

Code of Acceptable Behavior

Harassment/Discrimination/Bullying:

Definition:

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disabilities that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

Sexual Harassment and harassment will need to be reviewed on a yearly basis.

Bullying is a form of harassment and discrimination. It will be understood throughout this document that when the terms harassment and discrimination are used that bullying is included.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

KRS 525.070 is amended to include that a person is guilty of harassment when with intent to intimidate, harass, annoy or alarm another person he or she while being enrolled as a student in a local school district and while on school premises on school-sponsored transportation or at a school sponsored event:

- Damages or commits a theft of the property of another student
- Substantially disrupts the operation of the school or
- Creates a hostile environment by means of any gestures, written communications, oral statements or physical acts that a reasonable person under the circumstances should know would cause another student to suffer fear of physical harm, intimidation, humiliation or embarrassment.

KRS 525.080 is amended to provide that a person is guilty of harassing communications when with intent to intimidate, harass, annoy, or alarm another person, he or she:

Communicates while enrolled as a student in a local school district with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.

Prohibition:

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Persons of the same or opposite sex may commit Acts of harassment/discrimination based on sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

Disciplinary Action:

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subjected to disciplinary action, including but not limited to suspension and expulsion.

Guidelines:

Students who believe they have been a victim of an act of harassment/discrimination or who have observed other students being victimized shall, as soon as reasonably practicable, inform their Principal, who shall provide a form for the student to complete and then immediately notify the Superintendent/designee and/or Title IX/Equity Coordinator, as appropriate. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report

- A. Requires any employee of the school or a local board of education who knows or has reasonable cause to believe that a school student has been a victim of a violation of a felony offense under KRS Chapter 508 (assault, wanton endangerment, criminal abuse, stalking) committed by another student while on school premises, on school-sponsored transportation or at a school sponsored event, to immediately cause an oral or written report to be made to the principal of the school attended by the victim.

1. Requires the principal to notify the parent, legal guardians or other persons exercising custodial control or supervision of the student with the student is involved in a reportable incident.
2. Requires the principal to file with the local school board and the local law enforcement agency or the Kentucky State Police or the County Attorney within forty-eight (48) hours after the original report a written report containing:
 - a. The names and address of the student and his or her parents, legal guardians, or other persons exercising custodial control or supervision;
 - b. The student's age
 - c. The nature and extent of the violation
 - d. The date and address of the student allegedly responsible for the violation and

Any other information the principal making the report believes may be helpful in the furtherance of the purpose of this section.

The Superintendent/Designee may take interim measures to protect complainants during the investigation.

1. A process to identify and implement, within three (3) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
2. Annual dissemination of written policy to all staff and students;
3. Age-appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
4. Development of alternate methods of filing complaints for individuals with disabilities and other whom may need accommodation.

Student handbooks shall include information to assist individuals in reporting alleged harassment/discrimination. When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook, shall be notified.

Notification of Parents:

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

Prohibited Conduct:

Depending on the circumstances and facts of the situation and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Derogatory nicknames, slurs, demeaning stories, jokes, or pictures relating to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;
2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
4. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
5. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
6. Destroying or damaging an individual's property based on any of the protected categories.

Confidentiality:

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

Appeal:

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent/designee.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by an employee, immediate supervisor, Principal, and/or Superintendent/designee to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, to follow approved procedures, or to take corrective action shall be cause for disciplinary action.

Retaliation Prohibited:

No one shall retaliate against an employee or student because he/she files a written grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because he/she has opposed language or conducts that violates this policy.

Upon the resolution of allegations, the Superintendent/designee shall take steps to protect employees and students against retaliation.

False Complaints:

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Other Claims:

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

Assault:

Any pupil who assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.

School Personnel:

Any pupil who assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action up to and including expulsion from school and/or abuse of teacher charges.

