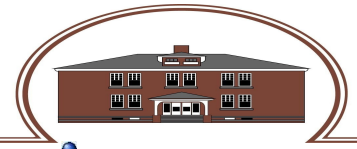


# Barre Unified Union School District

120 Ayers Street, Barre, VT 05641 • [www.buUSD.org](http://www.buUSD.org) • Phone: 802-476-5011 • Fax: 802-476-4944 or 802-477-1132



**Barre City Elementary & Middle School • Barre Town Middle & Elementary School • Spaulding High School • Central Vermont Career Center**  
*Doing whatever it takes to ensure success for every child.*

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Josh Allen – Communications Specialist

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Carol Marold – Director of Human Resources  
Emmanuel Ajanma, MAT – Director of Technology  
Jamie Evans – Director of Facilities

Annette Rhoades, M.Ed., CAGS – Asst. Director of Special Services  
Jon Strazza, MS.Ed. – Asst. Director of Special Services  
Rebecca Webb, M.Ed. – Act 166 Regional Coordinator

## MEMORANDUM

**TO:** Barre Unified Union School District Policy Committee  
Giuliano Cecchinelli – Chair, Guy Isabelle – V. Chair, Emel Cambel

**DATE:** November 11, 2020

**RE:** BUUSD Policy Committee Meeting  
November 16, 2020 @ 5:30 p.m. via Google Meet  
Meeting Link: [meet.google.com/grx-dgpq-bny](https://meet.google.com/grx-dgpq-bny)  
Phone: (US)+1 636-400-3160 PIN: 983 732 025#

**Please Note:** If you attend the meeting remotely you must state your name for the record to satisfy the Open Meeting Law.

## AGENDA

1. Call to Order
2. Additions/Changes to Agenda
3. Public Comment
4. Approval of Minutes
  - 4.1. Meeting Minutes of October 19, 2020
5. New Business
  - 5.1. VSBA Model Policies
  - 5.2. Policy Index Review
  - 5.3. New Policies to Review
    - 5.3.1. Electronic Communications Between Employee and Students (B8) (Required)
    - 5.3.2. Prevention of Sexual Harassment As Prohibited by Title IX (C12) (Required)
    - 5.3.3. Homeless Students (C13) (Required)
  - 5.4. Changed Policies for Review
    - 5.4.1. Notice of Non-Discrimination (A22) (Recommended)
    - 5.4.2. Employee Unlawful Harassment (B5) (Required)
    - 5.4.3. Electronic Communications Use and Retention (F22) (Recommended - Not previously adopted by BUUSD)
  - 5.5. Removed Policies
    - 5.5.1. Field Trips (D30) (Consider)
6. Old Business

7. Other Business
8. Items for Future Agenda: Policy Review - C29 District Equity Policy (January)
9. Next Meeting Date: December 21, 5:30 pm via Google Meet
10. Adjournment

#### BOARD/COMMITTEE MEETING NORMS

- Keep the best interest of the school and children in mind, while balancing the needs of the taxpayers
- Make decisions based on clear information
- Honor the board's decisions
- Keep meetings short and on time
- Stick to the agenda
- Keep remarks short and to the point
- Everyone gets a chance to talk before people take a second turn
- Respect others and their ideas

# DRAFT

## BARRE UNIFIED UNION SCHOOL DISTRICT POLICY COMMITTEE MEETING Via Video Conference – Google Meet October 19, 2020 – 5:30 p.m.

### MINUTES

#### COMMITTEE MEMBERS PRESENT:

Giuliano Cecchinelli, Chair - (BC)  
J. Guy Isabelle, Vice-Chair - (At-Large)  
Jon Valsangiacomo – (BT Community Member) – departed meeting at 7:29 p.m.

#### COMMITTEE MEMBERS ABSENT:

Emel Cambel (BC)  
Andrew McMichael (BC Community Member)

#### ADMINISTRATORS AND STAFF PRESENT:

David Wells, Superintendent  
Luke Aither, SHS Assistant Principal  
Pierre Laflamme, BCEMS Assistant Principal

#### GUESTS:

Ted Mills

#### **1. Call to Order**

The Chair, Mr. Cecchinelli, called the Monday, October 19, 2020, meeting to order at 5:31 p.m., which was held via video conference.

#### **2. Additions and/or Deletions to the Agenda**

Add 5.3 New Procedure for Opting Out of the Virtual Academy  
Add 6.1 Field Trip Policy  
Add 6.2 Policy Format and Procedure

#### **3. Public Comment**

None.

#### **4. Approval of Minutes**

##### **4.1 Approval of Minutes – September 21, 2020 Policy Committee Meeting**

The Committee agreed by consensus to approve the Minutes of the September 21, 2020 Policy Committee Meeting.

#### **5. New Business**

##### **5.1 Policies to Review**

##### **5.1.1 B8 - Electronic Communications Between Employees and Students**

VSBA Required Policy. A copy of the policy was distributed. Mr. Wells advised that this policy does not address the issue of employees posting comments (e.g. political statements), but rather, relates to communication between employees and students. Mr. Aither advised that he globally agrees with the policy, but has concerns related to the details. Mr. Isabelle queried regarding how this policy may relate to the recent termination of a principal from another district.

