

To: Board of Education

From: Anna Stubblefield, assistant superintendent, educational support & equity, ext. 1760
David Cunningham, executive director, human resources & legal counsel, ext. 4937

Re: Equity Update & Board Policy Committee Recommendations

Date: April 6, 2017

Background:

Equity Teams

The district is poised to commence the District Equity Leadership Team Advisory (DELTA) with the appointment of approximately twenty (20) parents of color. Joining parents on DELTA will be the superintendent and staff from the District Equity Leadership Team. Parents will be selected from those who have expressed interest in assisting the district with its ongoing equity work. Parents attended an orientation meeting in March to discuss both DELTA and the Equity Advisory Council and learn about each group's purpose.

The Equity Advisory Council will consist of the following members:

- Two (2) BOE members
- Superintendent and Assistant Superintendent of Educational Support & Equity
- Executive Director of Student Support Services/Director of Special Education
- Assistant Director of Student Support Services
- Curriculum Facilitator, Equity
- Three (3) building principals (elementary, middle and high school)
- One (1) Justice Matters representative
- One (1) NAACP representative
- One (1) KU/Langston Hughes Center representative
- One (1) LGBTQ+ Advisory representative
- One (1) DELTA Advisory representative
- One (1) Special Education Advisory Group parent representative
- One (1) Haskell Indian Nations University representative
- One (1) Latino Youth Career Council of Lawrence representative
- Approximately fifteen (15) community representatives

The purpose of these equity advisory groups is to provide a broad perspective on issues pertaining to marginalized students. DELTA will include parents of color representing each school who will advise the district on equity issues of students of color. The Equity Advisory Council will consider the intersectionality of the myriad issues being experienced by marginalized students.

Policy Changes

The board's policy committee has been meeting since 2016 to discuss policies pertaining to harassment and discrimination. The conversation began with questions about the impact of the Confederate flag and various forms of discrimination including micro-aggressions. The committee's work has included a variety of options with

administrators providing input to not only the content of proposed changes, but also the practical enforceability of those suggestions. An important factor in the recommendations being submitted to the board for consideration are amendments that were all inclusive yet understandable. These recommendations also propose a much more streamlined and simple complaint procedure. Stronger anti-discrimination policies demonstrate the board's and administration's commitment to address discrimination, harassment, and bullying. An improved complaint procedure will help those who experience acts of discrimination, harassment, or bullying to have their grievance addressed.

The committee is recommending the board consider eliminating one policy and amending three policies.

Policies Recommended for Amendment:

GAAB Prohibition Against Discrimination and Harassment

The committee is recommending GAAB be amended to strengthen and more clearly articulate the board's ongoing commitment to addressing discrimination and harassment in the personnel section of board policy. Recent information brought to the district highlights the need to ensure all policies are broad in their application prohibiting discrimination and harassment. The committee recommends combining two policies (GAAB and GAAC) so both discrimination and harassment are addressed together.

The policy committee has reviewed all anti-discrimination policies to ensure they are clear and specifically state the board's commitment to maintaining a working and learning environment free from discriminatory harassment.

JGEC Prohibition Against Discrimination and Harassment

The committee recommends amendments to JGEC to strengthen and more clearly articulate the board's ongoing commitment to addressing discrimination and harassment in the student section of board policy. Recent information brought to the district highlights the need to ensure all policies are broad in their application prohibiting discrimination and harassment. The policy committee has reviewed the existing policy and updated it to ensure it is clear and specifically states the board's commitment to maintaining a learning environment free from discriminatory harassment.

KNA Complaints About Discrimination, Harassment, Hazing, or Bullying

The committee is recommending the existing KNA be completely replaced with a more simple and clear procedure to file a complaint. The existing policy is difficult to follow with respect to how one can appeal decisions with which a complainant disagrees. It is important to have an informal procedure for complaints to be resolved at the building level and the recommended changes ensure complaints are addressed at the lowest appropriate level first with the ability to file an appeal and seek a formal review at the district level. The formal process consists of an investigation and decision by the District Compliance Coordinator that is appealable to the Superintendent and Board of Education.

Policy to be Eliminated:

GAAC Harassment

This policy is recommend for elimination because its provisions have been incorporated into the amended GAAB.

Recommendation:

The Board Policy Committee recommends the review of the referenced policies. Once the review is complete and any suggested changes are considered, the committee will submit the final recommendations for possible approval at the April 24, 2017 board meeting.

Motion:

"I move the Board of Education approve the review of the referenced policies for possible final action at its April 24, 2017 board meeting."