Abuse of Teacher Prohibited:

Whenever a teacher or school administrator is functioning in his capacity as an employee of a board of education of a public school system, it shall be unlawful for any person to direct speech or conduct toward the teacher or school administrator when such person knows or should know that the speech or conduct will disrupt or interfere with normal school activities or will nullify or undermine the good order and discipline of the school.

Removal of Students:

School administrators, school resource officers, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not limited to:

- (1) Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
- (2) Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with 702 KAR 5:080.

Removal of students regarding teacher abuse charges shall be made in compliance with KRS 161.190.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

Report to Law Enforcement Agency:

When they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

Policy and Procedures

- 09.2211- Employee Reports of Criminal Activity
- 09.42- Student Conduct
- 09.422- Bullying/Hazing
- 09.425- Assault and Threats of Violence
- 09.426- Disrupting the Educational Process
- 09.42811-Harassment/Discrimination
- 09.42811 AP2- Reporting Form
- 09.42811 AP.21- Investigation and Appeals
- 09.42811 AP.22- Witness Disclosure
- 09.42811 AP.24 Resolution Response
- 09.438- Student Discipline Code

Employee Reports of Criminal Activity

To promote the safety and well-being of students, the District requires employees to make reports required by state law in a timely manner. Supervisors and administrators shall inform employees of the following required reporting duties:

KRS 158.154

When the Principal has a reasonable belief that an act has occurred on school property or at a school-sponsored function involving assault resulting in serious physical injury, a sexual offense, kidnapping, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a controlled substance in violation of the law, or damage to the property, the Principal shall immediately report the act to the appropriate local law enforcement agency. For purposes of this section, "school property" means any public school building, bus, public school campus, grounds, recreational area, or athletic field, in the charge of the Principal.

KRS 158.155

An administrator, teacher, or other employee shall promptly make a report to the local police department, sheriff, or the Department of Kentucky State Police, by telephone or otherwise, if:

- 1 The person knows or has reasonable cause to believe that conduct has occurred which constitutes:
 - a. A misdemeanor or violation offense under the laws of this Commonwealth and relates to:
 - i Carrying, possession, or use of a deadly weapon; or
 - ii Use, possession, or sale of controlled substances; or
 - b. Any felony offense under the laws of this Commonwealth; and
- 2 The conduct occurred on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school-sponsored or sanctioned event.

KRS 158.156

Any employee of a school or a local board of education who knows or has reasonable cause to believe that a school student has been the victim of a violation of any felony offense specified in KRS Chapter 508 committed by another student while on school premises, on school-sponsored transportation, or at a school-sponsored event shall immediately cause an oral or written report to be made to the Principal of the school attended by the victim. The Principal shall notify the parents, legal guardians, or other persons exercising custodial control or supervision of the student when the student is involved in an incident reportable under this section. The Principal shall file a written report with the local school board and the local law enforcement agency or the Department of Kentucky State Police or the county attorney within forty-eight (48) hours of the original report.

Employee Reports of Criminal Activity

KRS 620.030

Any person who knows or has reasonable cause to believe that a child is dependent, neglected, or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Department of Kentucky State Police; the cabinet or its designated representative; the Commonwealth's Attorney or the County Attorney; by telephone or otherwise. Any supervisor who receives from an employee a report of suspected dependency, neglect, or abuse shall promptly make a report to the proper authorities for investigation.

REFERENCES:

KRS 158.154

KRS 158.155

KRS 158.156

KRS 525.070, KRS 525.080

KRS 527.070, KRS 527.080

KRS 620.030

RELATED POLICIES:

03.13251/03.23251

05.48

09.227

09.422

09.423

09.425

09.426

09.438

Adopted/Amended: 07/17/2008

Order #: 333

Student Conduct

The Superintendent/designee shall be responsible for overall implementation and supervision of the Board's Code of Acceptable Behavior and Discipline, and each Principal shall be responsible for administration and implementation of the Code within each school. The Principal shall apply the Code uniformly and fairly to each student without partiality or discrimination.

