

# FRANKLIN CENTRAL SUPERVISORY UNION AND ITS MEMBER SCHOOL DISTRICTS

## COMMON PROCEDURE FOR POLICY ON HARASSMENT POLICY FOR EMPLOYEES D12

It is the policy of the Franklin Central Supervisory Union and its member schools to ensure that all employees and members of the school community should be able to coexist in an environment that is free of harassment. We are committed to creating and maintaining learning and working environments where all individuals are treated with respect and dignity.

These procedures have been developed to ensure that the educational and employment opportunities of all employees are not threatened or limited by such harassment, and to ensure that individuals are free to learn, work, and develop relationships without fear of intimidation, humiliation, or degradation.

Examples of prohibited and unwelcome behaviors shall include, but not be limited to, the following examples:

**Verbal Conduct:** Use of negative or offensive racial, ethnic, religious, and/or sexual slurs, epithets or comments about an individual's sexuality or sexual experience, activity or performance; name-calling or other derogatory or dehumanizing remarks or utterances by an individual or group, as in verbal bullying, when it is based on an individual's sex, race, religious beliefs or practices, ancestry, national origin, age, disability, or sexual orientation; use of sexual or dirty jokes or comments, spreading rumors or lies of a sexual nature about another person, obscene or insulting sounds or whistling.

**Physical Contact:** Unwelcome touching of another person's clothing or body in a sexual or suggestive manner, such as pinching, patting, grabbing, poking, or brushing against or any other act of physical intimidation or aggression whether that person is of the same sex or the opposite sex; aggressive conduct such as theft or damage to property which is motivated by sexual orientation or imitating a manner of speech or movement based on sexual orientation or perceived sexual orientation; any act on oneself that may be viewed by another as sexual or suggestive in nature.

**Written Conduct:** Use of symbols, notes, cartoons, calendars, graffiti, offensive or graphic posters, pictures, book covers, drawings, computer terminal messages of an offensive nature, or designs on clothing which cause a distraction or disturbance to the learning process and offend another on the basis of gender, race, color, ancestry, religion, national origin, age, disability, or sexual orientation.

**Visual Conduct:** Suggestive looks, leering, or obscene or insulting gestures.

**Preferred or Differential Treatment:** Promises of preferred or differential treatment to any employee or member of the school community for submitting to sexual conduct, including solicitation or an attempt to solicit any employee or member of the school community to engage in sexual activity or to threaten to subject any employee or member of the school community to unwelcome sexual conduct or to make the performance of the employee's or a member of the school community's job or work assignment more difficult because of the employee's or member of the school community's acquiescence or denial to requests for sexual favors or behaviors.

The foregoing list provides some concrete examples but is not meant to be all-inclusive. Insulting or inappropriate conduct not otherwise listed will be subject to investigation and may result in disciplinary action under this policy.

### **Responsibilities**

All teachers, administrators, staff, and members of the school community of the Franklin Central Supervisory Union are responsible for creating and maintaining an environment that is free from harassment and other offensive behaviors. They must conduct themselves in a manner consistent with the spirit and intent of this policy and cooperate with an investigation of alleged harassment.

## **Mandatory Reporting Procedures**

The Franklin Central Supervisory Union and its member districts have a legal obligation to investigate and stop any form of sexual harassment as soon as possible.