GAAB Prohibition Against Discrimination and Harassment (See GAAA,
GAAD, GAAE, JGEC, JGECA, KN, KNA) **GAAB**

1 *The board of education is committed to providing a positive and*
2 *productive working and learning environment, free from any discrimination*
3 *and/or harassment on the basis of race, color, religion, sex, age, national*
4 *origin, disability, sexual orientation, gender identity, or gender expression.*
5 *Such conduct against any individual is prohibited by federal and state law*
6 *or district policy and shall not be tolerated. Discrimination and/or harass-*
7 *ment may include, but are not limited to, offensive comments or actions*
8 *communicating hostile or derogatory slights or insults. Nondiscrimination*
9 *requirements are contained in Title VI and Title VII of the Civil Rights Act*
10 *of 1964, Title IX of the Education Amendments of 1972, Section 504 of the*
11 *Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the*
12 *ADA Amendments Act of 2008, and the Kansas Act Against Discrimination.*

13 *Discrimination or harassment of employees of the district by board*
14 *members, administrators, certified or other employees, students, vendors,*
15 *volunteers and any others having business with the school district is strictly*
16 *prohibited. All forms of discriminatory harassment are prohibited at dis-*
17 *trict facilities, district premises, and non-district property if at any district*
18 *sponsored, district-approved, or district-related activity, program, or event,*
19 *or where an employee is engaged in district business.*

20 *Discrimination*

21 *Discrimination is conduct which affords an employee different*
22 *treatment solely on the basis of race, color, religion, sex, age, national*
23 *origin, disability, sexual orientation, gender identity, or gender expression.*

1 Harassment

2 *Harassment occurs when the conduct is sufficiently severe, perva-*
3 *sive, or persistent so as to have the purpose or effect of interfering with an*
4 *employee's work performance or limiting employment opportunities. Har-*
5 *assment may result from verbal, physical, or psychological conduct, or writ-*
6 *ten material.*

7 Sexual Harassment

8 *Sexual harassment may result from verbal, physical, or psychologi-*
9 *cal conduct, or written material. Sexual harassment may include, but is not*
10 *limited to: verbal harassment or abuse; unwelcome advances or pressure*
11 *for sexual activity; the request for sexual favors; repeated remarks to a*
12 *person, with sexual or demeaning implication; unwelcome touching; sug-*
13 *gesting or demanding sexual involvement; implied or explicit threats con-*
14 *cerning an employee's job status or performance; or other inappropriate*
15 *conduct of a sexual nature.*

16 *Sexual harassment occurs when these acts are committed by an em-*
17 *ployee to a student, or to another employee when submission to or rejection*
18 *of such conduct explicitly or implicitly:*

- 19 • *has the effect of interfering with a student's performance or ability to*
20 *participate in or benefit from the services, activities, or programs of*
21 *school; or*
- 22 • *is made a term or condition of the individual's employment or used as*
23 *the basis for other employment decisions affecting that individual; or*

- 1 • *has the purpose or effect of interfering with an individual's academic*
2 *or job performance or creating an intimidating, hostile or offensive*
3 *academic or working environment.*

4 *Reporting Discrimination and/or Harassment*

5 *The Superintendent of Schools shall designate a District Compli-*
6 *ance Coordinator to coordinate compliance with nondiscrimination require-*
7 *ments.*

8 *Any employee who witnesses an act of discrimination or harassment*
9 *shall promptly report the incident to their supervisor or the District Com-*
10 *pliance Coordinator for investigation and corrective action. Failure to re-*
11 *port may subject the employee to disciplinary action. Administrators who*
12 *fail to take appropriate corrective action in response to complaints of har-*
13 *assment may also face disciplinary action.*

14 *Complaints of discrimination or harassment should be addressed to*
15 *the District Compliance Coordinator, and will be resolved using the dis-*
16 *trict's discrimination complaint procedures. (See KNA). Complaints against*
17 *the Superintendent should be addressed to the Board of Education. If dis-*
18 *crimination or harassment has occurred, the district will take prompt, re-*
19 *medial action to prevent its reoccurrence.*

20 *Complaints received will be investigated to determine whether, un-*
21 *der the totality of the circumstances, the alleged behavior constitutes dis-*
22 *crimination or harassment under the definitions outlined above. Unac-*
23 *ceptable employee conduct may or may not constitute discrimination or har-*
24 *assment, depending on the nature of the conduct and its severity, pervasive-*
25 *ness, and persistence. Behaviors that are unacceptable but do not constitute*

1 *discrimination or harassment may be grounds for discipline, up to and in-*
2 *cluding termination. Any employee who engages in discriminating conduct*
3 *shall be subject to disciplinary action, up to and including termination.*

4 *It shall also be a violation for any employee or student to discour-*
5 *age an employee from reporting or filing a complaint, or for any employee*
6 *to fail to refer for investigation, any complaint lodged under the provisions*
7 *of this policy. False or malicious complaints of harassment may result in*
8 *corrective or disciplinary action against the complainant.*

9 *When a complaint contains evidence of criminal activity or child*
10 *abuse, the District Compliance Coordinator shall report such conduct to the*
11 *appropriate law enforcement agency or the Kansas Department for Children*
12 *and Families. (See GAAD)*

13 *The filing of a complaint or otherwise reporting discrimination or*
14 *harassment shall not reflect upon the employee's status. Any act of retali-*
15 *ation or discrimination against any person who has filed a complaint or testi-*
16 *fied, assisted, or participated in an investigation, proceeding, or hearing*
17 *involving a discrimination or harassment complaint is prohibited. Any per-*
18 *son who retaliates is subject to immediate disciplinary action, up to and in-*
19 *cluding expulsion for a student or termination of employment for an employ-*
20 *ee.*