The Principal of each school, or school council in schools with SBDM, shall set school policy concerning the selection and implementation of appropriate discipline and classroom management techniques necessary to carry out the Code.

REFERENCES:

KRS 158.148

KRS 160.290

KRS 161.180

RELATED POLICY:

09.438

Adopted/Amended: 08/06/1998

Order #: 128

Bullying/Hazing

In order to effectively participate in the democratic process as adults, students must learn to respect the rights of others and to interact with them in a civil manner. Therefore, students are required to speak and behave in a civil manner toward students, staff and visitors to the schools.

ACTIONS NOT TOLERATED

The use of lewd, profane or vulgar language is prohibited. In addition, students shall not engage in behaviors such as hazing, bullying, menacing, taunting, intimidating, verbal or physical abuse of others, or other threatening behavior.¹ This policy extends to any/all student language or behavior including, but not limited to, the use of electronic or online methods. Such behavior is disruptive of the educational process and interferes with the ability of other students to take advantage of the educational opportunities offered.

These provisions shall not be interpreted to prohibit civil exchange of opinions or debate protected under the state or federal constitutions where the opinion expressed does not otherwise materially or substantially disrupt the education process or intrude upon the rights of others.

Students who violate this policy shall be subject to appropriate disciplinary action.

BULLYING DEFINED

Bullying refers to any intentional act by a student or groups of students directed against another student to ridicule, humiliate, or intimidate the other student while on school grounds, or at a school sponsored activity, which acts are repeated against the same student over time.

REPORTS

As provided in the District Code of Acceptable Behavior and Discipline, students that believe they are victims of bullying/hazing shall be provided with a process to enable them to report such incidents to District personnel for appropriate action.

Employees are expected to take reasonable and prudent action in situations involving student welfare and safety, including following District policy requirements for intervening and reporting to the Principal or to their immediate supervisor those situations that threaten, harass, or endanger the safety of students, other staff members, or visitors to the school or District. Such instances shall include, but are not limited to, bullying or hazing of students and harassment/discrimination of staff, students or visitors by any party.

Students who believe they have been a victim of bullying or who have observed other students being bullied shall, as soon as reasonably practicable, report it.

The District Code shall specify to whom reports of alleged instances of bullying or hazing shall be made. In serious instances of peer-to-peer bullying/hazing/harassment, employees must report to the alleged victim's Principal, as directed by Board policy 09.42811. The Principal/designee shall investigate and address alleged incidents of such misbehavior.

In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

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In certain cases, employees must do the following:

1. Report bullying and hazing to appropriate law enforcement authorities as required by policy 09.2211; and
2. Investigate and complete documentation as required by policy 09.42811 covering federally protected areas.

Bullying/Hazing

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.426 and/or 09.42811. Harassment/discrimination allegations shall be governed by Policy 09.42811.

REFERENCES:

¹KRS 158.150; KRS 158.148; KRS 158.156

KRS 160.290

Bethel School District No. 403 v. Fraser, 478 U.S. 675, 106 S.Ct. 3159, 92 L.Ed.2d 549 (1986)

Tinker v. Des Moines Independent School District, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969)

RELATED POLICIES:

03.162; 03.262; 09.13; 09.421; 09.425; 09.426; 09.4281; 09.42811; 09.438
09.2211 (re reports required by law)

Adopted/Amended: 07/12/2012
Order #: 807

Assault and Threats of Violence

For purposes of this policy, a "threat" shall refer to a communication made by any means, including, but not limited to, electronic and/or online methods.

PUPILS

Any pupil who threatens, assaults, batters or abuses another pupil shall be subject to appropriate disciplinary action, including suspension or expulsion.¹

SCHOOL PERSONNEL

Any pupil who threatens, assaults, batters or physically or verbally abuses a teacher or other school personnel shall be subject to appropriate disciplinary action¹ up to and including expulsion from school and/or legal action.

