



## **JUNE 2020 KASB POLICY UPDATE**

REVISED 7/10/2020

To: Member Unified School Districts and other Member Organizations  
From: Donna L. Whiteman, KASB General Counsel, Assistant Executive Director of Policy Development  
Re: June 2020 Board Policy Update

KASB has posted this packet on the KASB's website under the Member Portal, Member Resources tab. The accompanying documents are the first set of 2020 policy updates to our KASB recommended policies. If you did not receive the December 2019 Policy Updates, they are also posted on our website under Member Portal.

The following policy recommendations have been edited and revised by the KASB Legal/Policy Services staff. Along with this letter, you will find a table explaining in detail the changes in the policies and a copy of the policies showing the edits using Track Changes in Word. A clean copy of the policy with all edits incorporated may also be downloaded.

The contents of this policy package should be reviewed by the superintendent, the clerk, and the board. If your policy requires staff and student input, you may share these changes with administrators, staff, and student representatives.

If these policy recommendations meet district needs, they are ready to add to the policy book **after board approval**.

Once adopted, policies have the force and effect of law. Suggested policies should not be placed in the policy book without an opportunity for board discussion and a **board motion to approve** this addition to the district's policy book.

Minutes from the meeting should reflect when the policies were adopted. To save time in case of an audit, file a copy of the minutes with critical policies required by law.

Please add the local adoption date at the bottom of each policy.

**Clerks, please make sure an historical policy file is maintained in the district containing older versions of the policies for future reference. Note these may be scanned and retained electronically.**

If you have comments, questions, or concerns about these policy recommendations; or if you have additional policy questions, call 1-800-432-2471 and ask to speak to Donna L. Whiteman or Leslie Garner, email us at [dwhiteman@kasb.org](mailto:dwhiteman@kasb.org) or [lgarner@kasb.org](mailto:lgarner@kasb.org), or contact another member of the KASB Legal/Policy Services staff.

Sincerely,  
Donna L. Whiteman, KASB General Counsel  
Assistant Executive Director of Policy Development

## JUNE 2020 UPDATED KASB POLICIES AND FORMS

POLICY OR FORM CODE OR DESCRIPTION	RATIONALE FOR RECOMMENDED REVISION OR ADDITION	RECOMMENDED ACTION
CF (Board-Superintendent Relations) → Revised	This policy update edits punctuation.	Review and adopt.
DFE (Investment of Funds) → Revised	This policy update reflects the statutory language requiring school district monies be deposited with a main branch office located within the district, county or counties in which part of the district is located.	Review and adopt.
GAAB (Complaints of Discrimination) → Revised	This policy is amended to state that any complaint of student sexual harassment would be reported to the Title IX Coordinator and covered by student policy JGEC, and complaints of sexual harassment by employees would be reported to the Title IX Coordinator and addressed by policy GAAC. It also refers complaints concerning child nutrition programs to policy KNA.	Review and adopt.
GAAC (Sexual Harassment) → Revised	This sexual harassment policy applicable to school employees reflects significant Title IX regulatory changes issued by the U.S. Department of Education on May 6, 2020. These new regulations address major changes to the definition of what constitutes sexual harassment, what triggers the district’s legal obligation to respond, and how the district must respond. The new regulations require a school district to respond “promptly” and not in a “deliberately indifferent” manner, which is defined as “not clearly unreasonable in light of known circumstances” when it has “actual knowledge” of sexual harassment. No investigation of sexual harassment may occur until a formal complaint has been filed by the victim or the Title IX Coordinator. The role and responsibilities of the Title IX Coordinator are expanded to provide “supportive measures” to the victim and requires the district to provide for	Review and adopt.

	<p>procedural safeguards to both parties during the investigation and decision-making stages. These regulations become effective August 14, 2020 including the new training requirements for the Title IX Coordinator, the investigator, the decision-maker and anyone else involved in any informal resolution process.</p>	
<p>GAAD (Child Abuse) → Revised</p>	<p>The mandatory child abuse reporting policy is amended to add the requirement that school districts provide annual training to employees on reporting child abuse. It is recommended the district retain records that the training occurred, of the materials presented, and of the employees in attendance at the trainings. This annual training for school employees is required for the Kansas Education System Accreditation (KESA).</p>	<p>Review and adopt.</p>
<p>GAOC (Tobacco-Free School Grounds for Staff) → Revised  (Title change)</p>	<p>This policy change reflects the recommendations of the Vaping Task Force as adopted by the Kansas State Board of Education. The definition of “tobacco product” is expanded to cover products made or derived from tobacco, including electronic nicotine delivery systems and any components or accessories used in the consumption of tobacco products. It also prohibits school employees from the “promotion” of tobacco products including product advertising. However, caution should be exercised as teacher “wearing apparel” is a mandatory topic of negotiations, and employee First Amendment Free Speech rights may be implicated.</p>	<p>Review and adopt.</p>
<p>HAE (Board Negotiating Representatives) → Revised  (Title change)</p>	<p>This policy change deletes the word “agent” and replaces it with the more legally accurate term of board “representative(s).” The board appoints two or three board members and others to represent the district’s interests in negotiations with the teachers’ association, and the board representatives bring back any agreed upon</p>	<p>Review and adopt.</p>

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	changes to the negotiated agreement’s language to the entire board for its approval.	
IC (Educational Program) → Revised	This update deletes the outdated “policy handbook” language and adds “curricular offerings” to accurately reflect the current practice of districts developing an outline of course outlines and learning objectives that are approved by the board.	Review and adopt.
IJ (Evaluation of Instructional Program) → Revised	This policy was changed in 2012 to provide the superintendent with flexibility in developing guidelines to evaluate the instructional program, and the edit deletes the remaining “shall” to provide that any evaluation “may” become part of the district’s improvement efforts. This edit reflects the legal recommendation that “shall” should only be used in district policy when a specific law or regulation requires a certain board action.	Review and adopt.
JCDAA (Tobacco-Free School Grounds for Students) → Revised  (Title change)	<p>This policy addresses the student use of nicotine products and adopts the recommendations of the Kansas State Board of Education as discussed above in GAOC. These policy edits expand the definition of “tobacco product,” adds a definition of “electronic nicotine delivery system,” and prohibits the “promotion” of tobacco products on school grounds. The policy updates the reference to student discipline violations set forth in board policies by also adding “student handbooks.”</p> <p>KASB legal staff recommends reviewing existing student handbook language to add the expanded definitions and ensure any student handbook language addresses the authority of the building administrator to require the student to participate in a tobacco and electronic nicotine delivery systems education program, refer them to a cessation program, and/or community service program as a disciplinary consequence.</p>	Review and adopt.

