PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

General Rule

The Pleasant View R-VI School District Board of Education is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities and facilities. In accordance with law, the district strictly prohibits discrimination and harassment against employees, students or others on the basis of race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law. The Pleasant View R-VI School District is an equal opportunity employer.

The Board also prohibits:

1. Retaliatory actions including, but not limited to, acts of intimidation, threats, coercion or discrimination against those who:

    a) Make complaints of prohibited discrimination or harassment.

    b) Report prohibited discrimination or harassment.

    c) Participate in an investigation, formal proceeding or informal resolution, whether conducted internally or outside the district, concerning prohibited discrimination or harassment.

2. Aiding, abetting, inciting, compelling or coercing discrimination, harassment or retaliatory actions.

3. Discrimination, harassment or retaliation against any person because of such person=s association with a person protected from discrimination or harassment in accordance with this policy.

All employees, students and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment or retaliation in accordance with this policy. If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services in accordance with state law. In accordance with this policy and as allowed by law, the district will investigate and address discrimination, harassment and retaliation that negatively impact the school environment, including instances that occur off district property or are unrelated to the district's activities.

Portions 8 2019, Missouri School Boards= Association

Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of illegal discrimination, harassment or retaliation might still be unacceptable for the workplace or the educational environment. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation or perceived sexual orientation.

Boy Scouts of America Equal Access Act

As required by law, the district will provide equal access to district facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America or any other youth group designated in applicable federal law.

School Nutrition Programs

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex, disability, age or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program and the Summer Food Service Program.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or the district's compliance officer using the process outlined in policy EF.

Interim Measures

When a report is made or the district otherwise learns of potential discrimination, harassment or retaliation, the district will take immediate action to protect the alleged victim, including implementing interim measures. For example, the district may alter a class seating arrangement, provide additional supervision for a student or suspend an employee pending an investigation. The district will take immediate steps to prevent retaliation against the alleged victim, any person associated with the alleged victim, or any witnesses or participants in the investigation. These steps may include, but are not limited to, notifying students, employees and others that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment or retaliation have occurred.

Consequences and Remedies

If the district determines that discrimination, harassment or retaliation have occurred, the district will take prompt, effective and appropriate action to address the behavior, prevent its recurrence and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors or others who violate this policy may be prohibited from district property or otherwise restricted while on district property. The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

Students, employees and others will not be disciplined for speech in circumstances where it is protected by law.

In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported immediately to the CD.

Remedies provided by the district will attempt to minimize the burden on the victim. Such remedies may include, but are not limited to: providing additional resources such as counseling, providing access to community services, assisting the victim in filing criminal charges when applicable, moving the perpetrator to a different class or school, providing an escort between classes, or allowing the victim to retake or withdraw from a class. The district may provide additional training to students and employees, make periodic assessments to make sure behavior complies with district policy, or perform a climate check to assess the environment in the district.

Definitions

Compliance Officer B The individual responsible for implementing this policy, including the acting compliance officer when he or she is performing duties of the compliance officer.

Discrimination B Conferring benefits upon, refusing or denying benefits to, or providing differential treatment to a person or class of persons in violation of law based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law, or based on a belief that such a characteristic exists.

Grievance B A verbal or written report (also known as a complaint) of discrimination, harassment or retaliation made to the compliance officer.

Portions 8 2019, Missouri School Boards= Association

Harassment B A form of discrimination, as defined above, that occurs when the school or work environment becomes permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive enough that it unreasonably alters the employment or educational environment.

Behaviors that could constitute illegal harassment include, but are not limited to, the following acts if based on race, color, religion, sex, national origin, ancestry, disability, age, genetic information or any other characteristic protected by law or based on a belief that such a characteristic exists: graffiti; display of written material, pictures or electronic images; name calling, teasing or taunting; insults, derogatory remarks or slurs; jokes; gestures; threatening, intimidating or hostile acts; physical acts of aggression, assault or violence; theft; or damage to property.

Sexual Harassment B A form of discrimination, as defined above, on the basis of sex. Sexual harassment is unwelcome conduct that occurs when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or punishment is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district=s programs and activities or the conditions of employment. Sexual harassment may occur between members of the same or opposite sex. The district presumes a student cannot consent to behavior of a sexual nature with an adult regardless of the circumstance.

Behaviors that could constitute sexual harassment include, but are not limited to:

1. Sexual advances and requests or pressure of any kind for sexual favors, activities or contact.

2. Conditioning grades, promotions, rewards or privileges on submission to sexual favors, activities or contact.

3. Punishing or reprimanding persons who refuse to comply with sexual requests, activities or contact.

4. Graffiti, name calling, slurs, jokes, gestures or communications of a sexual nature or based on sex.

5. Physical contact or touching of a sexual nature, including touching of intimate parts and sexually motivated or inappropriate patting, pinching or rubbing.