REMOVAL OF STUDENTS

School administrators, teachers, or other school personnel may immediately remove or cause to be removed threatening or violent students from a classroom setting or from the District's transportation system pending any further disciplinary action that may occur. Threatening or violent behavior shall include, but not be limited to:

1. Verbal or written statements or gestures by students indicating intent to harm themselves, others or property.
2. Physical attack by students so as to intentionally inflict harm to themselves, others or property.

Removal of students from a bus shall be made in compliance with 702 KAR 005:080.

Each school shall designate the site(s) to which employees may remove students from a classroom setting and the employee(s) who will supervise the student at the site.

When teachers or other personnel remove a student, they shall complete and submit a form to document the removal and the causes as soon as practicable. The Principal shall review the removal as soon as possible to determine if further disciplinary action is warranted or if the student is to be returned to the classroom.

REPORT TO LAW ENFORCEMENT AGENCY

When they have reasonable belief that a violation has taken place, principals shall immediately report to law enforcement officials when an act has occurred on school property or at a school-sponsored function that involves assault resulting in serious physical injury, a sexual offense, kidnapping or each instance of assault involving the use of a weapon.

NOTIFICATIONS

As soon as the Superintendent/designee confirms that a serious threat has been confirmed, designated personnel shall attempt to notify staff members and/or students who have been threatened and parents of students who are the subject of a threat. Such notification shall observe and comply with confidentiality requirements of applicable law including, but not limited to, state and federal Family Educational Rights and Privacy Act (FERPA) laws.

Assault and Threats of Violence

NOTIFICATIONS (CONTINUED)

Any District employee assigned to work directly with, or who comes in contact with, a student with a documented history of physical abuse of a school employee or of carrying a concealed weapon on school property or at a school function, shall be notified in writing of the student's history by the Principal or designee prior to the assignment or contact.

REFERENCES:

¹KRS 158.150

KRS 158.154; KRS 160.290; KRS 161.155; KRS 161.190

KRS 161.195; KRS 508.025; KRS 508.075; KRS 508.078; 702 KAR 005:080

RELATED POLICIES:

03.123, 03.223, 06.34

09.14; 09.2211; 09.422

Adopted/Amended: 07/12/2012

Order #: 807

Disrupting the Educational Process

DISRUPTIVE BEHAVIOR PROHIBITED

Behavior that materially or substantially disrupts the educational process, whether on school property or at school-sponsored events and activities, shall not be tolerated. For purposes of this section, behavior which disrupts the educational process shall include, but not be limited to:

1. Conduct which threatens the health, safety, or welfare of others;
2. Conduct which may damage public or private property, including the property of students or staff;
3. Illegal activity; or
4. Conduct that materially or substantially interferes with another student's access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities; or
5. Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or District operations.

PENALTY

Violation of this policy shall be grounds for disciplinary action.

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.42811, which address harassment/discrimination allegations.

REFERENCES:

KRS 158.150; KRS 158.165; KRS 160.290

RELATED POLICIES:

09.13; 09.422; 09.42811; 09.438

Adopted/Amended: 08/09/2001

Order #: 772

Harassment/Discrimination

DEFINITION

Harassment/Discrimination is unlawful behavior based on race, color, national origin, age, religion, sex or disability that is sufficiently severe, pervasive, or objectively offensive that it adversely affects a student's education or creates a hostile or abusive educational environment.

The provisions of this policy shall not be interpreted as applying to speech otherwise protected under the state or federal constitutions where the speech does not otherwise materially or substantially disrupt the educational process, as defined by policy 09.426, or where it does not violate provisions of policy 09.422.

PROHIBITION

Harassment/Discrimination is prohibited at all times on school property and off school grounds during school-sponsored activities. This prohibition also applies to visitors to the school who may come into contact with employees and students. (Acts of harassment/discrimination based on sex may be committed by persons of the same or the opposite sex.)

District staff shall provide for a prompt and equitable resolution of complaints concerning harassment/discrimination.