Mr. Aither advised regarding some of his concerns;

Implementation section #1 – there are times when school social workers and counselors work with students on issues related to sexual, gender identity, or relationship matters (providing advice and counseling) – it was suggested that ‘under the scope of their duties’ be added to the policy (though Mr. Wells believes the majority of discussion of these matters should be in person),

Policy section “H” which pertains to time of day limitations for electronic communication (there could be emergencies that occur in the prohibited time, as well as teachers grading papers and providing feedback during the prohibited time). It was suggested that section H begin with the word “Direct”, and the possible addition of “I” to include the LMS (Learning Management System),

Policy section “D”, pertaining to profanities (sometimes students who are very frustrated use some ‘inappropriate’ language when contacting employees) – it was suggested that the word ‘profanities’ be removed and that the wording “obscene language” be replaced with the word “obscenities”,

# DRAFT

Definitions section (#s 1 and 4) – It was suggested that #1 be amended to include the word “devices”, and that #4 be amended to include ‘persons contracted by the district’. Mr. Aither will perform research regarding definitions.

Implementation section #1 - It was suggested that #1 be amended by adding the wording “up to and including dismissal”.

Mr. Valsangiacomo advised that the BUUSD should be working to see that all policies use consistent language, and that definitions need to be expanded, e.g. define ‘profane’ etc. Mr. Aither is not sure exactly what has been defined. Mr. Aither will run this issue by BUUSD counsel, and may also review statute and/or policies.

Mr. Valsangiacomo also noted that the BUUSD needs to be careful regarding feedback given to students, as many times, grooming of students includes positive behavior and feedback.

Once the policy is adopted by the Board, Mr. Aither, Mr. LaFlamme, and a BTMES representative will draft procedures and will share their work with Mr. Wells.

Mr. Isabelle queried regarding the impact this policy has on current remote learning and the virtual learning academy, and what ‘policy’ is currently in place. Mr. Aither believes that currently, electronic communications is addressed by statute and the code of conduct.

Mr. Wells will provide Mrs. Gilbert with all agreed upon policy changes.

## 5.1.2 C29 - District Equity Policy

VSBA Recommended Policy. A copy of the policy was distributed. Brief discussion was held.

**It was agreed that discussion of this policy is tabled until additional work is done on the Equity initiative (January).**

## 5.2 Policy Index Review – Highlighted Policies (A22, B5, B7, B21, B40, C8, D3, D4, D21, D32, and E1)

A copy of the BUUSD Policy Manual Index (dated 06/02/20) was distributed. It was noted that the BUUSD is waiting for updates from the VSBA. Mr. Wells provided an overview advising that VSBA has revised three policies, which are on the agenda for tonight’s meeting; A22 (agenda item 5.2.1), C4 (agenda item 5.2.2), and C21 (agenda item 5.2.3). Mr. Aither advised that VSBA had 3 categories of updates; new, amended, and rescinded policies. New policies are; A25, B8, C12, C13, C29 and D22. Revised policies are; A22, C4, C21, and F22. Removed/rescinded policies are; D30, E31, and F31.

Mrs. Poulin advised that there are some ‘housekeeping’ issues that should be addressed. Each Policy Committee meeting packet should include an updated BUUSD Policy Index. It has not yet been determined who is going to be updating this internal document. Also, many packets also include an up-to-date version of the VSBA policy listing. Other housekeeping issues include designating someone to be responsible for an ongoing review of the VSBA policy index, and bringing those policies to the committee (each policy as a separate Agenda Item). It was noted that Pam Wark used to perform much of the policy work. When Mrs. Wark left the BUUSD, Mr. Pandolfo took over those responsibilities. It was noted that Mrs. Wark was not the Executive Assistant to the Superintendent, but rather held a different position in the District. It will be important to designate an individual to monitor VSBA policies and update the internal Policy Index Manual, and be responsible for seeing that all policies are posted on-line. Mrs. Gilbert’s involvement in policy was limited to removing the legal references (a one-time project). **Mr. Wells advised that he will assume the role for ongoing review of policies, with Mrs. Gilbert’s involvement limited to some conversions and simple editing tasks.** Mr. Wells will touch base with Mr. Aither and/or Mr. Cecchinelli in an effort to get up to speed on policy work. Mr. Aither will send an updated list to Mr. Wells.

## 5.2.1 A22 – Notice of Non Discrimination Policy

VSBA Revised – Recommended Policy. A copy of the policy was distributed. This policy was revised by VSBA. It was noted that the Barre Unified Union School Union, should read “Barre Unified Union School District”, and the District is identified in the policy as “07”, the BUUSD is “097”. It was agreed to take the District number out of the policy. Mr. Aither is concerned that most of the policies adopted in June of 2019 have an implementation section and he is concerned that the implementation section blurs with the procedural piece. Mr. Aither would like the Implementation section removed from all policies. It was noted that the model policy does not break out policy and implementation. Mr. Aither will provide a summary of policies that contain an implementation section, and identify if the implementation section is only in the policies adopted in June 2019. Mrs. Poulin queried regarding whether or not the Board had asked for an implementation section when adopting policies for the new consolidated district. It was noted that at least one VSBA policy, which hasn’t been adopted yet, contains an implementation section that may contain information that is more procedural in nature. BUUSD policies should be reviewed to assure they do not contain specific procedural instructions. Keeping procedures out of policies allows for changes to procedures without having to present the (already approved) policies to the Board for re-approval. For the next meeting, Mr. Aither will review policies and identify those which contain procedures. Policy A22 will be put on hold until Mr. Aither can perform additional investigation and will be added to the November agenda.