1. Employees and members of the school community who believe they *have been subjected to* harassment should inform the harasser that his/her behavior is offensive and unwanted. If a person feels uncomfortable with confronting the harasser, she/he is strongly encouraged and expected to inform the Principal/Tech Director/Designee, Supervisor, or Department Head, the Superintendent/Designee, or a district Title IX Compliance Officer at the earliest opportunity.
2. Employees and members of the school community who believe they *have witnessed* harassment are expected to promptly report the incident(s) to the Principal/Tech Director/Designee, Supervisor or Department Head, the Superintendent/Designee, or a district Title IX Compliance Officer at the earliest opportunity.
3. All employees and members of the school community must take every complaint of sexual harassment or discrimination seriously.
  - a. Respond to complaints of harassment by notifying the Principal/Tech Director/Designee, Supervisor, Department Head, or a district Title IX Compliance Officer immediately.
  - b. Any employee or member of the school community who receives any information from any source concerning employee-student harassment is required to report such information immediately to a school administrator or a district Title IX Compliance Officer.
  - c. Where allegations of harassment are made by an employee regarding another employee or by a student toward an employee, the complaint shall be forwarded directly to a school administrator or a district Title IX Compliance Officer.
  - d. If the complaint involves an administrator, Principal/Tech Director/Designee, or a district Title IX Compliance Officer, the complaint shall be made to or filed with the Superintendent/Designee.
  - e. If a complaint involves the Superintendent, the report should be filed directly with the Supervisory Union Board Chair.
  - f. If the complaint is against an employee, any rights conferred under the applicable collective bargaining agreement shall be applied consistent with state and federal law.
4. Nothing in these procedures shall prevent any person reporting the alleged prohibited conduct directly to a district Title IX Compliance Officer or to the Superintendent.
5. It is expected that complaints will be filed as soon as possible after the alleged discriminatory or harassing act has occurred, but no later than 120 days after the event.
6. This limitation does not affect the right of the person to file a discrimination claim with state or federal agencies charged with investigating such matters. Claiming parties are advised to contact such agencies to ascertain any time limitations to such complaints. The complainant may forego the internal procedures and directly pursue legal or administrative remedies or may pursue both internal and external remedies simultaneously.
7. Information will be provided to employees and members of the school community about the Supervisory Union's policies and procedures against harassment. The Superintendent/Designee will be available to discuss any concerns an employee or member of the school community may have.
8. The Superintendent/Designee will maintain any and all documentation concerning a complaint. Important information will be documented, including the nature of the allegation(s), responses, witness' statements and the circumstances surrounding the complaint, the individual(s) involved, the chronology of events, and the investigation summary with outcomes and recommendations.

9. All documentation will be maintained in separate confidential, investigative files in the Franklin Central Supervisory Union Office. Irrelevant information will be expunged from any and all formal records. Information may be shared with and among the Superintendent, Designee, Title IX Compliance Officers, and/or the Department Head or Supervisor or Principal/Tech Director/Designee on an as-needed basis.

### **Investigation Procedures**

The Franklin Central Supervisory Union and its member districts have adopted a reporting and grievance procedure to determine if harassment based on race, religious beliefs or practices, age, color, national origin, sex, sexual orientation or perceived sexual orientation, marital status, or physical or mental disability in any of the Supervisory Union's programs or activities has occurred. Questions about this reporting and grievance procedure or alternatives for pursuing harassment or discrimination complaints may be directed to the Principal/Tech Director/Designee, Department Head, Supervisor, Superintendent/ Designee.

1. The Franklin Central Supervisory Union through its member schools will immediately investigate all forms of harassment based on our policy of non-discrimination. Such investigation may include discussions with all involved parties, identification and questioning of witnesses, and other appropriate actions. The investigation may be conducted by school officials or by a third party designated by the Superintendent. The investigation may also consist of the evaluation of any information or documents that may be relevant to the particular allegations. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
2. Reports of harassment and related information will be kept confidential to the extent it is consistent with the Supervisory Union and member school's obligations under law and without deterring the ability to perform an investigation or the need to take appropriate action to fulfill the obligation of others. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
3. Attempts will be made to resolve the complaint informally. The Franklin Central Supervisory Union and its member districts may elect to utilize a formal or informal process, depending upon the nature and severity of the conduct alleged.
4. If, in the formal complaint process, a hearing is seen as an appropriate mechanism, the complainant and respondent are entitled to bring representation such as an attorney, collective bargaining representative, or friend to the hearing. Complainant and respondent will be expected to speak on their own behalf and may present evidence relevant to the allegations. Any hearing will be conducted in a manner that provides safety and confidentiality to all parties to the extent provided by law.
5. The Franklin Central Supervisory Union and its member schools will employ interim steps to protect parties and to prevent the possible continuation of harassment during the informal and formal investigations. The complainant and respondent will be apprised of the status of an ongoing investigation regularly throughout the process.
6. Any recommendation(s) for resolving the complaint will be in writing and presented to the Superintendent/Designee. If the complaint involves the Superintendent, the report will be filed directly with the Supervisory Union Board Chair. The complainant, the respondent, and the respective Principal/Tech Director/Designee, Department Head(s), and/or supervisor(s) will be informed of the recommendation.
7. The Supervisory Union and member school's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.
8. The Supervisory Union and member schools will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the Supervisory Union and

