

PROCEDURES - CODE D13

PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT OF EMPLOYEES

The Chittenden South Supervisory Union and its member school districts (Charlotte, Hinesburg, Shelburne, Williston and Champlain Valley Union) hereby adopt the following administrative procedures to implement the district's policy with respect to unlawful harassment of school district employees.

Reporting and Response:

1. **To Principal or designee:** Any adult school employee who witnesses or receives a report, formal or informal, written or oral, of harassment at school or during school-sponsored activities shall report it to the Principal. If the report involves the school Principal, the reporter shall make the report directly to the *Chittenden South Supervisory Union* Equity Coordinator or Superintendent.
2. **Principal's duty:** Upon receipt of a report of harassment, the Principal shall decide whether to retain and act upon it at the school site or to forward it directly to the *Chittenden South Supervisory Union* Equity Coordinator.
 - A. Retained by Principal – If the Principal acts upon the report at the school site and if the matter is not resolved informally as described below, he or she shall forward to the *Chittenden South Supervisory Union* Equity Coordinator, within 5 calendar days, a report of any action taken.
 - B. Forwarded to *Chittenden South Supervisory Union* Equity Coordinator – If the Principal decides to forward the complaint to the *Chittenden South Supervisory Union* Equity Coordinator, he or she shall do so immediately, without screening or investigating the report. The Principal may request, but not insist upon, a written complaint. The Principal shall forward to the *Chittenden South Supervisory Union* Equity Coordinator:
 - (i) a written statement of the complaint within 24 hours; and
 - (ii) any available supporting documentation as soon as practicable.
3. **School District Equity Coordinator:** The Superintendent shall designate an individual within the *Chittenden South Supervisory Union* as the Equity Coordinator to receive reports of harassment. If the report involves the *Chittenden South Supervisory Union* Equity Coordinator, the reporter shall refer the complaint directly to the Superintendent. *Chittenden South Supervisory Union* shall prominently post the name, mailing address, and telephone number of its Equity Coordinator. *Chittenden South Supervisory Union's* Equity Coordinator is:

Fran Williams

Director of Student Support Services
Chittenden South Supervisory Union
5420 Shelburne Road, Suite 300
Shelburne, VT 05482
(802) 383-1234

Informal Inquiry and Resolution

The complainant and the alleged harasser(s) may agree to a meeting facilitated by a school employee. If all parties involved agree the situation has been resolved during such meeting, the facilitator shall report to the Principal only that the matter has been resolved informally. If any party involved does not agree that the situation has been resolved, a formal investigation shall be initiated.

Investigation

1. Unless the matter is resolved informally, the Principal or *Chittenden South Supervisory Union* Equity Coordinator or designee shall conduct an investigation upon receipt of a report or complaint alleging harassment.
2. The investigator will interview individuals involved and any other persons who may have knowledge of the circumstances giving rise to the complaint and may use other methods and documentation.
3. The investigator shall complete the investigation as soon as practicable, but in no event later than fourteen (14) calendar days following receipt of the complaint.
4. Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the Principal or *Chittenden South Supervisory Union* Equity Coordinator and the Superintendent or, if the complaint involves the Superintendent, directly to the School Board, for appropriate action in accordance with district disciplinary policy.

Appeal

A person judged to be in violation of the policy on unlawful harassment and subjected to action under it may appeal the determination and/or the action taken as follows:

1. Student – If the person filing the appeal is a student, the appeal shall proceed in accordance with school district policy governing discipline of students and with legal due process requirements.

2. Staff:
 - A. If the person filing the appeal is an adult school employee who has applicable appeal rights under the grievance procedure in an collective bargaining agreement, the appeal shall proceed in accordance with the person's rights as outlined in that agreement.
 - B. If the person filing the appeal is an adult school employee who does not have applicable appeal rights under the grievance procedure in a collective bargaining agreement, the appeal shall proceed in accordance with the school district policy governing employee discipline and with legal due process requirements.

Retaliation

Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 21 V.S.A. §495(a)(5) and 9 V.S.A. §4503(a)(5).

Record Keeping and Notification

1. Record keeping – The Superintendent shall assure that a record of any complaint and investigation of harassment as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the district in a confidential file.
2. Notification – The Superintendent shall assure that the complainant is notified whether allegations of unlawful harassment were found to be valid, whether a violation of the policy occurred, and whether action was taken as a result.

Notice

The Superintendent shall provide notice of the policy on unlawful employee harassment and these procedures to all school employees, students, and to custodial parents or guardians of students. Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed to parents and community members and shall be posted conspicuously in each school. The notice shall:

1. Include examples of behaviors which, if sufficiently severe, pervasive or persistent to interfere with a person's ability to participate in or benefit from school programs, would constitute unlawful harassment; and
2. Provide the following information about additional methods of pursuing claims of harassment:
 - A. A person may make a complaint of harassment to the Vermont Attorney General's Office or the federal Equal Employment Opportunity Commission at the following places:

Vermont Attorney General's Office

109 State Street
Montpelier, VT 05609-1001
(802) 828-3171

Equal Employment Opportunity Commission

1 Congress Street
Boston, MA 02114
(617) 565-3200

- B. In addition, an individual may seek other remedies through private legal action and, in some circumstances, through criminal prosecution.