6. Comments about an individual's body, sexual activity or sexual attractiveness.

7. Physical sexual acts of aggression, assault or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking) against a person's will or

Portions 8 2019, Missouri School Boards= Association

when a person is not capable of giving consent due to the person's age, intellectual disability or use of drugs or alcohol.

8. Gender-based harassment and acts of verbal, nonverbal, written, graphic or physical conduct based on sex or sex stereotyping, but not involving conduct of a sexual nature.

Working Days B Days on which the district's business offices are open.

Compliance Officer

The Board designates the following individual to act as the district=s compliance officer:

Superintendent of Schools
128 SE 20th St
Trenton, MO 64683
660-359-3438

In the event the compliance officer is unavailable or is the subject of a report that would otherwise be made to the compliance officer, reports should instead be directed to the acting compliance officer:

Pleasant View R-VI School Board President
128 SE 20th St
Trenton, MO 64683
660-359-3438

The compliance officer or acting compliance officer will:

1. Coordinate district compliance with this policy and the law.

2. Receive all grievances regarding discrimination, harassment and retaliation in the Pleasant View R-VI School District.

3. Serve as the district=s designated Title IX, Section 504 and Americans with Disabilities Act (ADA) coordinator, as well as the contact person for compliance with other discrimination laws.

4. Investigate or assign persons to investigate grievances; monitor the status of grievances to ensure that additional discrimination, harassment and retaliation do not occur; and recommend consequences.

Portions 8 2019, Missouri School Boards= Association

5. Review all evidence brought in disciplinary matters to determine whether additional remedies are available, such as separating students in the school environment.

6. Determine whether district employees with knowledge of discrimination, harassment or retaliation failed to carry out their reporting duties and recommend disciplinary action, if necessary.

7. Communicate regularly with the district's law enforcement unit to determine whether any reported crimes constitute potential discrimination, harassment or retaliation.

8. Oversee discrimination, harassment or retaliation grievances, including identifying and addressing any patterns or systemic problems and reporting such problems and patterns to the superintendent or the Board.

9. Seek legal advice when necessary to enforce this policy.

10. Report to the superintendent and the Board aggregate information regarding the number and frequency of grievances and compliance with this policy.

11. Make recommendations regarding changing this policy or the implementation of this policy.

12. Coordinate and institute training programs for district staff and supervisors as necessary to meet the goals of this policy, including instruction in recognizing behavior that constitutes discrimination, harassment and retaliation.

13. Periodically review student discipline records to determine whether disciplinary consequences are applied uniformly.

14. Perform other duties as assigned by the superintendent.

Portions 8 2019, Missouri School Boards= Association

Public Notice

The superintendent or designee will continuously publicize the district=s policy prohibiting discrimination, harassment and retaliation and disseminate information on how to report discrimination, harassment and retaliation. Notification of the district's policy will be posted in a public area of each building used for instruction or employment or open to the public. Information will also be distributed annually to employees, parents/guardians and students as well as to newly enrolled students and newly hired employees. District bulletins, catalogs, application forms, recruitment material and the district=s website will include a statement that the Pleasant View R-VI School District does not discriminate in its programs, services, activities, facilities or with regard to employment. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

Reporting

Students, employees and others may attempt to resolve minor issues by addressing concerns directly to the person alleged to have violated this policy, but they are not expected or required to do so. Any attempts to voluntarily resolve a grievance will not delay the investigation once a report has been made to the district.

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment or retaliation directly to the compliance officer or acting compliance officer. All district employees will instruct all persons seeking to make a grievance to communicate directly with the compliance officer. Even if the suspected victim of discrimination, harassment or retaliation does not file a grievance, district employees are required to report to the compliance officer any observations, rumors or other information regarding actions prohibited by this policy. If a verbal grievance is made, the person will be asked to submit a written complaint to the compliance officer or acting compliance officer. If a person refuses or is unable to submit a written complaint, the compliance officer will summarize the verbal complaint in writing. A grievance is not needed for the district to take action upon finding a violation of law, district policy or district expectations.

Even if a grievance is not directly filed, if the compliance officer otherwise learns about possible discrimination, harassment or retaliation, including violence, the district will conduct a prompt, impartial, adequate, reliable and thorough investigation to determine whether unlawful conduct occurred and will implement the appropriate interim measures if necessary.