schools' legal obligation to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

### **Informal Process**

An informal investigation may be as a result of either a written or verbal notification of harassment to the Principal/Tech Director/Designee, Department Head, Supervisor, or Superintendent/Designee. Complaints which are so severe or pervasive must not be handled in an informal process nor shall any complaint involving a student against an employee or member of the school community be handled through the informal complaint procedure.

1. After a complaint is received, the Principal/Tech Director/Designee, Department Head, Supervisor, or Superintendent/Designee will explain to the complainant and respondent the normal course of action, and explain to both parties the prohibition against retaliation. If the complainant and/or respondent are under the age of 18, the parents or guardians will be notified.
2. The Principal/Tech Director/Designee, Department Head, or Supervisor may defer to the Superintendent/Designee to investigate complaints in some situations. In the event this occurs, the Superintendent/Designee will inform the Principal/Tech Director/Designee, Department Head, or Supervisor of the progress of the investigation and will recommend a course of action to the Principal/Tech Director/Designee, Department Head, or Supervisor.
3. The Superintendent/Designee and appropriate Principal/Tech Director/Designee, Department Head, or Supervisor(s) will be advised of the decision by the investigator. The investigator, with the Principal/Tech Director/Designee, Department Head or Supervisor, will advise the parties involved of any sanction or actions to be implemented. The Principal/Tech Director/Designee, Department Head or Supervisor is responsible for monitoring the situation to ensure that the situation has been resolved.
4. As an alternative to a full investigation by the Principal/Tech Director/Designee, Department Head, Supervisor, or Superintendent/Designee, the parties involved in the complaint process must all agree to a voluntary conversation facilitated by a designated investigator. Parties to this conversation may be accompanied by a person of their choice for support and guidance. If the complainant and respondent feel that resolution has been achieved in this conversation then no further action needs to be taken.

### **Formal Process**

1. The formal process will begin with the allegation(s) of harassment detailed in written form either by the complainant or the person first contacted about the complaint. The Principal/Tech Director/Designee, Department Head, Supervisor, or Superintendent/Designee will explain the formal complaint/investigative procedures and processes to the complainant and respondent.
2. The formal process may be followed when:
  - a. complaints are so severe or pervasive that formal action must take place or,
  - b. the complaint involves a student against a school employee or member of the school community or,
  - c. the response under the informal complaint procedure by the Principal/Tech Director/Designee, Supervisor, or Department Head is insufficient to satisfy the complainant, or
  - d. either party requests that a formal procedure be instituted, or
  - e. the Supervisory Union recognizes that there are factors that make it impracticable for it to meet the time requirements (such as, but not limited to items listed below). These timelines are, however, the desired approach in responding to formal complaints.
3. The complainant or respondent may file a formal grievance with the Principal/Tech Director/ Designee, Supervisor, or Department Head within 10 (ten) working days of the date the response to an informal complaint was made by the Principal/Tech Director/Designee, Supervisor, or Department Head.