21 *To the extent reasonably possible confidentiality will be maintained*
22 *throughout the investigation of a complaint. The desire for confidentiality*
23 *must be balanced with the district's obligation to conduct a thorough inves-*
24 *tigation and to take appropriate corrective action.*

1 *The district's non-discrimination statement shall be included in the*
2 *Annual Notices section of the district newsletter which is published in the*
3 *local newspaper at the beginning of each school year. A copy of this policy*
4 *shall be available at each district facility, and a summary of this policy*
5 *shall be included in employee handbooks.*

Approved: July 1, 2001

Reviewed by Board Policy Committee: April 21, 2003

Amended: June 2, 2003

Reviewed by Board Policy Committee: August 15, 2005

Amended: September 12, 2005

Amended: May 14, 2007

Reviewed by Board Policy Committee: September 3, 2008

Amended: October 13, 2008

Reviewed by Board Policy Committee: October 7, 2009

Amended: November 23, 2009

Amended: November 9, 2015

Amended: April 10, 2017

GAAB Complaints of Discrimination (See GAAC, JGEC, JGECA, KNA) GAAB

1 ~~Any incident of prohibited discrimination or harassment (see~~
2 ~~GAAC) in any form shall promptly be reported to the District Compliance~~
3 ~~Coordinator for investigation and corrective action.~~

4 ~~Discrimination against any individual on the basis of race, color,~~
5 ~~religion, sex, age, national origin, sexual orientation, gender identity, or~~
6 ~~disability, in the admission or access to, or treatment or employment in the~~
7 ~~district's programs and activities is prohibited by federal statutes and dis-~~
8 ~~trict policy. The Superintendent of Schools (110 McDonald Dr, Lawrence,~~
9 ~~KS 66044, 785 832 5000) has been designated District Compliance Coordi-~~
10 ~~nator to coordinate compliance with nondiscrimination requirements con-~~
11 ~~tained in Title VI of the Civil Rights Act of 1964, Title IX of the Education~~
12 ~~Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and~~
13 ~~The Americans with Disabilities Act of 1990 and the Kansas Act Against~~
14 ~~Discrimination.~~

15 ~~Complaints of prohibited discrimination or harassment should be~~
16 ~~addressed to the District Compliance Coordinator. Complaints against the~~
17 ~~Superintendent should be addressed to the Board of Education.~~

18 ~~Complaints of prohibited discrimination or harassment will be re-~~
19 ~~solved using the district's discrimination complaint procedures. (See KN)~~

20 ~~Any employee who engages in prohibited discriminatory conduct~~
21 ~~shall be subject to disciplinary action, up to and including termination.~~

22 ~~False or malicious complaints of harassment may result in corrective or dis-~~
23 ~~ciplinary action against the complainant.~~

1 ~~—————The district prohibits retaliation or discrimination against any per-~~
2 ~~son for opposing discrimination, including harassment; for participating in~~
3 ~~the complaint process; or making a complaint, testifying, assisting, or par-~~
4 ~~ticipating in any investigation, proceeding, or hearing.—————~~

5 ~~—————The district's non-discrimination statement shall be included in the~~
6 ~~Annual Notices section of the district newsletter which is published in the~~
7 ~~local newspaper at the beginning of each school year.~~

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JGEC Prohibition Against Discrimination and Harassment

1 *The board of education is committed to providing a positive and*
2 *productive working and learning environment, free from any discrimination*
3 *and/or harassment on the basis of race, color, religion, sex, age, national*
4 *origin, disability, sexual orientation, gender identity, or gender expression.*
5 *Such conduct against any individual is prohibited by federal and state law*
6 *or district policy and shall not be tolerated. Discrimination and/or harass-*
7 *ment may include, but are not limited to, offensive comments or actions*
8 *communicating hostile or derogatory slights or insults. Nondiscrimination*
9 *requirements are contained in Title VI and Title VII of the Civil Rights Act*
10 *of 1964, Title IX of the Education Amendments of 1972, Section 504 of the*
11 *Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the*
12 *ADA Amendments Act of 2008, and the Kansas Act Against Discrimination.*

13 *Discrimination or harassment of students by board members, adminis-*
14 *trators, certified or other employees, students, vendors, volunteers and any*
15 *others having business with the school district is strictly prohibited. All*
16 *forms of discriminatory harassment are prohibited at district facilities, dis-*
17 *trict premises, and non-district property if at any district sponsored, dis-*
18 *trict-approved, or district-related activity, program, or event, or where an*
19 *employee is engaged in district business.*

20 *Discrimination*

21 *Discrimination is conduct which affords a student different treat-*
22 *ment solely on the basis of race, color, religion, sex, age, national origin,*
23 *disability, sexual orientation, gender identity, or gender expression.*

1 Harassment

2 *Harassment occurs when the conduct is sufficiently severe, perva-*
3 *sive, or persistent so as to have the purpose or effect of interfering with or*
4 *limiting the ability of the student to participate in or benefit from the ser-*
5 *vices, activities, or programs of the school. Harassment may result from*
6 *verbal, physical, or psychological conduct, or written material.*