DISCIPLINARY ACTION

Students who engage in harassment/discrimination of an employee or another student on the basis of any of the areas mentioned above shall be subject to disciplinary action, including but not limited to suspension and expulsion.

GUIDELINES

Students who believe they or any other student, employee, or visitor is being or has been subjected to harassment/discrimination shall, as soon as reasonably practicable, report it. In each school building, the Principal is the person responsible for receiving reports of harassment/discrimination at the building level. Otherwise, reports of harassment/discrimination may be made directly to the Superintendent. Additionally, if sexual discrimination or harassment is being alleged, reports may be made directly to the District Title IX Coordinator. Complaints of harassment/discrimination, whether verbal or written, shall lead to a documented investigation and a written report. Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.

Employees who believe prohibited behavior is occurring or has occurred shall notify the victim's Principal, who shall immediately forward the information to the Superintendent.

The Superintendent shall provide for the following:

1. Investigation of allegations of harassment/discrimination to commence as soon as circumstances allow, but not later than three (3) school days of receipt of the original complaint, regardless of the manner in which the complaint is communicated to a District administrator. A written report of all findings of the investigation shall be completed within thirty (30) calendar days, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Superintendent/designee may take interim measures to protect complainants during the investigation.

Harassment/Discrimination**GUIDELINES (CONTINUED)**

2. A process to identify and implement, within five (5) school days of the submission of the written investigative report, methods to correct and prevent reoccurrence of the harassment/discrimination. If corrective action is not required, an explanation shall be included in the report.
3. A process to be developed and implemented to communicate requirements of this policy to all students, which may include, but not be limited to, the following:
 - written notice provided in publications such as handbooks, codes, and/or pamphlets; and/or
 - such other measures as determined by the Superintendent/designee.

Method(s) used shall provide a summary of this policy, along with information concerning how individuals can access the District's complete policy/procedures and obtain assistance in reporting and responding to alleged incidents. Students, parents or guardians, as appropriate, will be directed to sign an acknowledgement form verifying receipt of information concerning this policy as part of the Board-approved code of acceptable behavior and discipline.

4. Age appropriate training during the first month of school to include an explanation of prohibited behavior and the necessity for prompt reporting of alleged harassment/discrimination; and
5. Development of alternate methods of filing complaints for individuals with disabilities and others who may need accommodation.

When sexual harassment is alleged, the District's Title IX Coordinator, as designated in the student handbook/code, shall be notified.

NOTIFICATIONS

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, District personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

In circumstances also involving suspected child abuse, additional notification shall be required by law. (See Policy 09.227.)

In applicable cases, employees must report harassment/discrimination to appropriate law enforcement authorities in accordance with law.¹

PROHIBITED CONDUCT

Depending on the circumstances and facts of the situation, and within the definition of harassment/discrimination contained in this policy, examples of conduct and/or actions that could be considered a violation of this policy include, but are not limited to:

1. Any nicknames, slurs, stories, jokes, written materials or pictures that are lewd, vulgar, or profane and relate to any of the protected categories listed in the definition of harassment/discrimination contained in this policy;

Harassment/Discrimination

PROHIBITED CONDUCT (CONTINUED)

2. Unwanted touching, sexual advances, requests for sexual favors, and spreading sexual rumors;
3. Instances involving sexual violence;
4. Causing a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity or that an educational decision will be based on whether or not the student submits to unwelcome sexual conduct;
5. Implied or overt threats of physical violence or acts of aggression or assault based on any of the protected categories;
6. Seeking to involve students with disabilities in antisocial, dangerous or criminal activity where the students, because of disability, are unable to comprehend fully or consent to the activity; and
7. Destroying or damaging an individual's property based on any of the protected categories.

CONFIDENTIALITY

District employees involved in the investigation of complaints shall respect, as much as possible, the privacy and anonymity of both victims and persons accused of violations.

APPEAL

Upon the completion of the investigation and correction of the conditions leading to the harassment/discrimination, any party may appeal in writing any part of the findings and corrective actions to the Superintendent.