4. If the complainant had previously lodged an informal complaint with the Supervisory Union and either the complainant or respondent is dissatisfied with the Principal/Tech Director/Designee, Supervisor, or Department Head's decision, the formal complaint will be forwarded to the Superintendent/Designee for review. In cases where no informal complaint was filed with a Principal/Tech Director/Designee, Supervisor, or Department Head, the first review level of the formal procedure will rest with the Principal/Tech Director/Designee, Supervisor, or Department Head who will respond to the complainant and respondent within ten (10) working days. If dissatisfied with the decision, the complainant or respondent has ten (10) working days to appeal the decision to the Superintendent.
5. The Superintendent will respond, in writing, within ten (10) calendar days. The Superintendent reserves the right to extend the ten (10) calendar-day response period where business needs so require, upon notice to all parties.
6. If the complainant or respondent is dissatisfied with the findings of the Superintendent, either party may appeal the decision to the School Board within ten (10) working days of the Superintendent's decision.
7. The School Board shall have a reasonable time to schedule a Board meeting and, after consultation with appropriate individuals as well as the complainant and respondent, will review the findings of the Superintendent and respond within fifteen (15) working days after such Board meeting. The Board's decision shall be final. (*cross reference "Right to Alternative Complaint Procedures" on page 6*)

### **Supervisory Union Action**

The results of the Supervisory Union and/or member school's investigation of each complaint filed under these procedures (whether at the informal, formal, or appeal level) will be reported in writing to the complainant, respondent, and other appropriate parties by the Supervisory Union in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of all parties. If the Franklin Central Supervisory Union/member school determines that harassment or discrimination has occurred, it will take appropriate corrective action to end the harassment or discrimination. Steps that may be taken include but are not limited to: an apology, direction to stop the offensive behavior, counseling or training, warnings, suspensions, and expulsion from school-related activities, transfer, remediation, or termination from employment.

The Supervisory Union/member school's action taken for violation of the policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and Supervisory Union and District policies for violations of a similar nature or similar degree of severity.

In the event that the evidence from the investigation suggests that the harassment at issue is also a violation of a Vermont or federal criminal statute, the Franklin Central Supervisory Union Board shall also direct the Supervisory Union's administration to report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

### **Retaliation and Reprisal**

Submission of a good-faith complaint or report will not affect the complaint or reporter's future employment, work assignments, learning, or working environment. Reprisals, retaliatory or intimidating conduct against any individual who has made a harassment complaint, witnessed, testified or assisted in any manner in an investigation are specifically prohibited and shall provide grounds for a separate harassment complaint. Retaliation for reporting harassment or cooperating in an investigation of harassment is unlawful under 16 V.S.A. §565(b)(3).

### **Right to Alternative Complaint Procedures**

This policy and these procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges of discrimination with the Vermont Human Rights Commission, 133 State Street, Montpelier, Vermont 05633-6301 (telephone 800-416-2010 or 802-828-2480) or the United States Department of Education, Office for Civil Rights, J.W. McCormack Post Office and Courthouse, Room 707, Boston, Massachusetts 02109 (telephone 617-223-9662). In addition, individuals may initiate civil action or seek redress under state criminal statutes and/or federal law.

**Harassment or Violence as Abuse**

Under certain circumstances, alleged harassment or violence may also be possible abuse under Vermont state law (V.S.A chapter 47, §4911-4920). Nothing in this policy will prohibit the Supervisory Union from taking immediate action to protect victims of alleged harassment, violence, or abuse.

**Dissemination and Training**

The Franklin Central Supervisory Union and its member schools are responsible for the dissemination of this policy and the education of the content of this policy to their employees and members of the school community, as well as anyone else conducting business within its member school. The Supervisory Union and its member schools will ensure:

1. That a summary of this policy shall appear in employee handbooks and a copy of the full policy shall be made available upon request to employees and other interested parties;
2. That this policy shall be conspicuously posted throughout each school in the Supervisory Union in an area accessible to employees, members of the school community, and others;
3. The Supervisory Union will develop a method of discussing this policy with employees and members of the school community. Training on the requirements of this policy and who bears responsibility for its implementation as well as the appropriate responses to issues of harassment will be provided to all school personnel on an annual basis and at such other times as the Franklin Central Supervisory Union Board, in consultation with the Superintendent, determines is necessary or appropriate;
4. All employees and members of the school community (as defined in the policy), now and in the future, shall be required to sign an acknowledgment form indicating that they have read this policy;
5. The Superintendent/Designee shall review this policy for compliance with state and federal law.