<p>JGEC (Sexual Harassment) → Revised</p>	<p>These changes to the definition of what constitutes sexual harassment, what triggers the district’s legal obligation to respond, and how the district must respond are required by the new Title IX regulations that become effective August 14, 2020. The Title IX Coordinator’s responsibilities are increased including providing “supportive measures,” filing a complaint if the complainant chooses not to do so, and ensuring both parties are treated equitably throughout the investigation and responsibility determination process. There are new procedures for investigating complaints, preparing an investigation report, and having a separate individual make the final determination. The Title IX Coordinator, the investigator, and the decision-maker cannot be the same person, and there are new training requirements for all employees involved in Title IX compliance.</p>	<p>Review and adopt.</p>
<p>JQKA (Foreign Exchange Students) → Revised</p>	<p>This change provides flexibility to local school boards in determining whether to admit foreign exchange students and adds criteria, similar to those used when allowing out of district students to enroll. The word “shall” is replaced with “may”, and, before enrolling exchange students, the board or administrators can review whether “staff, facilities, equipment, and supplies are available.”</p>	<p>Review and adopt.</p>
<p>KMA (Tobacco-Free School Grounds for Visitors) → NEW</p>	<p>This policy recommendation prohibits the use of tobacco products including the use of “any product that is made from or derived from tobacco” by parents and other visitors on school property including “electronic nicotine delivery systems”. It is important to note that while districts have authority to discipline students and employees for violations of tobacco free school policies, when it comes to parents and visitors, the district should only request the parent or visitor stop, request the visitor to</p>	<p>Review and adopt.</p>

	voluntarily leave the premises, or request the assistance of local law enforcement.	
KN (Complaints) → Revised	This policy now excludes claims of discrimination on the basis of sex from the KN policy and requires them to be reported to the Title IX Coordinator and to be addressed under the specific procedures required under revised board policies GAAC for employee complaints and JGEC addressing student complaints. Note that boards could designate the Title IX Coordinator to investigate discrimination complaints under all federal and state laws or designate another employee to be responsible for the complaints based on race, national origin, age, and other protected classes. Language excluding complaints regarding child nutrition programs was excluded, also, and complainants were referred to policy KNA.	Review and adopt
KN (Complaint Form) → Revised	This form was revised to more clearly apply to all complaints, not just complaints of discrimination or harassment, and to include the Title IX Coordinator’s contact information.	Review and utilize if preferred to present form.
KNA (Complaints Regarding Child Nutrition Program) → NEW	This new nondiscrimination policy is required to participate in the National School Lunch Program, School Breakfast Program, Special Milk Program, Afterschool Snack Program, At-Risk Afterschool Meals, Fresh Fruit and Vegetable Program, Summer Food Service Program, and other child nutrition programs funded and operated by the U.S. Department of Agriculture.	Review and adopt.
TOTAL =	New Policies 2 Existing Policy Revisions 13 Existing Form Revision 1 Table of Contents Chapter G Table of Contents Chapter H Table of Contents Chapter I Table of Contents Chapter J Table of Contents chapter K	

**CF Board-Superintendent Relations (See BBC)**

**CF**

The board delegates to the superintendent all administrative duties. The board reserves the ultimate decision in all matters concerning personnel, policy, or expenditures of funds; and it will normally proceed in those areas only after receiving the superintendent's recommendations.

Approved:

KASB Recommendation – 01/02; 4/07; 6/20



**DFE Investment of Funds**

**DFE**

The investment of school district monies shall be the responsibility of the superintendent, business manager, and/or the district treasurer.

Any monies not immediately required for the purposes for which the monies were collected or received may be invested as provided by current statute.

**Posting Securities**

All investments of district monies shall be secured to 100% of the amount of district monies by F.D.I.C. coverage, a pledge of direct federal obligations, or direct guaranteed federal agency deposits in accordance with requirements of state law. Exceptions to the required posting of securities shall be only as provided by law and with approval of the board.

All offerings of monies for investment shall state the amount to be invested and the maturity date of each investment.

All banks and savings and loan associations (hereafter "financial institution(s)") with main or branch offices located within the district and the county or counties in which part of the district is located shall be given an opportunity to respond to requests for proposals on monies offered for investment. All responses shall be directed to the superintendent and shall be specified on the basis of simple interest.

**Distribution of monies for investment shall be as follows:**

The treasurer or other person designated by the board shall inform each eligible financial institution of the total amount of money to be invested on a specified date and the maturity date of the investment. Each financial institution responding shall submit a single proposal of the rate of interest it would pay on all or part of the funds to be invested.

Monies shall be invested with the financial institution offering the highest interest rate in such amount as the financial institution will accept, and any remaining amounts shall be invested with the financial institution(s) offering the next highest interest rates in such amounts as it will accept until all funds offered for investment are invested. No financial institution shall be eligible to receive any funds in the same offering at a rate lower than its proposal rate.

No proposal less than the most recently determined investment rate as defined in K.S.A. 12-1675a shall be accepted unless otherwise authorized by K.S.A. 12-1675. No funds will be invested for maturities of more than two years.

Any monies not otherwise invested in eligible financial institutions located in the district due to their inability, for whatever reason, to accept the funds, shall be invested in secured deposits in financial institutions which have offices located in counties in which a part of the school district is located.

Any monies not invested in financial institutions in the district or located in counties in which a part of the school district is located may be invested as authorized by Kansas law.

Monies available for reinvestment as a result of maturities may be reinvested with the financial institution holding such monies provided the financial institution agrees to pay the same or higher rate as that offered by the highest proposal at the time the requests for proposals were accepted.

