

GRIEVANCE PROCEDURE FOR DISCRIMINATION, HARASSMENT & SEXUAL HARASSMENT OF STUDENTS

NON-DISCRIMINATION STATEMENT

ICDA CHARTER HIGH SCHOOL DOES NOT DISCRIMINATE AGAINST ANY PERSON ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, SEX, DISABILITY AND AGE, AND THAT THEY PROVIDE EQUAL ACCESS TO THE BOY SCOUTS OF AMERICA AND OTHER DESIGNATED YOUTH GROUPS.

IF YOU HAVE ANY QUESTIONS OR CONCERNS REGARDING THE NON-DISCRIMINATION POLICIES, CONTACT:

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1.0 SCOPE:

1.1 This procedure describes the process in which the site administrators process student complaints of discrimination, harassment and sexual harassment at ICDA Charter High School.

2.0 RESPONSIBILITY:

2.1 Principal

3.0 APPROVAL AUTHORITY:

3.1 ICDA Board of Directors

4.0 DEFINITIONS:

4.1 ICDA – ICDA Charter High School

4.2 NRS – Nevada Revised Statute

4.3 Discrimination is defined as a failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored. It is the unfair treatment or denial of normal privileges to persons because of their actual or perceived race, color, national origin, sex (including non-conformity to gender stereotypes), sexual orientation, gender identity or expression, age, disability, other personal identifying characteristics and/or religious preference.

4.4 Harassment is defined as behavior consisting of verbal, non-verbal or physical conduct which ridicules, degrades, etc., a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, gender identity or expression, disability, other personal identifying characteristics and/or religious preference.

4.5 Sexual Harassment is harassment of a sexual nature.

5.0 PROCEDURE:

5.1 ICDA supports a learning environment that is free from Harassment and intimidation in order to best promote student learning. Students are encouraged to report harassment to administration immediately.

5.2 Nothing contained herein shall be construed or interpreted to prohibit or in any way to discourage the genuine discussion of issues or use of materials for academic, educational, or instructional purposes.

5.3 Prohibited harassment exists when the conduct:

5.3.1 has the purpose or effect of creating an intimidating, hostile or offensive school environment;

5.3.2 has the purpose or effect of substantially or unreasonably interfering with a student's educational development or performance; or

5.3.3 otherwise adversely affects an student's educational opportunities.

5.4 Examples of general harassment include but are not limited to behaviors that ridicule, degrade, or harass a person because of his/her actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, gender identity or expression, disability, and/or religious preference such as:

5.4.1 unwelcome comments; ethnic, racial or anti-gay slurs and jokes; threats;

5.4.2 cartoons, graffiti, posters, visuals, etc., with offensive connotations, though nothing in this regulation shall be interpreted to prohibit use of such materials for genuine academic, educational or instructional purposes;

5.4.3 sabotage, criticism, unreasonable monitoring of a student's work, etc.; and/or

5.4.4 hitting; intentionally blocking the path of; body, hand or facial gestures or contact.

5.5 Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other verbal, nonverbal or physical conduct of a sexual or gender-directed nature when:

5.5.1 submission is made either explicitly or implicitly a term or condition of an student's educational progress;

5.5.2 submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that student's education; or

5.5.3 that conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's education or of creating an intimidating, hostile or offensive educational environment.

5.6 An "intimidating, hostile or offensive educational environment" means an environment in which:

5.6.1 Any unwelcome behavior with sexual connotations makes a student feel uncomfortable, humiliated, or embarrassed, or

5.6.2 Any aggressive, harassing behavior in the educational setting directed toward an individual based on his/her sex and interferes with his/her ability to perform in an educational environment.

5.7 The following are some examples of sexual harassment or intimidation:

5.7.1 Sexual advances that are unwanted (this may include situations which began as reciprocal, but later ceased to be reciprocal).

5.7.2 Sexual gestures, verbal abuse, sexually-oriented jokes, innuendos or obscenities.

5.7.3 Displaying of sexually suggestive objects, pictures, cartoons, or posters.

5.7.4 Sexually suggestive letters, notes, threats, or invitations.

5.7.5 Benefits effected in exchange for sexual favors.

5.7.6 Physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcome touching.

5.7.7 Hazing, or daring to engage in unsafe practices, particularly directed toward students in nontraditional settings.

RETALIATION

5.8 Forms of prohibited retaliation include but are not limited to adverse educational or employment actions, threats, bribes, unfair treatment or grades, continued harassment, ridicule, pranks, taunting, bullying, malicious spreading of rumors, dissemination of false information, and organized ostracism regarding the student's actual or perceived race, color, national origin, age, sex (including non-conformity to gender stereotypes), sexual orientation, gender identity or expression, disability, other personal characteristics and/or religious preference.