Portions 8 2019, Missouri School Boards= Association

Student-on-Student Harassment

Building-level administrators are in a unique position to identify and address discrimination, harassment and retaliation between students, particularly when behaviors are reported through the normal disciplinary process and not through a grievance. Administrators have the ability to immediately discipline a student for prohibited behavior in accordance with the district=s discipline policy. Administrators will report all incidents of discrimination, harassment and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer for further assistance. The compliance officer may determine that the incident has been appropriately addressed or recommend additional action. When a grievance is filed, the investigation and complaint process detailed below will be used.

Investigation

The district will immediately investigate all grievances. All persons are required to cooperate fully in the investigation. The district compliance officer or other designated investigator may utilize an attorney or other professionals to conduct the investigation.

In determining whether alleged conduct constitutes discrimination, harassment or retaliation, the district will consider the surrounding circumstances, the nature of the behavior, the relationships between the parties involved, past incidents, the context in which the alleged incidents occurred and all other relevant information. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. If, after investigation, school officials determine that it is more likely than not (the preponderance of the evidence standard) that discrimination, harassment or other prohibited behavior has occurred, the district will take immediate corrective action.

Grievance Process Overview

1. If a person designated to hear a grievance or appeal is the subject of the grievance, the compliance officer may designate an alternative person to hear the grievance, or the next highest step in the grievance process will be used. For example, if the grievance involves the superintendent, the compliance officer may designate someone outside the district to hear the grievance in lieu of the superintendent, or the grievance may be heard directly by the Board.

2. An extension of the investigation and reporting deadlines may be warranted if extenuating circumstances exist as determined by the district's compliance officer. The person filing the complaint will be notified when deadlines are extended. If more than twice the allotted time has expired without a response, the appeal may be taken to the next level.

Portions 8 2019, Missouri School Boards= Association

3. Failure of the person filing the grievance to appeal within the timelines given will be considered acceptance of the findings and remedial action taken.

4. To the extent permitted by law, the district will investigate all grievances, even if an outside enforcing agency such as the Office for Civil Rights, law enforcement or the CD is also investigating a complaint arising from the same circumstances.

5. The district will only share information regarding an individually identifiable student or employee with the person filing the grievance or other persons if allowed by law and in accordance with Board policy.

6. Upon receiving a grievance, district administrators or supervisors, after consultation with the compliance officer, will implement interim measures as described in this policy if necessary to prevent further potential discrimination, harassment or retaliation during the pending investigation.

Grievance Process

1. Level I B A grievance is filed with the district's compliance officer. The compliance officer may, at his or her discretion, assign a school principal or other appropriate supervisor to conduct the investigation when appropriate.

   Regardless of who investigates the grievance, an investigation will commence immediately, but no later than five working days after the compliance officer receives the grievance. The compliance officer or designee shall conduct a prompt, impartial, adequate, reliable and thorough investigation, including the opportunity for the person filing the grievance and other parties involved to identify witnesses and provide information and other evidence. The compliance officer or designee will evaluate all relevant information and documentation relating to the grievance.

   Within 30 working days of receiving the grievance, the compliance officer will complete a written report that summarizes the facts and makes conclusions on whether the facts constitute a violation of this policy based on the appropriate legal standards. If a violation of this policy is found, the compliance officer will recommend corrective action to the superintendent to address the discrimination, harassment or retaliation; prevent recurrence; and remedy its effects. If someone other than the compliance officer conducts the investigation, the compliance officer or acting compliance officer will review and sign the report. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the completion of the report, in accordance with law and district policy, regarding

Portions 8 2019, Missouri School Boards= Association

whether the district's compliance officer or designee determined that district policy was violated.

2. Level II B Within five working days after receiving the Level I decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the compliance officer=s decision to the superintendent by notifying the superintendent in writing. The superintendent may, at his or her discretion, designate another person (other than the compliance officer) to review the matter when appropriate.

   Within ten working days, the superintendent will complete a written decision on the appeal, stating whether a violation of this policy is found and, if so, stating what corrective actions will be implemented. If someone other than the superintendent conducts the appeal, the superintendent will review and sign the report before it is given to the person appealing. A copy of the appeal and decision will be given to the compliance officer or acting compliance officer. The person who initially filed the grievance, the victim if someone other than the victim filed the grievance, and any alleged perpetrator will be notified in writing, within five working days of the superintendent's decision, regarding whether the superintendent or designee determined that district policy was violated.

3. Level III B Within five working days after receiving the Level II decision, the person filing the grievance, the victim if someone other than the victim filed the grievance, or any alleged perpetrator may appeal the superintendent=s decision to the Board by notifying the Board secretary in writing. The person filing the grievance and the alleged perpetrator will be allowed to address the Board, and the Board may call for the presence of such other persons deemed necessary. The Board will issue a decision within 30 working days for implementation by the administration. The Board secretary will give the compliance officer or acting compliance officer a copy of the appeal and decision. The person who filed the grievance, the victim if someone other than the victim filed the grievance, and the alleged perpetrator will be notified in writing, within five working days of the Board's decision, in accordance with law and district policy, regarding whether the Board determined that district policy was violated. The decision of the Board is final.