In the event of identical high proposals, the allocation of monies to be invested between the financial institutions offering the high proposals shall be at the discretion of the superintendent.

The treasurer shall record the following information: the date of each request for proposal; the name of each financial institution notified; the name of the officer notified; the proposal; the amount of monies the financial institution is willing to accept at the rate proposed.

To be eligible to receive invested funds or deposits from the district, any otherwise eligible financial institution shall have on file in the office of the district treasurer a letter requesting its inclusion in any request for proposal and providing proper assurance of compliance with requirements of applicable laws and board policy relating to maintenance of proper security and assurance of its membership in good standing consistent with current federal regulations. The superintendent shall report monthly to the board on the district's investments.

Approved:

KASB recommendation 6/06; 4/07; 6/18; 12/19; 6/20

(See GAAC, GAACA, JDDC, JGEC, JGECA, KN, and KNA)

The district is committed to maintaining a working and learning environment free from discrimination, insult, intimidation, or harassment due to race, color, national origin, religion, sex, age, genetic information, or disability. Except as otherwise provided in this policy and board policies GAAC, JGEC, and KNA, any incident of discrimination in any form shall promptly be reported to an employee's immediate supervisor, the building principal, or the district compliance coordinator for investigation and corrective action by the building or district compliance officer. Any employee who engages in discriminatory conduct shall be subject to disciplinary action, up to and including termination.

Discrimination against any individual on the basis of race, color, national origin, sex, disability, age, genetic information, or religion in the admission to, access to, treatment, or employment in the district's programs and activities is prohibited. (Position, address, email address, and phone number of the district compliance coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI and Title VII of the Civil Rights Act of 1964 except discrimination on the basis of sex, Section 504 of the Rehabilitation Act of 1973, and The Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and the Food Stamp Act of 1977, as amended.

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall

be handled in accordance with the procedures outlined in board policies GAAC and JGEC and shall be directed to the Title IX Coordinator at (Position or name, address, email address, and phone number of Title IX Coordinator). More information may be obtained on discrimination on the basis of sex by contacting the Title IX Coordinator.

Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in board policy KNA, and more information may be obtained on procedures for such complaint by contacting the district compliance coordinator.

Complaints of discrimination should be addressed to an employee's supervisor or to the building principal or the compliance coordinator. Complaints against the superintendent should be addressed to the board of education.

Unless otherwise provided herein, complaints of discrimination will be resolved using the district's discrimination complaint procedures in policy KN.

The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or hearing.

Approved:

KASB Recommendation – 2/98; 8/98; 4/07; 6/09; 6/15; 6/19; 6/20; 7/20

The board of education is committed to providing a positive and productive working and learning environment, free from discrimination on the basis of sex, including sexual harassment. The district does not discriminate on the basis of sex in admissions, employment, or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated in the school district. Discrimination on the basis of sex of employees or students of the district by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs, or events within the United States. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student or another employee from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the

provisions of this policy. Violation of this policy by any employee shall result in disciplinary action, up to and including termination.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following: (1) A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct; (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning an employee's job status.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any time.

(Position or name, address, email address, and phone number of the Title IX Coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding

discrimination on the basis of sex, and the Kansas Act Against Discrimination. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the Title IX Coordinator. Inquiries about the application of Title IX to the district may be referred to the Title IX Coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800)421-3481, or at [OCR@ed.gov](mailto:OCR@ed.gov); or both.

Response to Harassment ComplaintsThe district takes all reports of sexual harassment seriously and will respond meaningfully to every report of discrimination based on sex, including sexual harassment, of which the district has actual knowledge. Employees who believe they have been subjected to sexual harassment should discuss the problem with their immediate supervisor. If an employee's immediate supervisor is the alleged harasser, the employee should discuss the problem with the building administrator or the Title IX Coordinator. All employees receiving reports of alleged sexual harassment shall notify the Title IX Coordinator.

### Definitions

The following definitions apply to the district in responding to complaints of sexual discrimination including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

The "complainant" means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.



“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

“Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment.

The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

A “respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

The “Title IX Coordinator” is the individual designated at the district level who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance, creating systems to centralize records, gathering relevant data, contacting the complainant (and/or parents or guardians, if applicable) once the district has actual knowledge of alleged sexual harassment, coordinating the implementation of supportive measures, signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment; the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes; and how to serve impartially, including by avoiding

prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor, building administrator, or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate district officials may face disciplinary action. District officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors which are unacceptable but do not constitute harassment may also result in employee discipline.

If discrimination or harassment has occurred, the district will take prompt, remedial action to stop it and prevent its reoccurrence.

The Title IX Coordinator shall promptly respond in a meaningful way to any reports of sexual discrimination including sexual harassment of which the district has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

### Supportive Measures

The district will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. "Supportive Measures" shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the district's educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures

## The Formal Complaint

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district concerning which the formal complaint is filed.
- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- An investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an

investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the board. The investigation shall be thorough. All interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

#### Formal Complaint Notice Requirements

Upon filing of a formal complaint, the district shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
  - the identities of the parties involved, if known;
  - the conduct allegedly constituting sexual harassment; and
  - the date and location of the alleged incident, if known.
- The district's investigation procedures, including any informal resolution process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
- Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
- Notice to the parties of any provision in the district's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice of the additional allegations shall be provided to known parties.

### Formal Complaint Investigation Procedures

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview, meeting, or hearing at which a party is expected to participate;
- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;

- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondent;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

#### Formal Complaint Investigation Report

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of the evidence standard to determine responsibility.

#### Decision-Maker's Determination

Upon receiving the investigator's report, the decision-maker must make a determination regarding responsibility and afford each party the opportunity to submit written, relevant questions that the parties want asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions.



The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps taken, including any notifications to the parties, site visits, methods used to gather evidence, and interviews;
- Include the findings of fact supporting the determination;
- Address any district policies and/or conduct rules which apply to the facts;
- Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any disciplinary sanctions imposed on the respondent, and whether the remedies are designed to preserve access to the educational program or activity will be provided by the district to the complainant; and
- The procedures and permissible bases for the complainant and/or respondent to appeal the determination.