PROCESS FOR RESOLVING COMPLAINTS BASED ON DISCRIMINATION, HARASSMENT AND RETALIATION

5.9 Because parents, educators and members of the public share the goal of making school experiences rewarding for students, it is in the best interest of all parties to resolve school-related concerns as quickly and effectively as possible. The best solutions are those that involve input from those closest to the concern, typically, the parent and/or guardian, teacher and administrator.

5.10 At any time, a student may choose to initiate the following grievance procedure along with having the legal right to file a grievance with the Office of Civil Rights or a court of competent jurisdiction at any time.

5.10.1 The student will be informed of the options and timelines available to him/her in this grievance procedure.

5.10.2 All students are permitted and encouraged to have a parent, counselor or advisor present with them during any level of the grievance procedure and investigation.

5.10.3 At no time shall a student's reluctance to initiate the grievance procedure be used to delay or excuse the school's responsibility to investigate in a prompt and equitable manner allegations of harassment and to report allegations which are violent or criminal in nature to law enforcement officers.

LEVEL I

5.11 Level I consists of informal discussion between the person having a concern and personnel at the school or location of the concern. Individuals with concerns should bring them to the attention of the employee and principal as quickly as possible.

5.11.1 Timelines for resolution can be mutually established at that time. It is not necessary to complete the Complaint Form for Grievances Based on Discrimination, Harassment and Retaliation, if the individuals involved are attempting to resolve, or have resolved, a concern at this level.

5.11.2 A brief summary and outcome of the meeting/resolution process will be sent to the complainant by the principal within five (5) calendar days of the meeting to resolve.

5.11.3 The Level I informal resolution process is not a prerequisite to filing a Level II complaint.

5.11.4 At the request of the complainant or the administrator, the ICDA Board of Directors is available to help mediate Level I issues.

5.11.5 The ICDA Board t has inherent discretion to conduct a formal investigation of any allegation of harassment even if the student desires an informal resolution under Level I.

LEVEL II

5.12 Complainants not satisfied with the Level I resolution may proceed to Level II. The school's Complaint Form for Grievances Based on Discrimination, Harassment or Retaliation must be filed with the school's Board of Directors within forty-five (45) calendar days of the Level I meeting.

5.12.1 If a Level I meeting has not been held, complainants must file a formal complaint with the Board of Directors within forty-five (45) calendar days of the alleged discrimination, harassment or retaliation.

5.12.2 The Board of Directors will forward the complaint to the appropriate administrative staff person.

5.13 Within fourteen (14) calendar days of the original Level II filing, a meeting with the complainant and the appropriate administrative staff will be held.

5.13.1 The purpose of the meeting will be to gather information about the complaint, clarify the complainant's desired outcome, and identify how the complaint will be resolved. Within five (5) calendar days of the meeting, the appropriate staff person will send a report regarding the outcome of the meeting to the complainant, the Administration, and any relevant staff persons.

5.13.2 If the report determines the complaint will be resolved without investigation, the written report will identify why the complaint is not being investigated and, if necessary, designate the staff persons responsible for any additional district actions.

5.13.3 Complaints that can be resolved without investigation include those that do not raise an issue under this procedure, are untimely, are being mediated with district administrative support, or have been resolved at the meeting with the complainant.

5.14 If an investigation of the complaint is necessary, the appropriate trained staff person will initiate an impartial investigation consistent with due process standards.

5.14.1 The complainant has a right to: 1) Provide a list of the names of witnesses who have information about the case, 2) Provide any evidence they believe supports their complaint, and 3) Have the opportunity to be interviewed and present his/her issues of complaint.

5.15 Within thirty (30) calendar days of the filing of the written report recommending an investigation, the investigation shall be completed.

5.15.1 If good cause exists the Board may extend the time of the investigation with notice to the complainant. Within fifteen (15) calendar days following the completion of the investigation the appropriate staff person will provide a written response, based on the investigation findings, to the complainant, the Administration and other appropriate district staff.