7 Sexual Harassment

8 *Sexual harassment may result from verbal, physical, or psychologi-*
9 *cal conduct, or written material. Sexual harassment may include, but is not*
10 *limited to: verbal harassment or abuse; unwelcome advances or pressure*
11 *for sexual activity; the request for sexual favors; repeated remarks to a*
12 *person, with sexual or demeaning implication; unwelcome touching; sug-*
13 *gesting or demanding sexual involvement; implied or explicit threats; or*
14 *other inappropriate conduct of a sexual nature.*

15 *Sexual harassment occurs when these acts are committed by an em-*
16 *ployee to a student, or student to another student, when submission to or re-*
17 *jection of such conduct explicitly or implicitly has the effect of interfering*
18 *with a student's performance or ability to participate in or benefit from dis-*
19 *trict or school services, activities, or programs.*

20 Reporting Discrimination and/or Harassment

21 *The Superintendent of Schools shall designate a District Compli-*
22 *ance Coordinator to coordinate compliance with nondiscrimination require-*
23 *ments.*

24 *Any employee who witnesses an act of discrimination or harassment*
25 *shall promptly report the incident to their supervisor or the District Com-*

1 *pliance Coordinator for investigation and corrective action. Failure to re-*
2 *port may subject the employee to disciplinary action. Administrators who*
3 *fail to take appropriate corrective action in response to complaints of har-*
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5 *Complaints of discrimination or harassment should be addressed to*
6 *the District Compliance Coordinator, and will be resolved using the dis-*
7 *trict's discrimination complaint procedures. (See KNA). Complaints against*
8 *the Superintendent should be addressed to the Board of Education. If dis-*
9 *crimination or harassment has occurred, the district will take prompt, re-*
10 *medial action to prevent its reoccurrence.*

11 *Complaints received will be investigated to determine whether, un-*
12 *der the totality of the circumstances, the alleged behavior constitutes dis-*
13 *crimination or harassment under the definitions outlined above. Unac-*
14 *ceptable employee conduct may or may not constitute discrimination or har-*
15 *assment, depending on the nature of the conduct and its severity, pervasive-*
16 *ness, and persistence. Behaviors that are unacceptable but do not constitute*
17 *discrimination or harassment may be grounds for discipline, up to and in-*
18 *cluding termination. Any employee who engages in discriminating conduct*
19 *shall be subject to disciplinary action, up to and including termination.*

20 *It shall also be a violation for any employee or student to discour-*
21 *age an employee or student from reporting or filing a complaint, or for any*
22 *employee to fail to refer for investigation, any complaint lodged under the*
23 *provisions of this policy. False or malicious complaints of harassment may*
24 *result in corrective or disciplinary action against the complainant.*

1 *When a complaint contains evidence of criminal activity or child*
2 *abuse, the District Compliance Coordinator shall report such conduct to the*
3 *appropriate law enforcement agency or the Kansas Department for Children*
4 *and Families. (See GAAD)*

5 *The filing of a complaint or otherwise reporting discrimination or*
6 *harassment shall not reflect upon the employee's or student's status. Any*
7 *act of retaliation or discrimination against any person who has filed a com-*
8 *plaint or testified, assisted, or participated in an investigation, proceeding,*
9 *or hearing involving a discrimination or harassment complaint is prohibit-*
10 *ed. Any person who retaliates is subject to immediate disciplinary action,*
11 *up to and including expulsion for a student or termination of employment*
12 *for an employee.*

13 *To the extent reasonably possible confidentiality will be maintained*
14 *throughout the investigation of a complaint. The desire for confidentiality*
15 *must be balanced with the district's obligation to conduct a thorough inves-*
16 *tigation and to take appropriate corrective action.*

17 *The district's non-discrimination statement shall be included in the*
18 *Annual Notices section of the district newsletter which is published in the*
19 *local newspaper at the beginning of each school year. A copy of this policy*
20 *shall be available at each district facility, and a summary of this policy*
21 *shall be included in employee handbooks.*

Approved: July 1, 2001

Reviewed by Board Policy Committee: November 29, 2004

Amended: March 14, 2005

Amended: May 14, 2007

Reviewed by Board Policy Committee: April 9, 2008

Amended: May 27, 2008

Amended: October 28, 2013

Amended: April 10, 2017

1 Discrimination

2 ~~————— The district is committed to maintaining a learning environment free~~
3 ~~from discrimination and harassment as herein defined.~~

4 ~~————— Discrimination, including acts of harassment, against any individual on~~
5 ~~the basis of race, color, religion, sex, age, national origin, disability, sexual~~
6 ~~orientation or gender identity is prohibited by federal and state law and district~~
7 ~~policy. The Superintendent of Schools (110 McDonald Dr, Lawrence, KS 66044,~~
8 ~~785-832-5000) has been designated District Compliance Coordinator to~~
9 ~~coordinate compliance with nondiscrimination requirements contained in Title~~
10 ~~VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of~~
11 ~~1972, Section 504 of the Rehabilitation Act of 1973, and The Americans with~~
12 ~~Disabilities Act of 1990 and the Kansas Act Against Discrimination.~~