A copy of the written determination shall be provided to both parties simultaneously.

The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made. The Title IX Coordinator is responsible for the effective implementation of any remedies. If the investigation results in a recommendation

that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed, or on the date the opportunity for an appeal expires.

### Appeals

The complainant or respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following base:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.

The request to appeal shall be made in writing to the Title IX Coordinator within 20 days after the date of the written determination. Appeals shall be on the record and heard by an attorney, an independent hearing officer appointed by the board, or the board. The appeal decision-maker may not be the Title IX

Coordinator, the Investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

#### Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation of the formal complaint and be informed of any consequences resulting from participating in the informal resolution process;
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Initiation of a complaint of sexual harassment in good faith will not adversely affect the job security or status of an employee, nor will it affect his or her compensation. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving sex discrimination including sexual harassment is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including termination of employment.

To the extent possible while still following the above procedures, confidentiality will be maintained throughout the investigation and resolution of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to provide supportive measures to both parties, to take appropriate corrective action, and to provide due process to the complainant and the respondent.

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

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each district facility, shall be published in employee handbooks, and on the district's website as directed by the Title IX Coordinator. Notification of the policy may include posting information notices, publishing in local newspapers, publishing in newspapers and magazines operated by the school, or distributing memoranda or other written communications to students and employees. In addition, the district is required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

Approved:

KASB Recommendation – 2/98; 8/98; 7/03; 6/04; 4/07; 6/15; 12/18; 06/20; 7/20

Any district employee who has reason to know or suspect a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, shall promptly report the matter to the local Kansas Department for Children and Families (DCF) office or to the local law enforcement agency if the DCF office is not open. Employees may file a report of suspected abuse anonymously to either DCF by phoning 1-800-922-5330 or to local law enforcement officials. The Code for Care of Children also provides civil immunity from prosecution if the report is made in good faith.

The employee making the report will not contact the child's family or any other persons to determine the cause of the suspected abuse or neglect.

**DCF or Law Enforcement Access to Students on School Premises**

The building principal shall allow a student to be interviewed by DCF or law enforcement representatives on school premises to investigate suspected child abuse and shall act as appropriate to facilitate the agency's access to the child and to protect the student's interests during the process. State law grants the investigating agency the authority to determine whether a school employee may be present while the interview is being conducted, taking into account the child's best interests. If asked to sit in on the interview by the agency representative conducting it, the building principal or designee thereof shall oblige such request in order to provide comfort to the child throughout the process and to facilitate the investigation.

**Cooperation Between School and Agencies**

Principals shall work with DCF and law enforcement agencies to develop a plan of cooperation for investigating reports of suspected child abuse or neglect. To the extent that safety is not compromised, law enforcement officers

investigating complaints of suspected child abuse or neglect on school property shall not be in uniform.

**Reporting Procedure**

The employee shall promptly report to the local DCF office or law enforcement if DCF is closed. It is recommended the building administrator also be notified after the report is made.

If the building principal has been notified, the principal shall immediately notify the superintendent that the initial report to DCF has been made. If appropriate, the principal may confer with the school's social worker, guidance counselor or psychologist. At no time shall the principal or any other staff member prevent or interfere with the making of a suspected child abuse report.

If available, the following information shall be given by the person making the initial report: name, address and age of the student; name and address of the parents or guardians; nature and extent of injuries or description of neglect or abuse; and any other information that might help establish the cause of the child's condition.

Any personal interview or physical inspection of the child by any school employee shall be conducted in an appropriate manner with an adult witness present.

State law provides that anyone making a report in good faith and without malice shall be immune from any civil liability that might otherwise be incurred or imposed.



Annual Training

Annual training for all school employees on child abuse and neglect reporting requirements shall be provided, and documentation of the training shall be maintained.

Approved:

KASB Recommendation - 2/98; 4/07; 6/07; 11/10; 8/12; 10/12; 11/12; 6/20

The use, possession, or promotion of any tobacco product by staff members is prohibited at all times in any district facility; in school vehicles; at school-sponsored activities, programs, or events; and on school owned or operated property.

The following definitions apply to this policy.

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, electronic nicotine delivery system (hereafter “ENDS”), cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, charging devices, cartridges, and any substance used in ENDS, whether or not they contain nicotine. This definition does not include FDA-approved nicotine replacement therapies including transdermal nicotine patches, nicotine gum, and nicotine lozenges prescribed to the employee by a medical practitioner or obtained over the counter and used in accordance with label requirements.

“Electronic nicotine delivery system” or “(ENDS)” means any device that delivers a vaporized solution (including nicotine, THC, or any other substance) by means of cartridges or other chemical delivery systems. Such definition shall include, but may not be limited to, any electronic cigarette, vape pen, hookah pen, cigar, cigarillo, pipe, or personal vaporizer. ENDS are not FDA-approved nicotine replacement therapy devices.

“Promotion” includes, but is not limited to, product advertising via branded gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

Approved:

KASB Recommendation – 2/98; 4/07; 6/13; 6/16; 12/18; 6/12

**HAE Board Negotiating Representatives**

**HAE**

The board shall select as its representative(s) those person(s) the board feels will best represent the interests of the district.

Each year the board shall designate its representative(s) for the purpose of negotiating during the current school year. The superintendent and the board president shall make recommendations to the board regarding who shall be the chief negotiator for the board and other members of the negotiating team.

Approved:

KASB Recommendation – 4/07; 6/20

**IC      Educational Program** (See ID, IDAA, IDAB, IDAC and IJ)

**IC**

The academic program shall assist students to grow intellectually, to master the curriculum objectives, and to prepare for further education or training. The board shall consider the district's basic educational program each year. And, when approved, the program shall constitute the district's basic curriculum.

**Curricular Offerings**

An outline of each curricular offering and the learning objectives to be mastered shall be developed. When approved by the board, they shall become a part of these policies and rules by reference.

**Educational Goals and Objectives**

District educational goals and curriculum objectives for the basic educational program shall be on file in the district office, and available for inspection upon request.

**Additional Educational Programs**

Additional educational programs shall be in one of the following categories:

Special Programs (IDAA), Support Programs (IDAB) and Exceptional Programs (IDAC).