# DRAFT

Mr. Aither advised that Policy B5 Prevention of Employee Harassment is not aligned with the VSBA model policy and does contain a procedure section. Mr. Aither suggested that procedures be removed from policy B5 and that a separate B5-P be created. B5-P being procedures and would not require Board approval. Policy B5 is currently waiting for VSBA revision. It was noted that the BUUSD policy B5 still contains legal references. It is not known who at VSBA is working on policy.

Mr. Aither noted that policy B7 Tobacco Prohibition has sections for definitions and implementation. Mr. Aither believes that at some point there was some deliberate shifting/changing of format. Mr. Aither will review policies for inconsistencies and create a timeline for noted changes in formatting.

## **5.2.2 C4 – Limited English Proficiency Students**

VSBA Revised – Required Policy. A copy of the currently adopted policy was distributed. A copy of the VSBA model policy was displayed. Minor revisions were made to the VSBA policy; a title change (to English Learners), ages are defined as 3 - 21 and the addition of 'immigrant students'. The current policy will be revised to reflect the VSBA changes and 'implementation' will be removed. **It was agreed that policies should be in the BUUSD format for presentation to the Committee.** Mr. Aither would like the word 'Implementation' deleted. **When existing policies are being modified, copies presented to the Committee and Board should have deleted words 'struck out' and new wording underlined.** It was noted that changes to this policy do contain substantive changes and will need to be presented to the Board. The word 'Implementation' will be removed.

**The Committee agreed that the revised policy will be presented to the Board for approval of a First Reading.**

## **5.2.3 C21 – Search, Seizure, and Interrogation of Students by School Personnel**

VSBA Revised – Recommended Policy. A copy of the policy was distributed. Mr. Aither advised that the VSBA update (08/30/2020) significantly shortens the policy. The VSBA policy is one page, as opposed to our current 4 page policy. Mr. Aither believes most of the current BUUSD policy could be written as procedures. Mr. Aither is not opposed to shortening our policy. In response to a query, Mr. Valsangiacomo advised that policies should be as detailed as possible if the BUUSD wants to avoid people circumventing the language. Policies that invoke more disciplinary actions should be very well defined and clear. Policies that don't involve disciplinary issues can have more 'gray' areas. It was noted that the revised VSBA policy does not reference interrogation. The policy which relates to searches and seizures by non-school staff will reference interrogation. Mr. Aither advised that he is in the process of writing procedures to correspond with each policy. It was noted that there is no implementation section in this policy.

**It was agreed that policy C21 (revised) will be presented to the Board for approval of a First Reading.**

## **5.3 New Procedure for Opting Out of the Virtual Academy**

A document titled 'Request to Transfer from BVA to In-Person Instruction – DRAFT – 10/07/20' was displayed. Mr. Wells advised that this draft document is included in the Board packet. Mr. Wells provided an overview of the procedural document which is based on the inter-district transfer procedure. Mr. Wells advised that given guidance in the State's Strong and Healthy Start documentation, if too many students ask to leave the virtual academy (and return to hybrid learning), there will be too many students in the school to allow for adhering to social distancing guidelines. These procedures should assist with alleviating the issue of too many students returning to hybrid learning. It was noted that the BUUSD currently exceeds the 'students per classroom' limitations at VTVLC. The BUUSD has approximately 25 students per class. The limit set by VTVLC is 20 students per class. The number of students in VTVLC was 260, and is now 235 (there was an open add/drop time period which has since closed). There are currently fewer than 6 requests to transfer to hybrid learning.

## **6. Old Business**

### **6.1 D30 Field Trip Policy**

This is a 'to be considered' policy. Mr. Aither advised that VSBA rescinded this model policy. Mr. Aither proposes that the BUUSD also rescind this policy. It is believed that the requirement for Board approval of out of state field trips was deleted from the policy. It is not known if the entire policy was rescinded. Mr. Aither provided an overview of what is believed to be the policy in place, and that it is mainly procedures listed under implementation. This policy will be added to the next agenda.

### **6.2 Policy Format and Procedure**

All policies should be presented to the Committee and Board in the BUUSD format. For policies that are being amended, verbiage that is slated for deletion is 'struck out' and new verbiage is underlined. Additional formatting information is contained under other agenda items.

## **7. Other Business**

Mrs. Poulin reminded the Committee that any documents displayed on the screen should be forwarded to Mrs. Gilbert and Mr. Allen to be posted as an addendum. Mrs. Poulin reminded the Committee that all documents to be reviewed in meetings should be posted with the agenda whenever possible.

# DRAFT

## **8. Future Agenda Items**

- A22 Notice of Non Discrimination Policy (November)
- C12 Prevention of Sexual Harassment As Prohibited by Title IX (November)
- C13 Homeless Policy (November)
- D30 Field Trips (November)
- F22 Electronic Communications Use and Retention (Recommended Policy) (November)
- Policies Containing Procedures (November)
- C29 District Equity Policy (January 2021)

## **9. Next Meeting Date**

The next meeting is Monday, November 16, 2020 at 5:30 p.m. via video conference.

