

## **RACIAL AND OTHER FORMS OF HARASSMENT OF STUDENTS REGULATIONS**

### I. Introduction

These regulations shall implement the policy of the Berlin Central School District Board of Education regarding racial and other forms of discrimination against and harassment of students in the District. As used herein, "racial harassment" shall include any harassment or discrimination based on the race, color or national origin.

The term "harassment" shall include all other forms of harassment including harassment based on religion or creed, disability, sexual orientation or physical condition.

### II. Racial Harassment Described

#### A. WHO CAN PERPETRATE RACIAL HARASSMENT

A student may be subjected to racial harassment by any individual who might come into contact with the student on school grounds, property or vehicles or at school-sponsored activities.

#### B. EXAMPLES OF RACIAL HARASSMENT

Racial harassment may include racial or ethnic comments of a derogatory nature including the use of racial or ethnic slurs, name-calling or slogans; racially or ethnically derisive graffiti on school property; unequal or inequitable treatment of students due to their race or ethnicity; behavior intended to intimidate or threaten individuals of a particular racial or ethnic background.

### III. Racial Harassment Complaint Procedures

#### A. COMPLIANCE OFFICERS

1. Designation of Compliance Officer. The Board of Education shall appoint a Compliance Officer to carry out the District's responsibilities for redressing grievances pursuant to Policy 5.130-01. The Board shall also appoint a second individual for ensuring the District's compliance with Title VI of the Civil Rights Act of 1964, so that any student who believes that she/he has been subjected to racial harassment will have an alternative person to whom a complaint may be made if the person the student is complaining about is the Compliance Officer.
2. Notification of Compliance Officer's Identity. The Superintendent of Schools shall notify all students and employees of the name, address, and telephone number of both designees. In addition, the

Board establishes grievance procedures through these regulations that provide for prompt investigation and fair resolution of student racial harassment complaints.

3. Notification of Non-Discrimination Policy. The Superintendent shall ensure that students, parents, employees of the District, and prospective students and employees that the Berlin Central School District does not discriminate on the basis of race in the educational programs, activities, and services that it operates or provides. Such notification may include publication in: student handbooks; local newspapers; school newsletters, or other periodicals that are published by the District and memoranda, notices, or other written communications distributed to students and employees.
4. Harassment Complaints Held in Confidence. Any report of racial harassment received by the District shall be held in confidence, subject to all applicable laws and any relevant provisions found in the Board of Education's policy manual and collective bargaining agreements.

#### IV. Investigation of Racial Harassment Complaints

Consistent with federal and state law, and with all applicable provisions of the Board of Education'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:

- 1) Students who believe that they have been subjected to racial harassment are to report the incident to a teacher, principal, superintendent or designee.
- 2) The Compliance Officer, teacher, principal, or superintendent's designee shall notify the Superintendent of all complaints in a timely manner.
- 3) The student may pursue her/his complaint informally, or may file a formal complaint.

#### A. INVESTIGATION OF A COMPLAINT

1. Process. Upon receipt of a formal or informal complaint, the Compliance Officer or the designee shall initiate and conduct a prompt, thorough, and impartial investigation of the allegations contained in the complaint. This investigation shall be conducted diligently. All witnesses shall be interviewed. If the victim of alleged racial harassment requests, then she/he shall be permitted, to the extent possible, to speak with a person who is of the same race as the complainant.

2. Notice to Complainant of Outcome. A complainant shall be notified of the outcome of the investigation resulting from her/his complaint.

## B. INFORMAL COMPLAINTS

1. Dealing with the Complainant. A student who believes that she/he has been subjected to racial harassment may, in addition to notifying the Compliance Officer or designee, request an informal meeting with the Superintendent. The student may also request a meeting with a counselor or administrator of the same race if one is available. The student's parents or guardians shall be notified of their right to attend the interview with their child. The purpose of such a meeting shall be to discuss the allegations and the remedial steps available.
2. Dealing with the Alleged Harasser. Upon meeting with the complainant, the Superintendent shall meet promptly with the alleged harasser. The alleged harasser shall be informed of her/his right to be represented by counsel.
  - a. Should the alleged harasser deny the allegations, the Superintendent shall so inform the complainant, and shall also request that the complainant provide a formal written complaint that may be filed by the administrator with the next supervisory level on what has taken place thus far. If the complainant submits a formal complaint then the Superintendent shall submit a copy of that complaint with the administrator's report, along with a recommendation for further action.
  - b. Should the alleged harasser admit the allegations, the Superintendent shall obtain a written assurance from the harasser that the objectionable behavior shall stop immediately. Depending on the severity of the incident admitted to, the Superintendent may impose further discipline on the harasser. Thereafter, the Superintendent shall prepare a written report of the incident and inform the complainant of the resolution. The complainant shall be asked to indicate on the report whether she/he is satisfied with the resolution.
3. Action Subsequent to Informal Procedures. The following actions may be taken subsequent to informal procedures:
  - a. If the complainant is satisfied with the resolution, then the incident shall be deemed closed. The complaint may be reopened for investigation, however, if a recurrence of racial harassment is reported. The building principal or the Superintendent shall advise

the complainant to report any recurrence of the harassment, or any retaliatory action that might occur.

b. If the complainant be dissatisfied with the resolution, she/he shall be advised to file a formal complaint.