5.16 The staff person's report will identify the complaint allegations, the witnesses and evidence considered, the findings, and the staff person's conclusions.

5.16.1 If the investigation finds that the complainant's allegation(s) was substantiated by the evidence, the report will also include a specific plan to provide remediation for the victim and for school district action to address the situation that gave rise to the complaint and prevent future recurrence, as appropriate.

5.16.2 The report will also include a notice of the complainant's right to appeal.

LEVEL II Due Process Hearing Procedures for Disability Discrimination Complaints In Accordance with Section 504 of the Rehabilitation Act of 1973, as Amended by ADA.

5.17 If a parent wishes to file a grievance regarding to identification, evaluation or placement of a student under Section 504, the parent has the right to an impartial due process hearing with representation by counsel and right of appeal.

5.17.1 The grievance needs to be in writing using the "ICDA Charter High School Complaint Form for Grievances Based on Discrimination, Harassment and Retaliation." The forms are obtained and filed with the ICDA Executive Assistant.

5.17.2 The Executive Assistant will forward the complaint to the appropriate administrative staff person.

5.18 The Board will notify the grievant of the hearing. The Board of Directors will conduct the hearing and issue the decision. The hearing procedures include:

5.18.1 Right of each party to representation and assistance.

5.18.2 Right of each party to present witnesses and evidence.

5.18.3 Right of the parent to decide if the hearing is to be open to the public.

5.18.4 Tape recording of the hearing or transcripts thereof will be made available.

5.19 The parties involved, along with the hearing officer, will establish the time and place for the hearing.

5.20 The grievance decision will be made by the Board in writing and include what corrective action, if any, must be taken.

5.20.1 The resolution of the grievance will take place no more than forty-five (45) calendar days after the receipt of the grievance unless both parties agree in writing to an extension of this time frame.

5.20.2 A copy of the Board of Directors' final decision will be sent to the complainant, the Administration, and other appropriate staff.

CONFIDENTIALITY

5.21 A report of discrimination, harassment, or sexual harassment and the investigation are to be kept in strictest confidence, where practical, for the protection of all parties involved.

5.22 The school's obligation to investigate, provide a safe environment and take corrective action may supersede an individual's right of privacy.

5.23 Pending the completion of the investigation, the Board of Directors or a designee may take any action necessary to protect the alleged victim, consistent with the requirements of applicable regulations and statutes.

SANCTIONS

5.24 If an investigation determines that an ICDA student, staff member, or administrator engaged in harassment, sexual harassment or retaliation, the Board may take any necessary and appropriate action that is consistent with the requirements of applicable regulations or statutes.

5.25.1 All parties involved in the investigation shall be notified of the decision of the Board.

5.26 A substantiated charge against a student shall subject that student to disciplinary action consistent with the ICDA Progressive Discipline Plan.

5.26.1 Successive violations by a perpetrator shall lead to progressively more severe discipline. If there is a recommendation for expulsion of a student, the final disposition of the case may be by action of the Board of Directors.

5.26.2 The due process rights of all individuals will be protected.

REMEDIATION

5.27 Victims and witnesses of discrimination, harassment, sexual harassment and retaliation will be provided support services to help deal with the effects of discrimination or harassment.

5.27.1 Available remedial measures may include increased adult supervision of activities in which incidents have occurred, regular observations of the victim's and perpetrator's classes and activities, regular school counselor contact with the victim, exclusion of the perpetrator from participating in extracurricular activities, increased parental involvement, and monitoring by school authorities of the victim's security.

5.27.2 Such remedial measures shall not include changing the victim's class or school assignments or extracurricular activities as a means for protection unless specifically requested in writing by the victim.

NOTIFICATION

5.28 Notice of this procedure and grievance procedures shall be posted in prominent locations in all school district buildings, including information on how to receive copies. Notices shall also be included in student handbooks given annually to families.

5.29 Notices will be updated annually with the names, locations and numbers of contact persons throughout the school district

PROCEDURAL DUE PROCESS RIGHTS OF DISABLED STUDENTS

5.30 This procedure does not affect the other procedural due process rights of disabled students and parents in regard to identification, evaluation or placement of disabled students under Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disability Education Act.

5.31 For more information on those rights, please see the school's policies and procedures related to disabled students.