Approved:

KASB Recommendation – 6/04; 04/07; 6/10; 6/20

**IJ**    **Evaluation of Instructional Program**  
(See IC, ICAA, ID, and II)

**IJ**

The superintendent may develop guidelines to evaluate the instructional program. This evaluation may be part of the district's school improvement efforts.

The superintendent may establish special curriculum committees to study the district's instructional program on a regular schedule. The superintendent may require reports from these committees which may include the committee's recommendations for improvement, modification, or elimination of any part of the instructional program. The superintendent may submit a comprehensive report from the committees to the board.

Approved:

KASB Recommendation – 6/04; 4/07; 6/12; 6/19; 6/20

(See GAOC and KMA)

The use, possession, or promotion of any tobacco product by any student is prohibited at all time in any district facility; in school vehicles; at school-sponsored activities, programs, or events; and on school owned or operated property.

Student violations will result in disciplinary actions as outlined by board policy and/or student handbooks. Disciplinary actions may include parent/guardian notification, participation in a tobacco and electronic nicotine delivery systems education program, referral to a cessation program, and/or community service. Student violations may be reported to law enforcement if use or possession is deemed to be illegal.

The following definitions apply to this policy.

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, electronic nicotine delivery system (hereafter “ENDS”), cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, charging devices, cartridges, and any substances used in ENDS, whether or not they contain nicotine. This definition does not include FDA-approved nicotine replacement therapies including transdermal nicotine patches, nicotine gum, and nicotine lozenges prescribed to the student by a medical practitioner or obtained over the counter and used in accordance with label requirements.

“Electronic nicotine delivery system” or “(ENDS)” means any device that delivers a vaporized solution (including nicotine, THC, or any other substance) by means of cartridge or other chemical delivery systems. Such definition shall include, but may not be limited to, any electronic cigarette, vape pen, hookah pen, cigar, cigarillo, pipe, or personal vaporizer. ENDS are not FDA-approved nicotine replacement therapy devices.

“Promotion” includes, but is not limited to, product advertising via branded gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

Approved:

KASB Recommendation 7/96; 9/97; 4/07; 6/13; 6/16; 12/18; 6/20



**JGEC Sexual Harassment (See GAAC, GAAD, GAF, JDDC and KN) JGEC**

The board of education is committed to providing a positive and productive learning and working environment, free from discrimination on the basis of sex, including sexual harassment. The district does not discriminate on the basis of sex in admissions, employment, or the educational programs or activities it operates and is prohibited by Title IX from engaging in such discrimination. Discrimination on the basis of sex, including sexual harassment, will not be tolerated in the school district. Discrimination on the basis of sex of employees or students of the district by board members, administrators, licensed and classified personnel, students, vendors, and any others having business or other contact with the school district is strictly prohibited.

Sexual harassment is unlawful discrimination on the basis of sex under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination. All forms of sexual harassment are prohibited at school, on school property, and at all school-sponsored activities, programs, or events within the United States. Sexual harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee, or third party (visitor, vendor, etc.) to sexually harass any student, employee, or other individual associated with the school. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Sexual harassment shall include conduct on the basis of sex involving one or more of the following: (1) A district employee conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcomed sexual conduct; (2) unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's educational program or activity; or (3) sexual assault, dating violence, domestic violence, or stalking.

Sexual harassment may result from verbal or physical conduct or written or graphic material. Sexual harassment may include, but is not limited to: verbal harassment or abuse of a sexual nature; pressure for sexual activity; repeated remarks to a person with sexual or demeaning implication; unwelcome touching; or suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning a student's grades, participation in extra-curricular activities, etc.

The district encourages all victims of sexual harassment and persons with knowledge of such harassment to report the harassment immediately. Complaints of sexual harassment will be promptly investigated and resolved. Any person may make a verbal or written report of sex discrimination by any means and at any time.

(Position or name, address, email address, and phone number of the Title IX Coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, and the Kansas Act Against Discrimination.

Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the Title IX Coordinator. Inquiries about the application of Title IX to the district may be referred to the Title IX Coordinator; to the Assistant Secretary for Civil Rights at the U.S. Department of Education, Office of Civil Rights, 400 Maryland Avenue, SW, Washington D.C. 20202-1100, (800)421-3481, or at [OCR@ed.gov](mailto:OCR@ed.gov); or both.

### Response to Harassment Complaints

The district takes all reports of sexual harassment seriously and will respond meaningfully to every report of discrimination based on sex, including sexual harassment, of which the district has actual knowledge. Any students who believe that he or she has been subjected to sexual harassment should report the alleged harassment to the building principal, another administrator, the guidance counselor, the Title IX Coordinator, or another licensed staff member. All employees receiving reports of sexual harassment from a student shall notify the Title IX Coordinator.

### Definitions

The following definitions apply to the district in responding to complaints of sexual discrimination including sexual harassment as defined by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, and the Kansas Act Against Discrimination.

The “complainant” means an individual who is alleged to be a victim of conduct that could constitute sexual harassment.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim where the existence of such a relationship shall be determined based on a

consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

The “decision-maker” reviews all the evidence and prepares an impartial written responsibility determination as to whether the alleged conduct occurred and provides an opportunity for the parties and their representatives to prepare written questions to be answered by the other party. The decision-maker shall not be the Title IX Coordinator or investigator.

“Domestic violence” includes crimes of violence committed by a person who is a current or former spouse, partner, person with whom the victim shares a child, or who is or has cohabited with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under Kansas or applicable federal law, or by any other person against an adult or youth victim having protection from such person’s acts by Kansas or applicable federal law.

A “formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment.

The “investigator” is the person who carries out the investigation after the formal complaint is filed and conducts interviews of the witnesses, collects and documents evidence, and drafts an investigative report.

A “respondent” is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress.

The “Title IX Coordinator” is the individual designated at the district level who has responsibility to coordinate compliance with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, and the Kansas Act Against Discrimination. The Title IX Coordinator’s responsibilities include, but are not limited to: developing materials and ensuring professional development occurs for staff involved in Title IX compliance, creating systems to centralize records, gathering relevant data, contacting the complainant (and/or parents or guardians, if applicable) once the district has actual knowledge of alleged sexual harassment, coordinating the implementation of supportive measures, signing a formal complaint to initiate a grievance process, and ensuring any remedies are implemented.