13 ~~————— Discrimination is conduct which affords a student different treatment,~~
14 ~~solely on the basis of race, color, national origin, religion, disability, sex,~~
15 ~~sexual orientation or gender identity in a manner which interferes with or limits~~
16 ~~the ability of the student to participate in or benefit from the services, activities~~
17 ~~or programs of the school.~~

18 ~~————— Discrimination as above described against any student in the admission~~
19 ~~or access to, or treatment in the district's programs and activities is prohibited.~~

20 ~~————— Any student or employee who engages in discriminatory conduct as~~
21 ~~above described shall be subject to disciplinary action, up to and including~~
22 ~~termination from employment or expulsion from school.~~

23 Harassment

24 ~~Harassment on the basis of race, color, religion, sex, age, national origin,~~
25 ~~disability, sexual orientation or gender identity shall not be tolerated in the~~

1 ~~school district. The Board of Education is committed to providing a positive~~
2 ~~and productive learning and working environment, free from discrimination,~~
3 ~~including harassment, on the basis of race, color, religion, sex, age, national~~
4 ~~origin, disability, sexual orientation or gender identity. Harassment of students~~
5 ~~of the district by board members, administrators, employees, students, vendors,~~
6 ~~volunteers and any others having business with the school district is strictly~~
7 ~~prohibited.~~

8 ~~—— All forms of harassment are prohibited at district facilities; on district~~
9 ~~premises; and on nondistrict property if at any district sponsored, district~~
10 ~~approved or district related activity, program or event when the student is under~~
11 ~~the supervision of the district.~~

12 ~~—— Harassment is conduct which solely on the basis of race, color, national~~
13 ~~origin, religion, disability, sex, sexual orientation or gender identity:~~

- 14 ~~● affords a student different treatment in a manner which interferes with or~~
15 ~~limits the ability of the student to participate in or benefit from the services,~~
16 ~~activities or programs of the school; or~~
- 17 ~~● subjects a student to treatment which is sufficiently severe, pervasive or~~
18 ~~persistent so as to have the purpose or effect of creating a hostile~~
19 ~~environment or of interfering with a student's performance or ability to~~
20 ~~participate in or benefit from the services, activities or programs of the~~
21 ~~school.~~

22 ~~Harassment can be a result of *direct* verbal or physical conduct or *the use*~~
23 ~~of written material or symbols. *Harassment can also be the result of*~~
24 ~~*microaggressions, which are subtle but offensive comments or actions directed*~~
25 ~~*at a minority or other non dominant group that are often unintentional or*~~
26 ~~*unconsciously reinforce a stereotype.*~~

27 ~~—— Harassment Sexual Harassment~~

1 ~~———— Sexual harassment shall not be tolerated in the school district. The~~
2 ~~board of education is committed to providing a positive and productive learning~~
3 ~~environment, free from discrimination on the basis of sex, including sexual~~
4 ~~harassment.~~

5 ~~———— Sexual harassment is unlawful discrimination on the basis of sex under~~
6 ~~Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act~~
7 ~~of 1964, and the Kansas Act Against Discrimination.~~

~~———— Sexual harassment of employees or students of the district by board~~
~~members, administrators, certified or other employees, students, vendors,~~
~~volunteers and any others having business with the school district is strictly~~
~~prohibited.~~

8 ~~———— Sexual harassment may result from verbal or physical conduct or~~
9 ~~written or graphic material. Sexual harassment may include, but is not limited~~
10 ~~to (See GAAC):~~

- 11 ~~• verbal harassment or abuse;~~
- 12 ~~• unwelcome advances or pressure for sexual activity;~~
- 13 ~~• the request for sexual favors;~~
- 14 ~~• repeated remarks to a person, with sexual or demeaning implication;~~
- 15 ~~• unwelcome touching;~~
- 16 ~~• suggesting or demanding sexual involvement;~~
- 17 ~~• implied or explicit threats concerning a student's grades, participation in~~
18 ~~extra-curricular activities, or participation in other school related programs~~
19 ~~as a consequence of not complying with sexual advances;~~
- 20 ~~• other inappropriate verbal, written or physical conduct of a sexual nature.~~

1 ~~———— Sexual harassment occurs when these acts are committed by a member~~
2 ~~of the school staff to a student, or by any student to another student or to a staff~~
3 ~~member when:~~

- 4 ~~• submission to or rejection of such conduct by an individual is used as the~~
5 ~~basis for academic decisions affecting that individual; or~~
- 6 ~~• such conduct is sufficiently severe, pervasive or persistent so as to have the~~
7 ~~purpose or effect of creating a hostile environment or of interfering with a~~
8 ~~student's performance or ability to participate in or benefit from the services,~~
9 ~~activities or programs of the school.~~

10 ~~———— Reporting of Discrimination and Harassment~~

11 ~~———— The district encourages all victims of discrimination or harassment and~~
12 ~~persons with knowledge of such discrimination or harassment to report it~~
13 ~~immediately to the District Compliance Coordinator. The District Compliance~~
14 ~~Coordinator or his/her designee will promptly investigate all complaints of~~
15 ~~discrimination and harassment and take prompt corrective action to end the~~
16 ~~discrimination or harassment.~~