Confidentiality and Records

To the extent permitted by law and in accordance with Board policy, the district will keep confidential the identity of the person filing a grievance and any grievance or other document that is generated or received pertaining to grievances. Information may be disclosed if necessary to further the investigation, appeal or resolution of a grievance, or if necessary to carry out disciplinary measures. The district will disclose information to the district=s attorney, law enforcement, the CD and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student

and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and as advised by the district's attorney.

Training

The district will provide training to employees on identifying and reporting acts that may constitute discrimination, harassment or retaliation. The district will instruct employees to make all complaints to the district's compliance officer or acting compliance officer and will provide current contact information for these persons. The district will inform employees of the consequences of violating this policy and the remedies the district may use to rectify policy violations. All employees will have access to the district's current policy, required notices and complaint forms. The district will provide additional training to any person responsible for investigating potential discrimination, harassment or retaliation.

The district will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

* * * * * * *

Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: April 14, 2007

Revised: August 12, 2014 and June 25, 2019

Cross Refs: BCC, Appointed Board Officials
ECG, Animals on District Property
EFB, Free and Reduced-Price Food Service
EHB, Technology Usage
GBAC, Staffing with and Employing Retirees
GBCB, Staff Conduct
GBCC, Staff Use of Communication Devices
GBH, Staff/Student Relations
GBL, Personnel Records
GBLB, References

Portions 8 2019, Missouri School Boards= Association

GCBA, Professional Staff Compensation
GCD, Professional Staff Recruiting and Hiring
GCPD, Suspension of Professional Staff Members
GCPE, Termination of Professional Staff Members
GCPF, Renewal of Professional Staff Members
GDBA, Support Staff Compensation
GDC, Support Staff Recruiting and Hiring
GDPD, Suspension of Support Staff Members
GDPE, Nonrenewal and Termination of Support Staff Members
IGAEB, Teaching about Human Sexuality
IGB, Accommodation of Students with Disabilities
IGBA, Special Education
IGBCB, Programs for Migratory Students
IGBH, Programs for English Learners
IGCD, Virtual Courses
IGD, District-Sponsored Extracurricular Activities and Groups
IICC, School Volunteers
INC, Speakers at District Events
IND, Ceremonies and Observances
JFCF, Bullying
JFCG, Hazing
JG, Student Discipline
JHCF, Student Allergy Prevention and Response
JHG, Reporting and Investigating Child Abuse/Neglect
KG, Community Use of District Facilities
KK, Visitors to District Property/Events
KL, Public Concerns and Complaints
KLA, Concerns and Complaints Regarding Federal Programs

Legal Refs: '' 105.255, 160.261, 162.068, 213.010 - .137, 290.400 - .450, RSMo.
Individuals with Disabilities Education Act, 20 U.S.C. '' 1400 - 1417
Title IX of the Education Amendments of 1972, 20 U.S.C. ' 1681
Boy Scouts of America Equal Access Act, 20 U.S.C. ' 7905
Equal Pay Act, 29 U.S.C. ' 206(d)
Age Discrimination in Employment Act, 29 U.S.C. '' 621 - 631
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. ' 794
Title VI of the Civil Rights Act of 1964, 42 U.S.C. '' 2000d - 2000d-7
Title VII of the Civil Rights Act of 1964, 42 U.S.C. '' 2000e-1 - 2000e-17
Genetic Information Nondiscrimination Act, 42 U.S.C. '' 2000ff - 2000ff-11
Age Discrimination Act of 1975, 42 U.S.C. '' 6101 - 6107
Americans with Disabilities Act, 42 U.S.C. '' 12101 - 12213

Portions 8 2019, Missouri School Boards= Association

Richard B. Russell National School Lunch Act, 42 U.S.C. '' 1751 - 1760
Child Nutrition Act of 1966, 42 U.S.C. '' 1777 - 1785
7 C.F.R. Parts 210, 215, 220 and 225
Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Indust. v. Ellerth, 524 U.S. 742 (1998)
Gebser v. Lago Vista Ind. Sch. Dist., 524 U.S. 274 (1998)
Oncale v. Sundowner Offshore Serv., 523 U.S. 75 (1998)
Harris v. Forklift Syst., Inc., 510 U.S. 17 (1993)

Pleasant View R-VI School District, Trenton, Missouri

Portions 8 2019, Missouri School Boards= Association