## **10. Adjournment**

**The Committee agreed by consensus to adjourn at 7:51 p.m.**

Respectfully submitted,  
*Andrea Poulin*

[Vermont VSBA Website](#) Current list 11/9/2020

#### New Policies

- C13 - Homeless Students [10/16/20] (Committee Agenda November - Required)
- C12 - Prevention of Sexual Harassment As Prohibited by Title IX [9/1/20] (Committee Agenda November - Required)
- A25 - Delegation of Authority During State of Emergency Due to COVID-19 Pandemic [8/5/20] (Adopted by BUUSD Board 10/22/20)
- D22 - Modes of Instruction During State of Emergency Due to COVID-19 Pandemic [8/5/20] (Adopted by BUUSD Board 10/22/20)
- C29 - District Equity Policy [7/21/20] (Committee Agenda January - Recommended)
- B8 - Electronic Communication between Employees & Students [6/25/20] (Committee Agenda November - Required)

#### Policies REMOVED recently

- D30 - Field Trips [July, 2020] (Committee Agenda November - Considered)
- E31 - Parental Involvement [July, 2020] (Not on BUUSD Policy Index)
- F31 - Emergency Closings [July, 2020] (Not on BUUSD Policy Index)

#### Policies Recently Changed

- B5 - Employee Unlawful Harassment [10/20/20] (Committee Agenda November - Required)
- C4 - English Learners ( Was - Limited English Proficiency Students) [8/14/20] (BUUSD Board 1<sup>st</sup> Reading 11/12/20)
- F22 - Electronic Communications Use & Retention [9/17/20] (Committee Agenda November – Not previously adopted by BUUSD)
- A22 - Notice of Non-Discrimination [8/30/20] (Committee Agenda November - Recommended)
- C21 - Search and Seizure of Students by School Personnel [8/30/20] (BUUSD Board 1<sup>st</sup> Reading 11/12/20)

## A. BOARD OPERATIONS

Required Policies			Recommended Policies			Policies to Consider		
	Policy	Updated		Policy	Updated		Policy	Updated
A1	Conflict of Interest	10/11/19	A20	Board Meetings, Agenda Preparation & Distribution	03/03/20	A30	Role and Adoption of School Board Policies	09/18/13
			A21	Public Participation at Board Meetings	03/03/20	A31	Board Member Education	03/25/09
			A22	Notice of Non-Discrimination	08/30/20	A32	Board Goal-Setting & Evaluation	03/26/09
			A23	Community Engagement and Vision	03/03/20	A33	School Visits by Board Members	03/25/09
			A24	Board/Superintendent Relations	03/03/20	A34	Board Relations with School Personnel	03/25/09
			A25	Delegate of Authority During State of Emergency Due to COVID-19 Pandemic	08/05/20			

## B. PERSONNEL

Required Policies			Recommended Policies			Policies to Consider		
	Policy	Updated		Policy	Updated		Policy	Updated
B1	Substitute Teachers	10/11/19	B20	Personnel Recruitment, Selection, Appointment, and Background Checks	03/03/20	B30	Staffing and Job Descriptions	03/29/09
B2	Volunteers and Work Study Students	10/11/19	B21	Professional Development	03/03/20	B31	Educator Supervision & Evaluation: Probationary Teachers	03/29/09
B3	Alcohol and Drug Free Workplace	03/03/20	B22	Complaints About Personnel & Instructional Materials	03/03/20	B32	Personnel Files	03/29/09
B4	Drug & Alcohol Testing of Transportation Employees	10/11/19				B33	Resignations	03/29/09
B5	Employee Unlawful Harassment	10/20/20						
B6	HIPAA Compliance	Removed						
B7	Tobacco Prohibition	10/11/19						
B8	Electronic Communications between Employees & Students	6/25/20						



## C. STUDENTS


Required Policies			Recommended Policies			Policies to Consider		
CODE	Policy	Updated		Policy	Updated		Policy	Updated
C1	Student Records	10/11/19	C20	Student Conduct and Discipline	03/03/20	C30	Student Medication	06/30/08
C2	Student Drugs & Alcohol	12/03/15	C21	Search and Seizure of Students by School Personnel	08/30/20	C31	Admission of Resident Students	02/10/16
C3	Transportation	10/11/19	C22	Student Activities (Elementary)	03/25/09	C32	Eighteen Year-Old Students	02/10/16
C4	English Learners	08/14/20	C23	Student Clubs & Activities (Secondary)	11/28/07	C33	Student Assessment	02/10/16
C5	Firearms	10/11/19	C24	Interscholastic Sports	09/18/13	C34	Restraint and Seclusion	03/03/20
C6	Home Study Students	10/11/19	C25	Admission of Non-Resident Tuition Students	03/03/20			
C7	Student Attendance	10/11/19	C26	Tuition Payment	09/18/13			
C8	Pupil Privacy	10/11/19	C27	Student Self-Expression and Student Distribution of Literature	09/18/13			
C9	Nutrition & Wellness	10/11/19	C28	Transgender and Gender Nonconforming Students	03/03/20			
C10	Prevention of Harassment, Hazing & Bullying Policy	12/02/15	C29	District Equity Policy	07/21/20			
C10-P	Prevention of Harassment, Hazing & Bullying Procedures	12/02/15						
C11	Student Freedom of Expression	08/01/19						
C12	Prevention of Sexual Harassment as Prohibited by Title IX	09/01/20						
C13	Homeless Students	10/16/20						

