

1310.1 Administrative Procedures for Policies

1310, 1311, 6214, 6215, 6410, 6411, 7705, 8420, 8430, 8432, 8450, 8453, 8454, 8455, 8550, 8551, 8552

Human Rights Officer

The Grand Island Public Schools does not discriminate on the basis of race, color, religion, national origin, ethnicity, sex or gender, sexual orientation, marital status, or age in its programs and activities and provides equal access to the Boy Scouts. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Associate Superintendent for Student Services, Kneale Administration Building, 123 South Webb Road, PO Box 4904, Grand Island, NE 68802-4904; 308-385-5900

Employees and Others: Director of Human Resources, Kneale Administration Building, 123 South Webb Road, PO Box 4904, Grand Island, NE 68802-4904; 308-385-5900

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the designated Human Rights Officer. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

The duties of the Human Rights Officers include:

- maintaining and analyzing documentation of all bullying or harassment incidents;
- regularly reviewing the effectiveness of the district's efforts to correct and prevent bullying or harassment and proposing improvements;
- regularly assessing the adequacy of training for staff, administrators, students, and parents concerning bullying or harassment and proposing improvements;
- advising and assisting other district personnel to properly handle and investigate complaints and reports of bullying or harassment;
- ensuring that top district officials are informed about bullying or harassment incidents and the adequacy of the school's response; and
- ensuring that the investigation of bullying or harassment complaints is done in an impartial manner by district personnel who are trained in the requirements of equal educational opportunity.

Reporting Procedures and Investigation

Any person who believes that he or she has been the victim of bullying or harassment on the basis of race, color, national origin, ethnicity, age, sex or gender, sexual orientation, disability, or marital status is encouraged to immediately report the alleged act to the building principal or designated administrator within five (5) school days of the most recent incident. Any teacher or other employee of the district who knows of or receives a report of bullying or harassment shall immediately report the alleged incident. If the complaint involves the building principal or designated administrator, the complaint shall be made or filed with the Human Rights Officer. If the complaint involves the Human Rights Officer or the Superintendent of Schools, the complaint shall be made or filed directly with the School Board. The building principal, designated administrator or other responsible party contacted with a report of discrimination or harassment will cause an "Alleged Discrimination or Mistreatment Complaint Report" (attached) to be completed.

Complaints of bullying or harassment received by the building principal or designated administrator and a summary of any resolution or resolution attempts will be forwarded to the Human Rights Officer. Minor occurrences of alleged bullying, discrimination, or harassment may be resolved informally at the building level. In the event of obvious and major infractions or incomplete building resolution of a minor infraction, the Human Rights Officer or designee will immediately undertake an investigation. The investigation may be conducted by district personnel or by a third party designated by the School District. In determining whether the alleged conduct constitutes a violation of Policy 1310, 6215, or 8455, the School District will consider all facts and circumstances concerning the alleged bullying or harassment. The School District will also consider the effect of the alleged bullying or harassment on the alleged victim and on the School

District's goal of maintaining an orderly and effective educational process. The School District's obligation to undertake an investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegation is also pending or has been concluded.

The School District will respect the privacy of all persons relevant to the alleged bullying or harassment, consistent with the district's legal obligation to investigate, to take appropriate action, and to comply with any discovery or disclosure obligation. In the event that the evidence suggests that the alleged bullying or harassment is also a crime, the School District will report the results of any investigation to the appropriate law enforcement agency responsible for handling such crimes.

Upon receipt of a complaint that a violation has occurred, the School District will take prompt and appropriate formal or informal action to address and where appropriate remediate the violation. Since bullying or harassment is often subtle and incidents may be more reflective of a pattern rather than a single incident, events occurring prior to the most recent incident may also be addressed. The School District will consider a response that will most likely end the bullying or harassment and deter similar future conduct.

Appeal to Superintendent

If the complaint of bullying or harassment has not been resolved to the complainant's satisfaction at the initial reporting level within ten (10) school days after the initial complaint was made, the student, parents/guardians or district personnel who made the complaint may appeal to the Superintendent by submitting the "Alleged Discrimination or Mistreatment Complaint Form" and any relevant documents (resolution attempts, etc.) to the Superintendent. Within ten (10) school days of receiving the complaint form, the Superintendent or designee will respond in writing to the complainant. The Superintendent's decision will be final and binding.

