent who shall designate another administrator to conduct the appeal. If an appropriate administrator cannot be designated, the Superintendent shall designate a qualified third party to conduct the appeal.

An appeal may also be initiated by the Compliance Officer if he/she does not accept without further review the recommended corrective action proposed in the investigative

report. In that event, the Compliance Officer shall notify the complainant and the accused that an appeal will be conducted and shall discuss alternative corrective actions with the complainant. (The Compliance Officer may not initiate an appeal if he/she is the subject of the complaint or is otherwise not impartial.)

The Compliance Officer (or other designated appeal official) shall review the investigation and the investigative report and may also conduct a reasonable supplemental investigation.

The Compliance Officer (or other designated appeal official) shall prepare a written determination with respect to the appeal within 15 school days after initiation of the appeal, unless additional time to complete a supplemental investigation is required. In that case, the appeal officer shall report on the status of the supplemental investigation to the complainant and the accused at the expiration of the 15 day period and every 5 school days thereafter. Although the District may extend the investigation when necessary, it must insure that the completion provides a prompt and equitable resolution.

The written determination shall include a summary of any supplemental investigation; findings of fact and an explanation of the evidence in support of such findings (including a determination with respect to the factual allegations of the complaint); conclusions whether there have been any violations of this policy based on the factual findings and a discussion of the reasons for such conclusions; and a recommended disposition of the complaint, including any recommended district action.

Copies of the determination on appeal shall be provided to the complainant, the accused, and the person who conducted the initial investigation. Any such copies shall be redacted as necessary to comply with the confidentiality requirements of this policy.

#### G. Confidentiality

Confidentiality of all parties shall be maintained with respect to the filing, investigation, and disposition of all complaints under this policy, consistent with the district's legal and investigative obligations. The district shall not disclose the name of a complainant (or the student on whose behalf a complaint has been filed) to an alleged violator/perpetrator/harasser if the complainant or the parent/guardian of a minor student so requests, but the scope of a reasonable response to the complaint may be limited as a result (e.g., disciplinary action against an accused individual may be limited or precluded).

Notwithstanding anything to the contrary in this policy, while a complainant has the right to learn the outcome of his/her complaint (i.e., discrimination/ harassment was found), the district shall not disclose to a student or employee to the extent such disclosure is prohibited by the Family Educational Rights and Privacy Act (FERPA) or other

applicable laws, regulations, rules, constitutional requirements, or orders. (An exception may apply, for example, in the case of a sanction that directly relates to the victim, such as an order that a violator/perpetrator/harasser stay away from the victim.

#### VI. Procedures to Prevent Reprisal

The Board directs that complaints of discrimination shall be investigated promptly, and corrective action be taken when allegations are substantiated.

No reprisals or retaliation may be taken against any person for making any report of discrimination or filing any complaint under this policy in good faith, or for providing truthful information as a witness in any investigation under this policy or in any related proceeding. Any such reprisal or retaliation is in itself unlawful discrimination prohibited by this policy and constitutes an independent violation of this policy.

A school should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students and their families know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems. Counseling and/or academic support will be provided by the District to address any impact on the individual harassed and/or any witness to the harassment.

Disciplinary action will be taken against any student or employee who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Adoption Date: REVISED JULY 2013