D. INSTRUCTION								
Required Policies			Recommended Policies			Policies to Consider		
	Policy	Updated		Policy	Updated		Policy	Updated
D1	Proficiency Based Graduation Requirements	03/03/20	D20	Curriculum Development and Coordination (SU)	09/18/13	D30	Field Trips	Removed 07/2020
D2	Grade Advancement	Removed	D21	Educational Support System	09/18/13	D31	Selecting Library Materials	
D3	Responsible Computer Internet & Network Use	08/01/19	D22	Modes of Instruction During State of Emergency Due to COVID-19 Pandemic	08/05/20	D32	Selection of Instructional Materials	
D4	Title One Comparability	12/03/15				D33	Local Action Plan	12/07/05
D5	Animal Dissection	10/11/19						
D6	Class Size Policy	10/11/19						

## E. SCHOOL-COMMUNITY RELATIONS

Required Policies			Recommended Policies			Policies to Consider		
	Policy	Updated		Policy	Updated		Policy	Updated
E1	Title 1 Parental Involvement Compacts	12/03/15	E20	Community Use of School Facilities	11/26/07	E30	School-Community Relations	
			E21	Distribution of Non-School Sponsored Literature in Schools	11/26/07	E31	Parental Involvement	Removed 07/2020
						E32	Visits by Parents, Community Members or Media	

## F. NON-INSTRUCTIONAL OPERATIONS

Required Policies			Recommended Policies			Policies to Consider		
	Policy	Updated		Policy	Updated		Policy	Updated
F1	Travel Reimbursement	08/01/19	F20	Fiscal Management and General Financial Accountability	03/25/09	F30	 Budgeting	03/25/09
			F21	Financial Reports and Statements	02/25/09	F31	Emergency Closing	Removed 07/2020
			F22	Electronic Communications Use and Retention	09/17/20	F32	School Crisis Prevention & Response/Procedures for Bomb Threats	03/25/09
			F23	Capitalization of Assets	11/03/16	F33	HIV Policy	03/25/09
			F24	Prevention of Conflict of Interest in Procurement	11/06/16			
			F25	Access Control	10/24/19			
			F26	Security Cameras	10/24/19			

	6/2/2020			BARRE UNIFIED UNION SCHOOL DISTRICT POLICY MANUAL INDEX					
67	Policies								
SECTION	BUUSD CODE	LAST VSBA MP UPDATE	CHECKED WITH VSBA UPDATE...	TITLE	VSBA REQUIRE/ RECOMMEND/ CONSIDER	BUUSD 1st READ DATE	BUUSD APPROVAL DATE	COMMENTS/ACTION	BSU CODE
A	BOARD OPERATIONS								
	A1	10/11/2019	5/18/2020	Board Member Conflict of Interest	Required	5/9/2019	6/13/2019		B3
	A20	3/3/2020	5/18/2020	Board Meetings, Agenda Preparation & Distribution	Recommend	9/12/2019	10/10/2019		
	A21	3/3/2020	5/18/2020	Public Participation at Board Meetings	Recommend	9/12/2019	10/10/2019		
	A22	8/30/2020		Non-Discrimination	Recommend	5/9/2019	6/13/2019	VSBA Revised - Committee Review 11/16/20	C6
	A23	3/3/2020	5/18/2020	Community Engagement and Vision	Recommend	9/12/2019	10/10/2019		
	A24	3/3/2020	5/18/2020	Board/Superintendent Relationship	Recommend	9/12/2019	10/10/2019		
	A25	8/5/2020	9/22/2020	Delegation of Authority During State of Emergency Due to COVID	Recommend	10/8/2020	10/22/2020		
	A30	9/18/2013	9/12/2019	Role and Adoption of School Board Policies	Consider	5/9/2019	6/13/2019		A1
	A31	3/25/2009	9/12/2019	Board Member Education	Consider	9/12/2019	10/10/2019		
	A32	3/26/2009	9/12/2019	Board Goal-Setting & Evaluation	Consider	9/12/2019	10/10/2019		
	A33	3/25/2009	9/12/2019	School Visits By Board Members	Consider	9/12/2019	10/10/2019		
	A34	3/25/2009	9/12/2019	Board Relationships With School Personnel	Consider	9/12/2019	10/10/2019		
	11								
B	PERSONNEL								
	B1	10/11/2019	5/18/2020	Substitute Teachers	Required	5/9/2019	6/13/2019		D6
	B2	10/11/2019	5/18/2020	Volunteers and Work Study Students	Required	5/9/2019	6/13/2019		D7
	B3	3/3/2020	6/2/2020	Alcohol & Drug-Free Workplace	Required	5/9/2019	6/13/2019	BUUSD version has an "Employer Responsibility" section that VSBA MP doesn't	D8
	B4	10/11/2019	6/2/2020	Drug & Alcohol Testing: Transportation Employees	Required	5/9/2019	6/13/2019		D11
	B5	10/20/2020		Prevention of Employee Harassment	Required	5/9/2019	6/13/2019	VSBA Revised - Committee Review 11/16/20	D12
	B8	6/25/2020	NEW	Electronic Communications between Employees and Students	Required			New - Required - Committee Review 10/19/20	B40
	B7	10/11/2019	6/2/2020	Tobacco Prohibition	Required	5/9/2019	6/13/2019	BUUSD version has some add'l language which can be considered for deletion	E8
	B21	3/3/2020	5/18/2020	Professional Development	Recommend	5/9/2019	6/13/2019	BUUSD version is more current than VSBA version, but still references Action Plan	D2
	B40	N/A	N/A	Social/Digital/Online Communications for Staff	Does Not Exist			VSBA is working on a model policy for Electronic Communications Between Employees and Students. When this is issued we will review/adopt it and determine if we need an additional policy for other aspects of online communications.	D14
	8			B6 removed by VSBA; B20, B22, B30, B31, B32, B33 in VSBA MPM but not adopted by BUUSD					
C	STUDENTS								
	C1	10/11/2019	6/2/2020	Student Records	Required	5/9/2019	6/13/2019		F5
	C2	12/3/2015	5/18/2020	Student Drugs & Alcohol	Required	5/9/2019	6/13/2019		F7
	C3	10/11/2019	6/2/2020	Transportation	Required	5/9/2019	6/13/2019	BUUSD version differentiates for no transportation at SHS	F9
	C4	8/14/2020		Limited English Proficiency Students	Required	11/12/2020		Board 1st Reading	F19
	C5	10/11/2019	6/2/2020	Firearms	Required	5/9/2019	6/13/2019		F21
	C6	10/11/2019	5/18/2020	Participation of Home Study Students	Required	5/9/2019	6/13/2019		F23
	C7	10/11/2019	6/2/2020	Student Attendance	Required	5/9/2019	6/13/2019		F25
	C8	10/11/2019	6/2/2020	Pupil Privacy Rights	Required	5/9/2019	6/13/2019	VSBA MP has additional language which should be included in #8	F27
	C9	10/11/2019	6/2/2020	Nutrition And Wellness	Required	4/23/2020	5/14/2020	BUUSD version differs from VSBA MP based on recommendation of SHAC	F28
	C10	12/2/2015	5/18/2020	Policy on the Prevention of Hazing, Harassment and Bullying of Students	Required	5/9/2019	6/13/2019		F20
	C10-P	12/2/2015	5/18/2020	Model Procedures on the Prevention of Hazing, Harassment and Bullying of Students	Required	5/9/2019	6/13/2019		F20-1
	C11	3/29/2018	5/18/2020	Student Freedom of Expression in School-Sponsored Media	Required	5/9/2019	6/13/2019		F34