17 ~~———— Any student who believes he or she has been subject to discrimination~~
18 ~~or harassment, or who has witnessed an act of alleged discrimination or~~
19 ~~harassment, should report the alleged behavior to the District Compliance~~
20 ~~Coordinator. Any school employee who receives a complaint of discrimination~~
21 ~~or harassment from a student shall inform the school Principal and the District~~
22 ~~Compliance Coordinator and direct the student to report the complaint to the~~
23 ~~District Compliance Coordinator. The district compliance coordinator or the~~
24 ~~principal shall provide the appropriate form. The District Compliance~~
25 ~~Coordinator or his/her designee shall discuss the complaint with the student to~~
26 ~~determine the appropriate action. If the action is not satisfactory to the student,~~

1 ~~the student may initiate a formal complaint under the district's discrimination~~
2 ~~complaint procedure (see KN).~~

3 ~~—————Complaints received will be investigated to determine whether, under~~
4 ~~the totality of the circumstances, the alleged behavior constitutes discrimination~~
5 ~~or harassment under the definition outlined above. Unacceptable student~~
6 ~~conduct may or may not constitute discrimination or harassment depending on~~
7 ~~the nature of the conduct and its severity, pervasiveness and persistence.~~

8 ~~—————Behaviors that are unacceptable but do not constitute discrimination or~~
9 ~~harassment may be grounds for discipline under the Policy JGECA and any code~~
10 ~~of student conduct.~~

11 ~~—————An employee who witnesses an act of discrimination or harassment shall~~
12 ~~report the incident to the Principal and the District Compliance Coordinator.~~
13 ~~Failure to do so may result in disciplinary action. School administrators who~~
14 ~~fail, when requested, to investigate and take appropriate corrective action in~~
15 ~~response to complaints of discrimination or harassment may also face~~
16 ~~disciplinary action.~~

17 ~~—————It shall further be prohibited conduct for any employee to discourage a~~
18 ~~student from filing a complaint, or to fail, when directed, to investigate or to~~
19 ~~refer to the District Compliance Coordinator any complaint lodged under the~~
20 ~~provisions of this policy.~~

21 ~~—————When a complaint contains evidence of criminal activity or child abuse,~~
22 ~~any employee, including the District Compliance Coordinator, shall report such~~
23 ~~conduct to the appropriate law enforcement or DCF authorities. (See GAAD)~~

24 ~~—————To the extent reasonably possible, confidentiality will be maintained~~
25 ~~throughout the investigation of a complaint. The desire for confidentiality must~~

1 ~~be balanced with the district's obligation to conduct a thorough investigation~~
2 ~~and to take appropriate corrective action.~~

3 ~~—————The filing of a complaint or otherwise reporting discrimination or~~
4 ~~harassment shall not reflect upon the student's status or grades. Any act of~~
5 ~~retaliation against any person who has filed a complaint or testified, assisted, or~~
6 ~~participated in an investigation of a discrimination or harassment complaint is~~
7 ~~prohibited. Any person who retaliates is subject to immediate disciplinary~~
8 ~~action, up to and including expulsion for a student or termination of employment~~
9 ~~for an employee.~~

10 ~~—————False or malicious complaints of discrimination or harassment may~~
11 ~~result in corrective or disciplinary action against the complainant.~~

12 ~~—————A copy of this policy shall be available at each district facility, and a~~
13 ~~summary of this policy shall be included in student and employee handbooks.~~
14 ~~The district's non-discrimination statement shall be included in the Annual~~
15 ~~Notices section of the district newsletter which is published in the local~~
16 ~~newspaper at the beginning of each school year.~~

Approved: July 1, 2001

Reviewed by Board Policy Committee: November 29, 2004

Amended: March 14, 2005

Amended: May 14, 2007

Reviewed by Board Policy Committee: April 9, 2008

Amended: May 27, 2008

Amended: October 28, 2013

Amended: June 27, 2016

1 The board encourages complaints alleging acts of discrimination, harassment, hazing, or bullying
2 by an employee, student, or third party to be presented to the supervisor, department administrator, or
3 building principal to allow for resolution without the need for a formal complaint. If the complainant is
4 not satisfied with the resolution, a formal complaint may be initiated using the procedures outlined in this
5 policy.

6 The Superintendent of Schools shall designate a District Compliance Coordinator to receive and
7 manage formal complaints alleging acts of discrimination, harassment, hazing or bullying by an
8 employee, student, or third party. Such complaints may be filed directly with the District Compliance
9 Coordinator, supervisor, department administrator, or building principal. If the formal complaint is not
10 filed directly with the District Compliance Coordinator, the supervisor, department administrator, or
11 building principal shall provide the formal complaint to the District Compliance Coordinator within five
12 (5) working days.

13 The District Compliance Coordinator shall determine whether to conduct or assign the
14 investigation and resolution of the complaint. If assigned, the designee shall investigate and make a
15 determination as to the complaint's validity and resolution.

16 Investigation and Resolution Procedures

17 The District Compliance Coordinator or designee shall conduct an investigation in accordance
18 with the following procedures:

- 19 1. Review the complaint;
- 20 2. Interview the complainant and appropriate witnesses;
- 21 3. Determine appropriate resolution; and,
- 22 4. Communicate resolution to complainant.