4. Intransigence by Admitted Racial Harasser. If, the alleged harasser admits the allegations against her/him, but refuses to provide any assurance that she/he will refrain from the unwelcome behavior, the investigating administrator shall file a report with the next appropriate level in the complaint procedure.

The administrator's report shall indicate: the nature of the complaint; a description of what occurred when the Superintendent informed the alleged harasser of the allegations that had been made against her/him; the harasser's response to those allegations; and a recommendation that stronger corrective measures be taken. This report shall be accompanied by the student's formal complaint.

#### C. FORMAL COMPLAINTS OF RACIAL HARASSMENT

1. When A Formal Complaint May Be Submitted. Formal complaints of racial harassment may be submitted either to make an initial report of such harassment, or as a step subsequent to an unsatisfactory resolution of an informal attempt to resolve a racial harassment complaint. When a person making such complaint believes the informal effort to resolve the complaint is unsatisfactory, the formal complaint shall be submitted to the building principal or the Superintendent, whichever the complainant consulted initially. That administrator shall then forward the formal complaint to the next appropriate level, viz., the Superintendent of Schools or the Board of Education, which shall promptly take appropriate action.
2. The Formal Complaint. The formal written complaint shall consist of a complaint submitted in writing, on a form prescribed in 9.130-01 Form 1 whenever possible, as well as a copy of any pertinent report by a building principal or the Superintendent of Schools. The written complaint submitted by the person alleging that she/he has been racially harassed shall include the specifics of the complaint, viz.: the date and place of the incident; a description of the offensive conduct; the names of any witnesses to that conduct; whether there has been any effort by any person, either the alleged harasser or otherwise, to intimidate or retaliate against the person making the complaint or witnesses to the incident; any previous action that has been taken administratively to resolve the matter; and such other information as the person making the complaint shall deem relevant.

3. Immediate Action Required. Upon receiving a formal complaint alleging racial harassment, the Superintendent or the Board of Education shall take immediate and appropriate corrective action upon making a determination that racial harassment has occurred.
4. Notice to Complainant. The Board of Education or the Superintendent of Schools shall promptly notify the complainant of any finding made in regard to her/his complaint, and any actions taken.

#### D. COMPLAINT RECORDS

Upon written request, a person complaining of racial harassment shall receive a copy of any resolution report filed by the Superintendent concerning that person's complaint. Upon substantiation of that complaint under the procedures set forth herein, copies of any such report shall also be filed with the student or employment records of both the complainant and the harasser.

#### V. Remedial Action

If the investigation conducted subsequent to a complaint of racial harassment indicates that such harassment has occurred, then appropriate sanctions shall be imposed on the party or parties found to have perpetrated the harassment. Such sanction shall be imposed in a manner that is consistent with any applicable law, District policies or regulations, or collective bargaining agreement. Sanctions against the harasser may vary, and may consist of a reprimand up to either dismissal of an employee or suspension of student, depending upon the severity of the misconduct viewed in the light of all the circumstances.

#### VI. Retaliation Strictly Forbidden

Pursuant to Board of Education policy, it shall be strictly forbidden for any person to retaliate in any manner against an individual who complains of racial harassment, or who has witnessed an incident of racial harassment. Any person subjecting a complainant of racial harassment, or a witness to any incident of racial harassment, to any kind of retaliation or intimidation shall be subject to disciplinary action in a manner that is consistent with any applicable law, District policies or regulations, or collective bargaining agreement. Retaliation shall be dealt with as if it were an incident of racial harassment.

VII. Complainant Dissatisfaction with Remedial Action: Appeal

If the investigation undertaken subsequent to a formal complaint of racial harassment reveals that no such harassment has occurred, or if the complainant is dissatisfied as a result of the remedial action taken subsequent to a determination that racial harassment has occurred, then the complainant may appeal to the next appropriate level in the complaint procedure. The appeal shall include: a copy of the original complaint; all relevant reports; a statement identifying the specific action being appealed; and an explanation of why the complainant is appealing that action.

VIII. Post-Remedial Action

Following a finding of racial harassment, the victim or victims thereof shall be interviewed periodically by the appropriate building principal or the Superintendent of Schools, the purpose of such interviews being to ascertain whether the harassment has ceased, and whether retaliation against the victim or victims, or against witnesses to said harassment, has taken place. Such interviews after a finding of racial harassment shall continue as long as the District shall deem necessary under the circumstances. A written record shall be made of the response by any victim given in such an interview.

IX. Investigation of Racial Harassment in the Absence of a Complaint

Whenever, in the absence of a complaint, the Board of Education learns of, or has reason to suspect, the occurrence of any racial harassment in any program, activity, or service provided by or under the auspices of the District, the Board shall ensure that an investigation is commenced promptly and conducted thoroughly by appropriate District personnel.

X. Investigation of Other Forms of Harassment

Unless otherwise provided by law, rule or regulation, complaints of harassment other than sexual or racial harassment shall be brought to the attention of the appropriate school building principal. Such principal shall conduct an immediate and thorough inquiry into the allegation, make such findings of fact as are warranted and address the complaint in a manner consistent with District policy, rules and regulations; collective bargaining agreements, if the allegation concerns a District employee; and student codes of conduct, if the allegation concerns a student. A report on complaints of harassment and the disposition thereof shall be made to the Superintendent by each school building principal anytime a complaint is made.