	6/2/2020		BARRE UNIFIED UNION SCHOOL DISTRICT POLICY MANUAL INDEX						
67	Policies								
SECTION	BUUSD CODE	LAST VSBA MP UPDATE	CHECKED WITH VSBA UPDATE...	TITLE	VSBA REQUIRE/RECOMMEND/CONSIDER	BUUSD 1st READ DATE	BUUSD APPROVAL DATE	COMMENTS/ACTION	BSU CODE
	C12	9/1/2020	NEW	Prevention of Sexual Harassment As Prohibited by Title IX	Required			NEW on VSBA - Committee 11/16/2020	C-10; C10P
	C13	10/16/2020	NEW	Homeless Students	Required			NEW on VSBA - Committee 11/16/2020	
	C20	3/3/2020	6/2/2020	Student Conduct and Discipline	Recommend	5/9/2019	6/13/2019		F1
	C21	8/30/2020		Search and Seizure of Students by School Personnel	Recommend	11/12/2020		Board 1st Reading	F4
	C23	11/28/2007	5/18/2020	Student Clubs & Activities	Recommend	5/9/2019	6/13/2019		F33
	C24	9/18/2013	5/18/2020	Interscholastic Sports	Recommend	5/9/2019	6/13/2019		F12
	C25	3/3/2020	6/2/2020	Admission of Non-Resident Tuition Students	Recommend	5/9/2019	6/13/2019		F14
	C27	9/18/2013	5/18/2020	Student Self-Expression and Student Distribution of Literature	Recommend	5/9/2019	6/13/2019		F29
	C29	7/21/2020	9/22/2020	District Equity Policy	Recommend	10/8/2020		Board Return to Committee - Review; Committee Agenda January	
	C30	6/30/2008	5/18/2020	Student Medication	Consider	5/9/2019	6/13/2019		F6
	C31	2/10/2016	5/18/2020	Admission of Resident Students	Consider	5/9/2019	6/13/2019		F13
	C32	2/10/2016	5/18/2020	Eighteen Year-Old Students	Consider	5/9/2019	6/13/2019		F18
	C33	2/10/2016	5/18/2020	Student Assessment	Consider	5/9/2019	6/13/2019		F22
	C34	3/3/2020	6/2/2020	Restraint and Seclusion	Consider	5/9/2019	6/13/2019		C23
	C40	N/A	N/A	Entrance Age for Admission to Kindergarten	Does Not Exist	5/9/2019	6/13/2019		F35
	C41	N/A	N/A	Intra-District School Transfer	Does Not Exist	4/23/2020	5/14/2020		F36
	C42	N/A	N/A	Searches, Seizures, and Interrogation of students by Law Enforcement or other Non-School Personnel	Does Not Exist	5/9/2019	6/13/2019		F11
	C43	N/A	N/A	STI and Pregnancy Prevention Policy	Does Not Exist	5/9/2019	6/13/2019		F31
26		C22 is elementary only; C28 in VSBA MPM but not adopted by BUUSD							
D	INSTRUCTION								
	D1	3/3/2020	6/2/2020	Proficiency Based Learning	Required	5/9/2019	6/13/2019	BUUSD version differs from VSBA MP based on recommendation of admin	G20
	D3	8/1/2019		Acceptable Use of Electronic Resources & the Internet	Required	5/9/2019	6/13/2019	Review when VSBA Model Policy on Electronic Communications is issued	G11
	D4	12/3/2015		Title I Comparability	Required	5/9/2019	6/13/2019	Awaiting VSBA Revision	G12
	D5	10/11/2019	6/2/2020	Animal Dissection	Required	5/9/2019	6/13/2019		G13
	D6	10/11/2019	5/18/2020	Class Size	Required	4/23/2020	5/14/2020		G14
	D20	9/18/2013	5/18/2020	Curriculum Development and Coordination	Recommend	5/9/2019	6/13/2019		G1
	D21	9/18/2013		Educational Support System	Recommend	5/9/2019	6/13/2019	Awaiting VSBA Revision	G7
	D22	8/5/2020	9/22/2020	Modes of Instruction During State of Emergency Due To COVID-1	Recommend	10/8/2020	10/22/2020		
	D30	July 2020	6/2/2020	Field Trips	Consider	4/23/2020	5/14/2020	Removed by VSBA - Cmt. Review 11/16/2020 (BUUSD version differs from VSBA MP based on recommendation of admin)	G3
	D31	not indicated	6/2/2020	Selecting Library Materials	Consider	5/9/2019	6/13/2019		G4
	D32	not indicated	6/2/2020	Selection of Instructional Materials and Sensitive Issues	Consider	5/9/2019	6/13/2019	VSBA MP does not include Sensitive Issues section, consider revising BUUSD	G5
	D40	N/A	N/A	Special Education	Does Not Exist	5/9/2019	6/13/2019		G15
11		D2 removed by VSBA, D33 is outdated							
E	SCHOOL-COMMUNITY RELATIONS								
	E1	12/3/2015		Title I, Part A Parental Involvement	Required	5/9/2019	6/13/2019	Awaiting VSBA Revision	H7
	E20	11/26/2007	5/18/2020	Community Use of School Facilities	Recommend	5/9/2019	6/13/2019		H3
	E30	not indicated	6/2/2020	School-Community Relations	Consider	5/9/2019	6/13/2019		H30
3		E21, E31, E32 in VSBA MPM but not adopted by BUUSD							
F	NON-INSTRUCTIONAL OPERATIONS								