23 The investigator shall contact the complainant within ten (10) calendar days of receiving the complaint.

24 Appeal Procedures

1 If the complainant is not satisfied with the resolution, an appeal may be filed with the District
2 Compliance Coordinator. Complainant must file the appeal within ten (10) calendar days of receiving the
3 resolution. The District Compliance Coordinator may extend the filing deadline for good cause.

4 The District Compliance Coordinator shall determine the appropriate level to which the appeal is
5 assigned. Appeals from the department or building level shall be investigated and resolved by the District
6 Compliance Coordinator. Appeals from the District Compliance Coordinator shall be investigated and
7 resolved by the Superintendent. Appeals from the Superintendent shall be investigated and resolved by
8 the board of education or the board's designee. If the board appoints a designee to investigate the
9 complaint, such designee shall provide the board a recommendation which the board shall adopt or revise
10 as the board, in its sole discretion, determines appropriate. Appeals must be investigated and resolved
11 within forty-five (45) days of the date the complainant files the appeal with the District Compliance
12 Coordinator.

1 ~~The district is committed to maintaining a working and learning envi-~~
2 ~~ronment free from discriminatory harassment.~~

3 ~~————— Harassment against any individual on the basis of race, color, reli-~~
4 ~~gion, sex, age, national origin, sexual orientation, gender identity, or disabil-~~
5 ~~ity, in the admission or access to, or treatment or employment in the district's~~
6 ~~programs and activities is prohibited by federal statutes and district policy.~~
7 ~~Disability harassment is unlawful discrimination on the basis of disability un-~~
8 ~~der Section 504 of the rehabilitation Act of 1973 and the Americans with Dis-~~
9 ~~abilities Act. All forms of racial and disability harassment are prohibited at~~
10 ~~school, on school property, and at all school sponsored activities, programs,~~
11 ~~or events. Racial or disability harassment against individuals associated with~~
12 ~~the school is prohibited, whether or not the harassment occurs on school~~
13 ~~grounds. The District Compliance Coordinator, 110 McDonald Dr., Lawrence,~~
14 ~~KS 66044 1063, 785-832-5000 has been designated to coordinate compliance~~
15 ~~with nondiscrimination requirements contained in Title VI and Title VII of the~~
16 ~~Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sec-~~
17 ~~tion 504 of the Rehabilitation Act of 1973, and The Americans with Disabili-~~
18 ~~ties Act of 1990.~~

19 ~~————— Any employee who engages in discriminatory harassing conduct shall~~
20 ~~be subject to disciplinary action, up to and including termination. False or ma-~~
21 ~~licious complaints of discriminatory harassment may result in corrective or~~
22 ~~disciplinary action against the complainant.~~

~~————— Harassment~~

~~————— Harassment on the basis of race, color, religion, sex, age, national~~

~~1 origin, disability, sexual orientation or gender identity shall not be tolerated
2 in the school district. The Board of Education is committed to providing a
3 positive and productive learning and working environment, free from discrimi-
4 nation, including harassment, on the basis of race, color, religion, sex, age,
5 national origin, disability, sexual orientation or gender identity. Harassment
6 of employees of the district by board members, administrators, certified or
7 other employees, students, vendors, volunteers and any others having business
8 with the school district is strictly prohibited.~~

~~9 All forms of discriminatory harassment are prohibited at district fa-
10 cilities, district premises and nondistrict property if at any district sponsored,
11 district approved or district related activity, programs or events, or where the
12 employee is engaged in district business whether or not the harassment occurs
13 on district property.~~

~~14 It shall further be a violation for any employee to discourage an em-
15 ployee from filing a complaint, or to fail when directed to investigate or to
16 refer to the District Compliance Coordinator, any complaint lodged under the
17 provisions of this policy.~~

~~18 Harassment is conduct which:~~

- ~~19 • affords an employee different treatment, solely on the basis of race, color,
20 national origin, religion, disability, sex, sexual orientation or gender iden-
21 tity in a manner which interferes with or limits the ability of the employee
22 to participate in or benefit from the services, activities or programs of the
23 district; and~~
- ~~24 • is sufficiently severe, pervasive or persistent so as to have the purpose or
25 effect of creating a hostile environment; or~~

~~1 • is sufficiently severe, pervasive or persistent so as to have the purpose or
2 effect of interfering with an employee's work performance or employment
3 opportunities.~~

~~4 Harassment may result from verbal or physical conduct or written graphic ma-
5 terial.~~

~~6 Sexual Harassment~~

~~7 Sexual harassment shall not be tolerated in the school district. The
8 Board of Education is committed to providing a positive and productive work-
9 ing environment, free from discrimination on the basis of sex, including sexu-
10 al harassment.~~

~~11 Sexual harassment is unlawful discrimination on the basis of sex un-
12 der Title IX of the Education Amendments of 1972, Title VII of the Civil
13 Rights Act of 1964, and the Kansas Acts Against Discrimination.~~