If a supervisor is an alleged party in the harassment/discrimination complaint, procedures shall also provide for addressing the complaint to a higher level of authority.

Failure by employees to report, notify, and/or initiate an investigation of alleged harassment/discrimination as required by this policy, or to take corrective action shall be cause for disciplinary action.

RETALIATION PROHIBITED

No one shall retaliate against an employee or student because s/he submits a grievance, assists or participates in an investigation, proceeding, or hearing regarding the charge of harassment/discrimination of an individual or because s/he has opposed language or conduct that violates this policy.

Upon the resolution of allegations, the Superintendent shall take steps to protect employees and students against retaliation.

FALSE COMPLAINTS

Deliberately false or malicious complaints of harassment/discrimination may result in disciplinary action taken against the complainant.

Harassment/Discrimination

OTHER CLAIMS

When a complaint is received that does not appear to be covered by this policy, administrators shall review other policies that may govern the allegations, including but not limited to, 09.422 and/or 09.426.

REFERENCES:

¹KRS 158.156

42 USC 2000e, Civil Rights Act of 1964, Title VII

Racial Incidents and Harassment Against Students at Educational Institutions:
Investigative Guidance (U.S. Department of Education)

U. S. Supreme Court - Franklin vs. Gwinnett County

29 C.F.R. 1604.11, Equal Employment Opportunity Commission (EEOC)
Regulations Implementing Title VII

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 C.F.R. 106.1-106.71, U.S. Department of Education Office for Civil Rights
Regulations Implementing Title IX

Gebser v. Lago Vista Independent School Dist., 118 S. Ct. 1989 (1998)

Davis v. Monroe County Bd. of Educ., 119 S. Ct. 1661 (1999)

RELATED POLICIES:

03.162; 03.262

09.13; 09.2211; 09.227

09.422; 09.426; 09.438

Adopted/Amended: 07/12/2012

Order #: 807

Harassment/Discrimination Investigation and Appeals

(FOR INTERNAL ADMINISTRATIVE TRACKING PURPOSES ONLY)

STUDENT COMPLAINANT _____			
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
STUDENT'S SCHOOL _____	GRADE _____	HOMEROOM/CLASSROOM _____	

The Superintendent shall appoint an investigator who is not an alleged party in the complaint to investigate allegations of harassment/discrimination. The investigator shall be trained in this area, and her/his duties shall be assigned by the Superintendent/designee or, for contractors, set out in a contract, as appropriate. If the Superintendent is the alleged party, the Board shall designate an outside investigator and, after presentation of the final investigative report, determine when and how it is to be released. All instances involving suspected child abuse or criminal conduct shall be reported as required by law.

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Investigator: _____ Date Complaint Form is Received: _____

INFORMAL PROCEDURE

If both parties agree, prior to a formal grievance process an administrator may facilitate a conversation between the complainant and the party alleged to have harassed or discriminated against the complainant. Both the complainant and the accused party may be accompanied by a person of their choice. If both parties feel that a resolution has been achieved, no further action need be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the Principal, along with a signed agreement, if one is reached. If any of the interested parties choose not to utilize the informal procedure, or feel that it has been unsuccessful, s/he may opt to proceed to the formal grievance procedure. However, any complaints directed at District employees or alleging criminal acts must be formally investigated and/or reported to state authorities as required by law.

Was this complaint resolved informally, as indicated by an agreement signed by both parties?

Yes No Date: _____ Facilitator _____

FORMAL PROCEDURE

Students should make their complaint to their Principal or other designated administrator, who shall immediately, without screening or beginning an investigation, inform the Superintendent of receipt of the complaint. Otherwise, the complaint can be filed directly with the Superintendent or, in cases involving sexual harassment/discrimination, with the Title IX/Equity Coordinator. Employees who have knowledge of alleged or observed student harassment/discrimination shall immediately notify the alleged victim's Principal. **Without a report being made to the Principal, Superintendent or Title IX/Equity Coordinator, the District shall not be deemed to have received a complaint of harassment/ discrimination.**

The Superintendent shall designate an individual to investigate the complaint. If necessary, the investigator will seek assistance from District administrators. In some instances it may be necessary to involve legal counsel, when authorized by the Superintendent, or by the Board if the Superintendent is the subject of the complaint.