Failure To Observe Time Limits

In the event the student, parent, guardian, or district personnel who complained of bullying or harassment fails to exhaust the remedies under the complaint procedure provided above, or to abide by the time limits with respect to each step, the complaint will be presumed to be abandoned and the matter will be settled in accordance with the School District's last response thereto. However, any time limit may be extended by written mutual agreement of the parties involved.

Consequences of Violation of:

1310, 1311, 6214, 6215, 6410, 6411, 7705, 8420, 8430, 8432, 8450, 8453, 8454, 8455, 8550, 8551, 8552

If allegations of bullying or harassment are determined to be valid, sanctions that may be imposed by the School District may include, but are not limited to, any one or more of the following:

For students—

1. Oral reprimand;
2. Written reprimand;
3. Short-term suspension - exclusion of a student from attendance in all schools within the system for a period not to exceed five school days [Neb. Rev. Stat. §79-256(4)];
4. Long-term suspension - exclusion of a student from attendance in all schools within the system for a period exceeding five school days but fewer than twenty school days [Neb. Rev. Stat. §79-256(1)];
5. Expulsion - exclusion from attendance in all schools within the system for a period not to exceed the remainder of the semester in which the offense took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year [Neb. Rev. Stat. §79-256(2) and § 79-283];
6. Long- or short-term emergency exclusion as described previously if the student's conduct presents a clear threat to the physical safety of himself/herself, or others or is so extremely disruptive to make temporary removal necessary to preserve the right of other students to pursue education [Neb. Rev. Stat. §79-264];

7. Mandatory reassignment - involuntary transfer of a student to another school in connection with disciplinary action [Neb. Rev. Stat. §79-256(3)]; and
8. Referral to appropriate authorities for prosecution.

For Employees—

1. Oral reprimand with documentation to file;
2. Written reprimand;
3. Suspension with pay;
4. Suspension without pay;
5. Termination of employment;
6. Cancellation of employment;
7. Non-renewal of employment; and
8. Referral to appropriate authorities for prosecution.

For "Third Parties" (including audiences, competitors at inter-district athletic competitions, contractors, visitors, and employees of other businesses participating in cooperative work programs)—

1. Demand of immediate corrective action;
2. Suspension or termination of relationship; and
3. Referral to appropriate authorities for prosecution

Confidentiality and Retaliation

All matters involving complaints will remain confidential to the maximum extent possible, and any retaliation against individuals reporting bullying or harassment or participating in related proceedings will not be tolerated. The school district will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports an incident of alleged bullying or sexual, racial, ethnic, or disability related harassment or violence, or any person who testifies, assists, or participates in a proceeding, investigation or hearing relating to such bullying, harassment, or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, which has the effect of creating, for a reasonable person, an intimidating, hostile, or offensive educational or work environment.

Rights of Students Accused of Harassment

Students accused of inappropriate behavior have certain rights to due process and fundamental fairness under the Constitution of Nebraska, the United States Constitution, and Nebraska's Student Discipline Act codified at Neb. Rev. Stat. §79-254, et seq. (Reissue 1996) and any amendments thereto. Nothing in 1310, 6215, 6410, and 8455 or this procedure shall abrogate or modify the School District's obligation to comply with the terms of said Act or any other state or federal law.

Rights of District Personnel Accused of Harassment

All actions taken by the School District against district personnel under 1310, 1311, 6215, and 8455 or this procedure shall be consistent with the requirements of applicable collective bargaining agreements, as well as state and federal law.

Training

The District will ensure that *all* District employees (*to include certified, classified, and administration*) are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

- a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.

- c. Identification of the District's designated compliance coordinators and their job responsibilities.
- d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

Preventive Measures

The District will publish and distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including displaying the notice on the District's website and posting the notice at each building in the District. The District designates the Human Rights Officers to coordinate compliance with anti-discrimination laws, publish and disseminate grievance procedures, including posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources.

Effect of Policy and Publication

Policies 1310, 6215, 6410, and 8455 and this procedure should not be read to abrogate other school district policies prohibiting other forms of unlawful discrimination, harassment, or other inappropriate behavior. It is the intent of the School District that all such policies be read consistently to provide the highest level of protection from unlawful discrimination or harassment in the provision of educational services and opportunities. Summaries of policies 1310, 6215, 6410, and 8455 and this procedure shall be conspicuously posted in each school that the district maintains, in a place accessible to students, faculty, administrators, employees, parents, and members of the public. This notice shall include the name, mailing address and telephone number of the Human Rights Officer and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

Reference: Boy Scouts of America Equal Access Act – January 8, 2002

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