~~14 All forms of sexual harassment are prohibited at school, on school
15 property, and at all school sponsored activities, programs, events, or when an
16 employee is engaged in district business whether or not the harassment occurs
17 on school property.~~

~~18 Sexual harassment of employees of the district by board members,
19 administrators, certified or other employees, students, vendors, volunteers and
20 any others having business with the school district is strictly prohibited.~~

~~21 It shall also be a violation for any employee or student to discourage
22 an employee from filing a complaint, or for any employee to fail to refer for
23 investigation, any complaint lodged under the provisions of this policy.~~

~~24 Sexual harassment may result from verbal or physical conduct or writ-
25 ten or graphic material. Sexual harassment may include, but is not limited to:~~

- ~~1 • verbal harassment or abuse;~~
- ~~2 • unwelcome advances or pressure for sexual activity;~~
- ~~3 • the request for sexual favors;~~
- ~~4 • repeated remarks to a person, with sexual or demeaning implication;~~
- ~~5 • unwelcome touching;~~
- ~~6 • suggesting or demanding sexual involvement;~~
- ~~7 • implied or explicit threats concerning an employee's job status or perfor-~~
- ~~8 mance;~~
- ~~9 • other inappropriate oral, written or physical conduct of a sexual nature.~~

~~10 ——— Sexual harassment occurs when these acts are committed by an em-~~
~~11 ployee to a student, or to another employee when:~~

- ~~12 • submission to or rejection of such conduct explicitly or implicitly has the~~
- ~~13 effect of interfering with a student's performance or ability to participate~~
- ~~14 in or benefit from the services, activities, or programs of school; or~~
- ~~15 • submission to or rejection of such conduct by an individual is made explic-~~
- ~~16 itly or implicitly a term or condition of the individual's employment or~~
- ~~17 used as the basis for other employment decisions affecting that individual;~~
- ~~18 or~~

- ~~19 • such conduct has the purpose or effect of interfering with an individual's~~
- ~~20 academic or job performance or creating an intimidating, hostile or offen-~~
- ~~21 sive academic or working environment.~~

~~22 ——— Reporting of Harassment~~

~~23 ——— The district encourages all victims of harassment and persons with~~
~~24 knowledge of such harassment to report the harassment immediately to the~~

~~1 District Compliance Coordinator. Complaints against the Superintendent
2 should be addressed to the Board of Education. (See JGEC)~~

~~3 _____ Complaints of discriminatory harassment will be resolved using the
4 district's discrimination complaint procedures. (See KN) Any employee who
5 engages in discriminatory harassing conduct shall be subject to disciplinary
6 action, up to and including termination. False or malicious complaints of dis-
7 criminatory harassment may result in corrective or disciplinary action against
8 the complainant.~~

~~9 _____ The District Compliance Coordinator or his/her designee will prompt-
10 ly investigate all complaints of harassment and take prompt corrective action
11 to end the harassment.~~

~~12 _____ Any employee who believes he or she has been subject to harassment
13 should report the alleged harassment to the District Compliance Coordinator.
14 The District Compliance Coordinator or his/her designee shall discuss the
15 complaint with the employee to determine the appropriate action. If the action
16 is not satisfactory to the employee, the employee may initiate a formal com-
17 plaint under the district's discrimination complaint procedure. (see KN).~~

~~18 _____ Complaints received will be investigated to determine whether, under
19 the totality of the circumstances, the alleged behavior constitutes harassment
20 under the definition outlined above. Unacceptable employee conduct may or
21 may not constitute harassment, depending on the nature of the conduct and its
22 severity, pervasiveness and persistence. Behaviors that are unacceptable but
23 do not constitute harassment may be grounds for discipline. Any employee who
24 engages in discriminating conduct shall be subject to disciplinary action, up to
25 and including termination.~~

~~Any employee who witnesses an act of harassment shall report the incident to the District Compliance Coordinator. Employees who fail to report complaints or incidents of harassment to the District Compliance Coordinator may face disciplinary action. Administrators who fail to take appropriate corrective action in response to complaints of harassment may also face disciplinary action.~~

~~When a complaint contains evidence of criminal activity or child abuse, the District Compliance Coordinator shall report such conduct to the appropriate law enforcement or DCF authorities. (See GAAD)~~

~~To the extent reasonably possible confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation and to take appropriate corrective action.~~

~~The filing of a complaint or otherwise reporting discrimination or harassment shall not reflect upon the employee's status. Any act of retaliation against any person who has filed a complaint or testified, assisted, or participated in an investigation of a discrimination or harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.~~

~~False or malicious complaints of discrimination or harassment may result in corrective or disciplinary action against the complainant.~~

~~A copy of this policy shall be available at each district facility, and a summary of this policy shall be included in employee handbooks.~~

~~Approved: July 1, 2001~~

~~Reviewed by Board Policy Committee: April 21, 2003~~

~~Amended: June 2, 2002~~

~~Reviewed by Board Policy Committee: August 15, 2005~~

~~Amended: September 12, 2005~~

~~Amended: May 14, 2007~~

~~Reviewed by Board Policy Committee: September 3, 2008~~

~~Amended: October 13, 2008~~

~~Amended: October 28, 2013~~