TIMELINE

The investigator shall provide the complainant and the accused with a copy of the District's Policy 09.42811 and inform the complainant and the accused of required timelines that have been established for initiation and completion of an investigation.

Harassment/Discrimination Investigation and Appeals

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent, or to the Superintendent's designee if the alleged harasser is a classified employee, and, if so instructed by the Superintendent, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

Board policy allows for appeal of the investigator's decision and the opportunity to address the complaint to a higher level of authority. An appeal must be made within ten (10) school days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? Yes No

If yes, to whom will the complaint be referred? _____ Date: _____

FIRST APPEAL LEVEL

STUDENT COMPLAINANT _____			
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
STUDENT'S SCHOOL _____	GRADE _____	HOMEROOM/CLASSROOM _____	

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Superintendent/designee who will consider appeal: _____

Date appeal and related data received by Superintendent/designee: _____

In some instances it may be necessary to involve legal counsel at the appeal level, when authorized by the Superintendent or by the Board if the Superintendent is the subject of the complaint.

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent, or to the Superintendent's designee if the alleged harasser is a classified employee, and, if so instructed by the Superintendent, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF THE STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

Board policy allows for appeal of the decision made at this level and the opportunity to address the complaint to the Board of Education. An appeal must be made within ten (10) school days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? Yes No

If yes, to whom will the complaint be referred? _____ Date: _____

Harassment/Discrimination Investigation and Appeals

SECOND APPEAL LEVEL

STUDENT COMPLAINANT _____			
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>	
STUDENT'S SCHOOL _____	GRADE _____	HOMEROOM/CLASSROOM _____	

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Board Chairperson: _____

Date appeal and related data received by the Chairperson on behalf of the Board: _____

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Superintendent, or to the Superintendent's designee if the alleged harasser is a classified employee, and, if so instructed by the Superintendent, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (09.42811 AP.24), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT AND THE ACCUSED (AND TO THEIR PARENTS/GUARDIANS IF STUDENT IS UNDER AGE EIGHTEEN OR IF STUDENT HAS REACHED AGE EIGHTEEN AND HAS A LEGAL GUARDIAN) WITHIN TEN (10) SCHOOL DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

GUIDELINES

1. The Board shall not hear grievances concerning personnel actions taken by the Superintendent/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. In some instances it may be necessary to involve legal counsel, when authorized by the Board.
3. The Superintendent/designee shall implement corrective action as determined by the Superintendent or by the Board, as appropriate under law, after appeal rights have been exhausted. If the Superintendent is subject to corrective action, the Board shall implement the action.
4. The District is prohibited from disclosing personally identifiable information contained in student discipline records under the Federal Educational Rights and Privacy Act and corresponding state law.
5. Employee evaluation and private reprimand information generally confidential and may require consent of the employee prior to release.

RELATED POLICIES:

09.2211; 09.227

RELATED PROCEDURES:

09.227 AP.1, 09.42811 (all procedures)

Review/Revised:7/12/12

Witness Disclosure Form

Witness' Name _____			
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
Witness' Address _____			
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
Witness' Phone Number _____			
Is witness a <input type="checkbox"/> student, <input type="checkbox"/> school employee, or <input type="checkbox"/> other? If other, specify _____			
School (if a student): _____ Grade _____ Homeroom/Classroom _____			
Witness' relationship, if any, to the complainant: _____			
Witness' relationship, if any, to the accused: _____			

On the date(s) of _____, a student has claimed to be the target of harassment or discrimination on the basis of _____. Did you observe or are you aware of such an incident? Yes No

If yes, describe the incident(s) that you witnessed as clearly as possible, including such information as the following:

- What verbal statements, if any, were made (i.e. slurs, threats, demands, other verbal or physical abuse or prohibited requests)?
- What physical contact, if any, was involved?
- What force, if any, was used?
- Did other actions occur? If so, please describe.

