

RACIAL HARASSMENT OF STUDENTS REGULATION

The Board of Education will implement the following regulation concerning any racial* discrimination or racial harassment of students. A student can be subject to racial harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. The following are examples of the type of incidents which might constitute racial harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating any ethnic students differently or more severely than white students;
3. intimidating actions such as cross-burning or painting swastikas; and
4. teacher repeatedly treating minority students in a racially derogatory manner.

Procedures

The Superintendent of Schools shall carry out the district's responsibilities for addressing grievances pursuant to policy 5311.3, Student Complaints and Grievances. In addition, the Board will designate a second individual for ensuring compliance with Title VI so that students who believe that they have been subjected to racial harassment will have a second avenue of complaint, if the alleged harasser is the Superintendent.

The Superintendent shall notify all students and employees of the name, office address and telephone numbers of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of student racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race in the educational programs or activities which it operates.

All reports of racial harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of racial harassment:

Students who believe they have been subjected to racial harassment are to report the incident to the Superintendent of Schools or the second designee as described above.

The Superintendent or designee shall notify the Building Principal of all complaints.

The student can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. All witnesses shall be interviewed and if requested, the victim shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation. Any type of retaliatory behavior against students or others who have participated in an investigation is not permitted.

Informal Complaints

In addition to notification to the Superintendent or the Board's designee as described above, students who believe they have been subjected to racial harassment may request that an informal meeting be held between themselves and the Building Principal or Superintendent. The student may also request a meeting with a counselor or administrator of the same race. Parents or guardians of the student shall be notified of their right to attend the interview with their child. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Superintendent will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Superintendent is to inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Superintendent's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Superintendent is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Superintendent may impose further disciplinary action. Thereafter, the Building Principal or Superintendent is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not she/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of racial harassment is reported. The Building Principal or Superintendent is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the Building Principal or Superintendent's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal or Superintendent is to file a report with the next appropriate level in the complaint procedure. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal or Superintendent informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the student's formal complaint.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of racial harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Building Principal or Superintendent originally consulted, who will then forward it to the next appropriate level of management, e.g., the Superintendent or the Board, for appropriate action.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of racial misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of racial harassment. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Approved: July 01, 2001

Revised and Approved: April 9, 2009

Administrative Council