The Title IX Coordinator, any investigator, decision-maker, or any person who facilitates an informal resolution process shall not have a conflict of interest or bias for or against the complainant or respondent. These individuals shall receive training on the definition of sexual harassment; the scope of the education program and activities; how to conduct an investigation, including appeals and informal resolution processes; and how to serve impartially, including by avoiding

prejudgment of the facts, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance of questions and evidence in order for them to create investigative reports that fairly summarize relevant evidence.

Any employee who witnesses an act of sexual harassment or receives a complaint of harassment from another employee or a student shall report the complaint to their immediate supervisor, building administrator, or Title IX Coordinator. Employees who fail to report complaints or incidents of sexual harassment to appropriate district officials may face disciplinary action. District officials who fail to investigate and take appropriate corrective action in response to complaints of sexual harassment may also face disciplinary action.

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes sexual harassment under the definition outlined above. Unacceptable student conduct may or may not constitute sexual harassment, depending on the nature of the conduct and its severity, pervasiveness, and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct.

If discrimination or harassment has occurred, the district will take prompt, remedial action to stop it and prevent its reoccurrence.

The Title IX Coordinator shall promptly respond in a meaningful way to any reports of sexual discrimination including sexual harassment of which the district has actual knowledge as follows:

- Contact the complainant within 10 business days and discuss the availability of supportive measures, with or without the filing of a formal complaint, and consider the complainant's wishes as to supportive measures; and
- Inform the complainant of the right to a formal complaint investigation consistent with Title IX and the informal resolution process.

#### Supportive Measures

The district will treat the complainant and respondent equitably by offering supportive measures. These non-disciplinary and non-punitive measures will be offered as appropriate, as reasonably available, and without cost to the complainant or the respondent. Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party. "Supportive Measures" shall include, but not be limited to, measures designed to protect the safety of all parties, to protect the district's educational environment, or to deter sexual harassment. These measures may include counseling, extensions of deadlines or course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## The Formal Complaint

No investigation of alleged sexual harassment may occur until after a formal complaint has been filed.

A formal complaint is a document filed by the complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting an investigation. The procedures for filing a formal complaint are as follows:

- At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district concerning which the formal complaint is filed.
- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. Filing of the complaint with the Title IX Coordinator may be done in person, by mail, or by email. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the Title IX Coordinator may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 calendar days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- An investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an



investigating officer. In other instances, the investigation shall be conducted by a qualified individual designated by the Title IX Coordinator or another individual appointed by the board. The investigation shall be thorough. All interested persons, including the complainant and the respondent, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

#### Formal Complaint Notice Requirements

Upon filing of a formal complaint, the district shall provide written notice to the known parties including:

- Notice of the allegations of sexual harassment including sufficient details to prepare a response before any initial interview including:
  - the identities of the parties involved, if known;
  - the conduct allegedly constituting sexual harassment; and
  - the date and location of the alleged incident, if known.
- An explanation of the district's investigation procedures, including any informal resolution process;
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
- Notice to the parties they may have an advisor of their choice and may inspect and review any evidence; and
- Notice to the parties of any provision in the district's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice initially provided, notice of the additional allegations shall be provided to known parties.

#### Formal Complaint Investigation Procedures

To ensure a complete and thorough investigation and to protect the parties, the investigator shall:

- Ensure that the preponderance of the evidence burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the district and not the parties;
- Provide an equal opportunity for the parties to present witnesses and evidence;
- Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
- Allow the parties to be accompanied with an advisor of the party's choice;
- Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate;
- Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint, including the investigative report, and the opportunity to respond to that evidence before a determination is made;

- Be impartial and objectively evaluate all relevant evidence without relying on sex stereotypes;
- Not have conflicts of interest or bias for or against complainants or respondents;
- Not make credibility determinations based on the individual's status as complainant, respondent, or witness.

#### Formal Complaint Investigation Report

The investigator shall prepare an investigative report that fairly summarizes relevant evidence and share the report with the parties and their advisors for review and response.

Before completing the investigative report, the investigator must send each party and their advisors the investigative report for review and allow the parties 10 days to submit a written response for the investigator's consideration.

The investigator's written report shall include an objective evaluation of all relevant evidence using a preponderance of the evidence standard to determine responsibility.

#### Decision-Maker's Determination

Upon receiving the investigator's report, the decision-maker must make a determination regarding responsibility and afford each party the opportunity to submit written, relevant questions that the parties want asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence. The decision-maker's written determination shall:

- Identify the allegations potentially constituting sexual harassment;
- Describe the procedural steps taken, including any notifications to the parties, site visits, methods used to gather evidence, and interviews;
- Include the findings of fact supporting the determination;
- Address any district policies and/or conduct rules which apply to the facts;
- Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the district to the complainant; and
- The procedures and permissible bases for the complainant and/or respondent to appeal the determination.

A copy of the written determination shall be provided to both parties simultaneously.

The range of disciplinary sanctions and remedies may include, but may not be limited to, supportive measures, short term suspension, long term suspension, expulsion for students, and/or termination for employees. Complainants and respondents shall be treated equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made. The Title IX Coordinator is responsible for the effective

implementation of any remedies. If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended with or without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and/or state law will be followed.

Records relating to complaints filed and their resolution shall be maintained by the Title IX Coordinator for seven years.

The decision becomes final on the date the parties receive the results of an appeal, if any appeal is filed; or on the date the opportunity for an appeal expires.

### Appeals

The complainant or respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

- Procedural irregularity that affected the outcomes;
- New evidence that was not reasonably available at the time that could affect the outcome; and/or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias against either party that affected the outcome.

The request to appeal shall be made in writing to the Title IX Coordinator within 20 days after the date of the written determination. Appeals shall be on the record and heard by an attorney, an independent hearing officer appointed by

the board, or the board. The appeal decision-maker may not be the Title IX Coordinator, the Investigator, or the decision-maker from the original determination.