**Title IX Coordinators**

<u>School/Location:</u>	<u>Designated District Title IX Compliance Officer</u>	
Bellows Free Academy Union High School #48	Dennis Hill, Principal	527-6402
Northwest Technical Center	Leeann Wright, Director	527-6510
St. Albans Town Educational Center	Angela Stebbins, Principal	527-7191
St. Albans City School	Joan Cavallo, Principal	527-0565
Fairfield Center School	Jennifer Wood, Principal	827-6639
Franklin Central Supervisory Union	Julie Regimbal, Interim Superintendent	524-2600
	Stefanie Blouin, Curriculum Director	524-2600

# FRANKLIN CENTRAL SUPERVISORY UNION REPORT OF HARASSMENT AND OR BULLYING

*Please Print*

## **Nature of Complaint** (Check all that apply):

- Race/Color/National Origin    Sex/Sexual Orientation/Gender Identity    Marital Status    Disability    Creed/Religion  
 Other: \_\_\_\_\_    No protected category

## **Complainant Information:**

Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Relationship to the District:  Employee    Student    Parent    Board    Community Member    Vendor    Other

## **Information on Incident(s):**

Persons Involved: \_\_\_\_\_

Names of witnesses: \_\_\_\_\_

Information from:  Focus of behavior    Witnessed behavior    Received a complaint    Other: \_\_\_\_\_

Date of incident(s): \_\_\_\_\_ Location: \_\_\_\_\_ Time: \_\_\_\_\_ **am**  
**pm**

Are you willing to resolve this situation informally?  Yes    No

*Describe the incident(s) (you may attach additional paper if necessary):*

*How did the remarks or actions affect you and what was your reaction?*

Received by Name/Title: \_\_\_\_\_ Date: \_\_\_\_\_

## **For Administration Only:**

Date Action Taken: \_\_\_\_\_ Date of Resolution: \_\_\_\_\_  
Potential crime?  No    Yes, date police notified: \_\_\_\_\_ Abuse suspected?  No    Yes, date DCF/APS notified: \_\_\_\_\_  
Findings:  Harassment    Bullying    No Action Required    Other: \_\_\_\_\_  
Parents/guardian notified: accused: \_\_\_\_\_/complainant: \_\_\_\_\_  
Parents/guardian sent policy: accused: \_\_\_\_\_/complainant: \_\_\_\_\_  
Date complaint assigned to investigator, if necessary: \_\_\_\_\_

2/11/11

**Sample Letter to Parents/Guardians of Alleged Perpetrator: - VIOLATION FOUND**

Date

To Parents/Guardian

Dear \_\_\_\_\_:

On [*insert date of first letter*] I reported to you that I had received a report that your *child/student* may have engaged in inappropriate student conduct, and that we had initiated an investigation. I am now writing to report to you that our investigation was completed on [*insert date of finished report*] with a finding of inappropriate student conduct which violates our [*name of policy: hazing, anti-harassment, weapons, tobacco, etc.*] policy.

It has been determined that your child/student will: [*insert any disciplinary steps taken.*]

It was also discovered, that other students *were affected by/participated in* this inappropriate conduct. While confidentiality laws prevent my disclosing what sanctions have been imposed against the offending student(s), I can assure you that appropriate disciplinary steps have been taken and all parties have been counseled again on the importance of appropriate conduct.

It is also our duty to inform you that any retaliation taken against your *daughter/son/child/student* or on behalf of your *daughter/son/child/student* for filing a complaint is against school policy and must be reported to the school administration immediately.