	6/2/2020			BARRE UNIFIED UNION SCHOOL DISTRICT POLICY MANUAL INDEX					
67	Policies								
SECTION	BUUSD CODE	LAST VSBA MP UPDATE	CHECKED WITH VSBA UPDATE...	TITLE	VSBA REQUIRE/RECOMMEND/CONSIDER	BUUSD 1st READ DATE	BUUSD APPROVAL DATE	COMMENTS/ACTION	BSU CODE
	F1	3/20/2019	5/18/2020	Travel Reimbursement Policy	Consider	5/9/2019	6/13/2019		E11
	F20	3/25/2009	5/18/2020	Fiscal Management & General Financial Accountability	Recommend	5/9/2019	6/13/2019		E1
	F22	9/17/2020		Electronic Communications Use and Retention	Recommend			Change on VSBA - Committee 11/16/2020 - F22 not adopted by BUUSD	
	F23	11/3/2016	5/18/2020	Capitalization of Assetts	Recommend	9/12/2019	10/10/2019		E23
	F24	11/6/2016	5/18/2020	Prevention of Conflict of Interest in Procurement	Recommend	5/9/2019	6/13/2019		E24
	F30	3/25/2009	5/18/2020	Budgeting	Consider	5/9/2019	6/13/2019		E2
	F33	3/25/2009	5/18/2020	HIV Policy	Consider	5/9/2019	6/13/2019		F32
	F40	N/A	N/A	Scholarship Awards Policy	Does Not Exist	5/9/2019	6/13/2019		E31
	F41	N/A	N/A	Video Surveillance Policy	Does Not Exist	5/9/2019	6/13/2019		E32
	8			F21, F22, F25, F26, F31, F33 in VSBA MPM but not adopted by BUUSD					

**BARRE UNIFIED UNION SCHOOL DISTRICT #097  
POLICY**

**CODE: B 8**

**1<sup>ST</sup> READING:**

**2<sup>ND</sup> READING:**

**ADOPTED:**

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**ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS**

The Barre Unified Union School District recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and employees communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between employees and students. However, the Barre Unified Union School District recognizes employees and students can be vulnerable in electronic communications.

In accordance with Act 5 of 2018 this model policy is adopted to provide guidance and direction to Barre Unified Union School District employees to prevent improper electronic communications between employees and students.

**Policy**

All communication between employees and students shall be professional and appropriate. The use of electronic communication that is inappropriate in content is prohibited.

1. **Inappropriate content of an electronic communication.** Inappropriate content of an electronic communication between an Employee and a Student includes, but is not limited to:
  - a. Communications of a sexual nature, sexual oriented humor or language, sexual advances, or content with a sexual overtone;
  - b. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
  - c. Communications regarding the employees' or student's past or current romantic relationships;
  - d. Communications which include the use of profanities, obscenities, lewd comments, or pornography;
  - e. Communications that are harassing, intimidating, or demeaning;
  - f. Communications requesting or trying to establish a personal relationship with a student beyond the employees' professional responsibilities;

- g. Communications related to personal or confidential information regarding employee or student that isn't academically focused; and
  - h. Direct communications between an employee and a student between the hours of 10 p.m. and 6 a.m. An Employee may, however, make public posts to a social network site, blog or similar application at any time.
2. **Procedures.** The superintendent shall develop procedures for both the receipt and handling of reports filed under this policy (see IV.A. and B. below).