The appeal decision-maker will issue a written decision within 30 days after the appeal is filed. The appeal decision-maker will describe the result of the appeal and the rationale for the result.

The appeal decision-maker shall:

- Review the evidence gathered by the investigator, the investigator's report, and the original decision-maker's determination;
- Notify both parties in writing of the filing of an appeal and give them 10 days after the appeal is filed to submit further evidence in writing;
- Not have a conflict of interest or bias for or against complainant or respondent and receive the required training;
- Issue a written decision and the rationale for the decision within 30 days after the appeal is filed;
- Describe the result of the appeal and the rationale for the result in the decision; and
- Provide the written decision simultaneously to both parties and to the Title IX Coordinator.

#### Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- The parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, and information on when it may preclude the parties from resuming a formal complaint arising from the same allegations;
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the investigation of the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process;
- The parties voluntarily and in writing consent to the informal resolution process; and
- The informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the proposed resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. Within 20 days after the complaint is resolved in this manner, the Title IX Coordinator shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved, or if the individual does not believe the resolution remains acceptable within 20 days after the informal resolution document is executed, the individual or the Title IX Coordinator may proceed with the formal complaint process.

If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or appeal.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies, including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

The filing of a complaint or otherwise reporting sex discrimination including sexual harassment shall not reflect upon the individual's status or grades. Any act of retaliation or discrimination against any person who has filed a complaint or testified, assisted, or participated in any investigation, proceeding, or hearing involving sex discrimination, including sexual harassment, 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 sexual harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and the complaint procedures including how to report or file a formal complaint of sex discrimination or sexual harassment shall be posted in each district facility shall be published in student handbooks, and on



the district's website as directed by the Title IX Coordinator. Notification of the policy may include posting informational notices, publishing in local newspapers, publishing in newspapers and magazines operated by the school, or distributing memoranda or other written communications to students and employees. In addition, the district is required to include a statement of nondiscriminatory policy in any bulletins, announcements, publications, catalogs, application forms, or other recruitment materials that are made available to participants, students, applicants, or employees.

Approved:

KASB Recommendation – 7/96; 8/98; 7/03; 4/07; 6/13; 6/15; 12/18; 6/20; 7/20]

**JQKA Foreign Exchange Students (See JBC)**

**JQKA**

Foreign exchange students from approved organizations may be admitted to the district on a tuition-free basis to the extent staff, facilities, equipment, and supplies are available. Other foreign exchange students who meet residency requirements may be allowed to enroll in the district under rules established by the board. Students who enter the country on an F-1 visa shall pre-pay tuition equal to the current cost per pupil as calculated by the Kansas State Department of Education.

Approved:

KASB Recommendation—7/96; 9/97; 4/07; 12/15; 6/20

(See GAOC and JCDA)

The use of any tobacco product by parents, contractors, volunteers, and all other visitors is prohibited at all times in any district facility; in school owned or operated property.

The following definitions apply to this policy.

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, electronic nicotine delivery system (hereafter “ENDS”), cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco products also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, charging devices, cartridges, and any substance used in ENDS, whether or not they contain nicotine. This definition does not include FDA-approved Nicotine Replacement Therapies including transdermal nicotine patches, nicotine gum, and nicotine lozenges.

“Electronic nicotine deliver system” or “ENDS” means any device that delivers a vaporized solution (including nicotine, THC, or any other substance) by means of cartridges or other chemical delivery systems. Such definition shall include, but may not be limited to, any electronic cigarette, vape pen, hookah pen, cigar, cigarillo, pipe, or personal vaporizer.

Approved:

KASB Recommendation – 6/20

(See BCBI, GAAC, GAACA, GAAB, GAAF, IF, IKD, JCE, JGEC, JGECA, and KNA)

The board encourages all complaints regarding the district to be resolved at the lowest possible administrative level. Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the administration for study and possible resolution.

Discrimination against any individual on the basis of race, color, national origin, sex, disability, age, or religion in the admission or access to, or treatment or employment in the district's programs and activities is prohibited. Harassment of an individual on any of these grounds is also prohibited. (Position, address, email address, and phone number of compliance coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI of the Civil Rights Act of 1964 regarding discrimination on the basis of sex, Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, the Personal Responsibility Work Opportunity Reconciliation Act of 1996, and the Food Stamp Act of 1977, as amended. Information concerning the provisions of these Acts, and the rights provided thereunder, are available from the compliance coordinator.

**Complaints About Discrimination or Discriminatory Harassment**

Complaints of discrimination or discriminatory harassment by an employee, excluding complaints regarding discrimination or harassment on the basis of sex or in child nutrition programs, should be addressed to the employee's

supervisor, the building principal, or the district compliance coordinator. Such complaints by a student should be addressed to the building principal, another administrator, the guidance counselor, or another certified staff member. Any school employee who receives a complaint of such discrimination or harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the district compliance coordinator. Complaints by any other person alleging such discrimination should be addressed to the building principal or the district compliance coordinator. Except as otherwise provided in this policy regarding complaints of discrimination on the basis of sex or regarding child nutrition programs, complaints about discrimination, including complaints of harassment, will be resolved through the following complaint procedures:

#### Informal Procedures

The building principal shall attempt to resolve complaints of discrimination or harassment in an informal manner at the building level. Any school employee who receives a complaint of such discrimination or harassment from a student, another employee, or any other individual shall inform the individual of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. The building principal shall discuss the complaint with the individual to determine if it can be resolved. If the matter is resolved to the satisfaction of the individual, the building principal shall document the nature of the complaint and the proposed resolution of the complaint and forward this record to the district compliance coordinator. Within 20 days after the complaint is resolved in this manner, the principal shall contact

the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved to the satisfaction of the individual in the meeting with the principal, or if the individual does not believe the resolution remains acceptable, the individual may initiate a formal complaint. If such discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or hearing.