This matter is now considered resolved. If you have any remaining questions or concerns regarding this incident, or if you would like to review the outcomes I encourage you to contact my office.

Sincerely,

Principal/Designee

Enc.                      School Policies

Blind copies to:      Central Office File  
                                 C-1 Designated Employees (both)  
                                 School File

**Sample Letter to Parents/Guardians of Alleged Perpetrator: - NO VIOLATION FOUND**

Date

To Parents/Guardian

Dear \_\_\_\_\_:

On [*insert date of first letter*] I reported to you that I had received a report that your *child/student* may have engaged in inappropriate student conduct, and that we had initiated an investigation. I am now writing to report to you that our investigation was completed on [*insert date of finished report*] with a finding [*choose options below*]

- that no direct violation of our District policy occurred.
- that, although no direct violation of our district policy occurred, inappropriate behavior was demonstrated. While confidentiality laws prevent my disclosing specifics of the investigation, I can assure you that we will continue to monitor and assist your student in maintaining appropriate behavior.

It is also our duty to inform you that any retaliation taken against your *daughter/son/child/student* or on behalf of your *daughter/son/child/student* for filing a complaint is against school policy and must be reported to the school administration immediately.

This matter is now considered resolved. If you have any remaining questions or concerns regarding this incident, or if you would like to review the outcomes I encourage you to contact my office.

Sincerely,

Principal/Designee

Enc.                      School Policies

Blind copies to:      Central Office File  
                                 C-1 Designated Employees (both)  
                                 School File

**Sample Letter to Parents/Guardians of Alleged Victim - VIOLATION FOUND**

Date

To Parents/Guardian

Dear \_\_\_\_\_:

On [*insert date of first letter/call*] I followed up with you on your concern that your *daughter/son/child/student* may have been subjected to inappropriate conduct by another student. I assured you that we would initiate an investigation and report back to you in a timely manner. Our investigation concluded on [*insert the date of finished report*] with sufficient evidence that your *daughter/son/child/student* was subjected to inappropriate conduct by another student which is in violation of our [*name of policy: hazing, anti-harassment, weapons*] policy.

Although our school policies and law prevents me from disclosing any specific action that was taken in this matter, rest assured that appropriate action to correct the situation has been taken. It is also our duty to inform you that any retaliation taken against your *daughter/son/child/student* or on behalf of your *daughter/son/child/student* for filing a complaint is against school policy and must be reported to the school administration immediately.

This matter is now considered resolved. If you have any remaining questions or concerns regarding this incident, or if you would like to review the outcomes I encourage you to contact my office.

Sincerely,

Principal/Designee

Enc.                      School Policies

Blind copies to:      Central Office File  
                                 C-1 Designated Employees (both)  
                                 School File

**Sample Letter to Parents/Guardians of Alleged Victim – NO VIOLATION FOUND**

Date

To Parents/Guardian

Dear \_\_\_\_\_:

On [*insert date of first letter/call*] I followed up with you on your concern that your *daughter/son/child/student* may have been subjected to inappropriate conduct by another student. I assured you that we would initiate an investigation and report back to you in a timely manner. Our investigation concluded on [*insert the date of finished report*] with insufficient evidence that your *daughter/son/child/student* was subjected to inappropriate conduct by another student.

Although our school policies and law prevents me from disclosing any specific information regarding this matter, rest assured that we will continue to monitor student behavior and take any appropriate steps we feel are necessary. It is also our duty to inform you that any retaliation taken against your *daughter/son/child/student* or on behalf of your *daughter/son/child/student* for filing a complaint is against school policy and must be reported to the school administration immediately.

This matter is now considered resolved. If you have any remaining questions or concerns regarding this matter, or if you would like to review the outcomes I encourage you to contact my office.

Sincerely,

Principal/Designee

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                                  C-1 Designated Employees (both)  
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