(Use additional sheets if necessary.) _____

LIST ANY OTHER WITNESSES TO THESE EVENTS: _____

- *I understand that Board policy prohibits retaliation against witnesses who assist or participate in an investigation.*
- *I agree that all information reported here is accurate and true to the best of my knowledge and, by my signature, agree to its release.*

Signature of Witness _____
Date

Received by _____
Date

Review/Revised:7/19/01

Resolution Response

This completed form shall be provided to both the complainant and the accused party.

STUDENT COMPLAINANT	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
ACCUSED PARTY	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
SCHOOL	_____		
COMPLAINT/APPEAL RECEIVED	_____	RESPONSE DELIVERED	_____
	<i>Date</i>		<i>Date</i>
INVESTIGATOR'S NAME	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>

The investigation of harassment/discrimination complaint/appeal referenced above has now been completed, and the following determinations have been made:

Did the alleged incident(s) occur based on substantiated information? Yes No

If "yes", what type of resolution will be implemented by the District? (Check all that apply.)

- Personnel action
- Measures to protect the complainant
- Action against a visitor
- Action against a student offender

If corrective actions were necessary, have they been initiated? Yes No

Investigator's Signature *Date*

Superintendent/designee's Signature *Date*

NO ONE SHALL RETALIATE AGAINST AN EMPLOYEE OR STUDENT BECAUSE S/HE FILES A GRIEVANCE, ASSISTS OR PARTICIPATES IN AN INVESTIGATION, PROCEEDING, OR HEARING REGARDING THE CHARGE OF HARASSMENT/DISCRIMINATION OF AN INDIVIDUAL OR BECAUSE S/HE HAS OPPOSED LANGUAGE OR CONDUCT THAT VIOLATES BOARD POLICY.

Review/Revised:7/15/10

Student Discipline Code**DEVELOPMENT**

In accordance with KRS 158.148 and 704 KAR 007:050, the Board shall develop a student discipline code that shall be posted at each school, referenced in all school handbooks, and provided to school employees, parents, legal guardians, or other persons exercising custodial control or supervision. As required by KRS 158.148, a process shall be developed to provide information to those parties and to train employees.

The code shall establish standards of acceptable student behavior and discipline and may include District-wide standards of behavior for students who participate in extracurricular and co-curricular activities.

The code also shall include a process addressing how students can report code violations to District personnel for appropriate action and information regarding the consequences of violating the code and violations reportable under KRS 158.154, 158.156, or 158.444.

DISTRIBUTION

Once reviewed and approved, the student discipline code shall be distributed to students and parents in the District, including those students who enroll during the school year.

REVIEW

The Board shall update the student discipline code at least every two (2) years.

REPORTING OF DATA

As directed by the Kentucky Department of Education (KDE), the District shall report to the Center for School Safety when a student has been disciplined by the school for a serious incident, as defined by KDE; charged criminally for conduct constituting a violation under KRS Chapter 508; or charged criminally under KRS 525.070 or KRS 525.080 in relation to a serious incident.

Data collected on an individual student committing a reportable incident shall be placed in the student's disciplinary record.

REFERENCES:

KRS 158.148; KRS 158.153; KRS 158.154; KRS 158.156; KRS 158.165

KRS 158.444; KRS 160.295

KRS 525.070; KRS 525.080

704 KAR 007:050, *Student Discipline Guidelines*, Kentucky Department of Education

RELATED POLICIES:

09.2211, 09.3, 09.42, 09.421, 09.422, 09.426, 09.42811

Adopted/Amended: 07/10/2014

Order #: 1011