#### Formal Complaint Procedures

- A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. If an individual does not wish to file a written complaint, and the matter has not been adequately resolved, the building principal may initiate the complaint. Forms for filing written complaints are available in each school building office and the central office.
- A complaint should be filed as soon as possible after the conduct occurs but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
- If appropriate, an investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by the building principal, the compliance coordinator, or another individual appointed by the board. The investigation shall be informal but thorough. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.
- A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy

forwarded to the complainant and the accused no later than 30 days after the filing of the complaint.

- If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.
- If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in board policy, the negotiated agreement (as applicable), and state law will be followed.
- Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the district compliance coordinator.
- The complainant may appeal the determination of the complaint. Appeals shall be heard by the district compliance coordinator, a hearing officer appointed by the board, or by the board itself as determined by the board. The request to appeal the resolution shall be made within 20 days after the date of the written resolution of the complaint at the lower level. The appeal officer shall review the evidence gathered by the investigator and the investigator's report and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within 10 days after the appeal is filed. The appeal officer will issue a written determination of the complaint's validity and a description of its resolution within 30 days after the appeal is filed.
- If discrimination or harassment has occurred, the district will take prompt, remedial action to prevent its reoccurrence. The district prohibits retaliation or discrimination against any person for opposing discrimination, including harassment; for participating in the complaint process; or making a complaint, testifying, assisting, or participating in any investigation, proceeding, or hearing.
- Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.



### Complaints About Discrimination on the Basis of Sex

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in board policies GAAC and JGEC and shall be directed to the Title IX Coordinator at (position or name, address, email address, and phone number of Title IX Coordinator).

### Complaints Concerning Child Nutrition Programs

Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in board policy KNA.

### Complaints About Policy

The superintendent shall report any unresolved complaint about policies to the board at the next regularly scheduled board meeting.

### Complaints About Curriculum (See IF)

The superintendent shall report a failure to resolve any complaint about curriculum to the board at the next regularly scheduled board meeting.

### Complaints About Instructional Materials

The building principal shall report any unresolved complaint about instructional materials to the superintendent immediately after receiving the complaint.

### Complaints About Facilities and Services

The superintendent shall report any unresolved complaint about facilities and services to the board at the next regularly scheduled board meeting.

Complaints About Personnel

The superintendent or the building principal involved shall report any unresolved complaint about personnel to the board at the next regularly scheduled board meeting.

Complaints About Emergency Safety Intervention Use

Complaints concerning the use of emergency safety interventions by district staff shall be addressed in accordance with the local dispute resolution process outlined in board policy GAAF.

Approved:

KASB Recommendation – 9/97; 8/98; 3/00; 4/07; 6/13; 6/15; 6/20; 7/20

**KNA Complaints Regarding Child Nutrition Programs KNA**

Discrimination against any individual on the basis of race, color, national origin, sex, disability, age, or retaliation for prior civil rights activity in any program or activity conducted or funded by the United States Department of Agriculture is prohibited. (Position or name, address, email address, and phone number of compliance coordinator) has been designated to coordinate compliance with nondiscrimination requirements contained in Title VI of the Civil Rights Act of 1964, Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Personal Responsibility Work Opportunity Reconciliation Act of 1996, and the Food Stamp Act of 1977, as amended.

**Complaints About Discrimination in Child Nutrition Programs**

To file a complaint of discrimination regarding child nutrition programs offered by the district, complete the USDA Program Discrimination Complaint Form (AD-3027) at:

[http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html); or

write a letter and provide the information requested in the form. To request a complaint form, call (866) 632-9992.

Submit the completed form to:

U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410.  
FAX: (202) 690-7442  
Email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

Approved:

KASB Recommendation – 6/20

# U.S.D. # \_\_\_\_\_ COMPLAINT FORM

<p>The policies of Board of Education of U.S.D. No. ### prohibit discrimination on the basis of race, color, national origin, disability, religion, genetic information, and sex in all programs and activities of the district. Additionally, discrimination on the basis of age is prohibited in employment. Harassment of individuals on any of these grounds is strictly prohibited. Individuals who believe they have been discriminated against on any of these grounds may file a complaint with the following discrimination coordinators:</p> <p>District Discrimination Coordinator: Name: _____ Address: _____ Email: _____ Phone: _____</p> <p>Building Discrimination Coordinators: Name: _____ Address: _____ Email: _____ Phone: _____</p> <p>Title IX Coordinator: Name: _____ Address: _____ Email: _____ Phone: _____</p>	
<p>Name of Complainant: Address: Email Address: Telephone Number:</p>	<p>_____</p> <p>_____</p> <p>_____</p>
<p>Nature of the Complaint (Please Select Any that Apply):</p>	<p>I believe that I have or someone I know has been subjected to discrimination on the basis of:</p> <p> <input type="checkbox"/> Race      <input type="checkbox"/> Color      <input type="checkbox"/> National Origin      <input type="checkbox"/> Racial Harassment  <input type="checkbox"/> Sex      <input type="checkbox"/> Sexual Harassment      <input type="checkbox"/> Disability      <input type="checkbox"/> Religion  <input type="checkbox"/> Age      <input type="checkbox"/> Genetic Information      <input type="checkbox"/> Harassment on the basis of _____;         </p> <p style="text-align: center;">OR</p> <p><input type="checkbox"/> General Complaint/Not Related to Perceived Discrimination</p> <p>My complaint is not one of perceived discrimination or harassment but is regarding the situation described below.</p>
<p>Please describe the incident or act complained of: Please include information about:</p> <ul style="list-style-type: none"> <li>• Who was the person engaging in the conduct?</li> <li>• Who was the conduct directed toward?</li> <li>• What was the nature of the conduct?</li> <li>• When did it occur?</li> <li>• Where did it occur?</li> <li>• What effect did the incident have on you? What effect did it have on the person allegedly targeted?</li> </ul>	<p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Attach additional sheets if necessary.</p>
<p>Were there any witnesses to this incident?</p>	<p><input type="checkbox"/> Yes      <input type="checkbox"/> No</p> <p>If yes, please indicate who the witnesses were:</p> <p>_____</p> <p>_____</p>
<p>What action do you believe the school or district should take with regard to this incident?</p>	<p>_____</p> <p>_____</p>
<p>If this matter proceeds to an investigation or hearing, will you appear and be interviewed and/or testify as to your knowledge of the matter? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

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