### **Definitions**

- 1. **Electronic communication.** Electronic communication is any electronic device communication in which individuals exchange messages with others, either individually or in groups. Examples of electronic communication include, but are not limited to, email, text messages, instant messaging, voicemail, and image sharing and communications made by means of an internet site, including social media and social networking websites.
- 2. **Social media.** Social media is any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, websites and internet forums. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, YouTube, and Google+.
- 3. **Employee.** Employee includes any person employed directly by or retained through a contract of employment the district, an agent of the school, a school board member, and including supervisory union employees.
- 4. **Student.** Student means any person who attends school in any of the grades Prekindergarten through 12 operated or contracted by the district.

### **Implementation**

- 1. **Student communications violation of this policy.** In the event a student sends an electronic communication, that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to an employee, the employee shall submit a written report of the inappropriate communication ("Report") to the principal or designee by the end of the next school day following actual receipt by the Employee of such communication. The principal or designee will take appropriate action to have the student discontinue such improper electronic communications.

While the school district will seek to use such improper electronic communications by a student as a teaching and learning opportunity, student communications violation of this policy may subject a student to discipline. Any discipline imposed shall take into account the relevant surrounding facts and circumstances.



2. **Employee communications violation of this policy.** In the event an employee sends an electronic communication that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to a student, the student or the student's parent or guardian is encouraged to submit a report of the inappropriate communication ("Report") to the principal and/or the person designated by the principal to receive complaints under this policy promptly. The report shall specify what type of inappropriate communication was sent by the employee with a copy of the communication, if possible.

Inappropriate electronic communications by an employee may result in appropriate disciplinary action up to and including possible dismissal.

3. **Applicability.** The provisions of this policy shall be applicable at all times while the employee is employed by the district and at all times the student is enrolled in the school district, including holiday and summer breaks. An employee is not subject to these provisions to the extent the employee has a family relationship with a student (i.e. parent/child, nieces, nephews, grandchildren, etc.).
4. **Other district policies.** Improper electronic communications that may also constitute violations of other policies of the district, i.e. unwelcome sexual conduct may also constitute a violation of the school's separate policy on the Prevention of Harassment, Hazing and Bullying of Students. Complaints regarding such behavior should be directed as set forth in the school's Procedures on the Prevention of Harassment, Hazing and Bullying of Students.

### **Reporting to Other Agencies**

1. **Reports to Department of Children and Families [DCF].** When behaviors violative of this policy include allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. §4911, et seq., must report the allegations to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. §6901 et seq.
2. **Reports to Vermont Agency of Education [AOE].** Accordingly, if behaviors violative of this policy in a public school involve conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the superintendent and the superintendent shall report the alleged conduct to the AOE.

3. **Reporting Incidents to the Police.** Nothing in this policy shall preclude persons from reporting to law enforcement any incidents and/or conduct that may be a criminal act.
  
4. **Continuing Obligation to Investigate.** Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this or any other policy, such as the Policy on the Prevention of Harassment, Hazing and Bullying, to pursue and complete an investigation upon receipt of notice of conduct which may constitute a policy violation.

**Printer Friendly Versions:**

- [Word](#)
- [Acrobat](#)

## **ELECTRONIC COMMUNICATIONS BETWEEN EMPLOYEES AND STUDENTS**

### **I. Statement of Policy**

The [INSERT SCHOOL DISTRICT NAME] recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and employees communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between employees and students. However, the [INSERT SCHOOL DISTRICT NAME] recognizes employees and students can be vulnerable in electronic communications.

In accordance with Act 5 of 2018 this model policy is adopted to provide guidance and direction to [INSERT SCHOOL DISTRICT NAME] employees to prevent improper electronic communications between employees and students.

### **II. Definitions. For purposes of this policy, the following definitions apply:**

- A. **Electronic communication.** Electronic communication is any computer-mediated communication in which individuals exchange messages with others, either individually or in groups. Examples of electronic communication include, but are not limited to, email, text messages, instant messaging, voicemail, and image sharing and communications made by means of an internet site, including social media and social networking websites.
- B. **Social media.** Social media is any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, websites and internet forums. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, YouTube, and Google+.
- C. **Employee.** Employee includes any person employed directly by or retained through a contract of employment the district, an agent of the school, a school board member, and including supervisory union employees.
- D. **Student.** Student means any person who attends school in any of the grades Prekindergarten through 12 operated by the district.

### **III. Policy on Electronic Communication Between Students and Employees.**

All communication between employees and students shall be professional and appropriate. The use of electronic communication that is inappropriate in content is prohibited.

**A. Inappropriate content of an electronic communication.** Inappropriate content of an electronic communication between an Employee and a Student includes, but is not limited to:

1. Communications of a sexual nature, sexual oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the employees' or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or demeaning;
6. Communications requesting or trying to establish a personal relationship with a student beyond the employees' professional responsibilities;
7. Communications related to personal or confidential information regarding employee or student that isn't academically focused; and
8. Communications between an employee and a student between the hours of 10 p.m. and 6 a.m. An Employee may, however, make public posts to a social network site, blog or similar application at any time.

**B. Procedures.** The superintendent shall develop procedures for both the receipt and handling of reports filed under this policy (see IV.A. and B. below).

### **IV. Enforcement Responsibilities**

**A. Student communications violation of this policy.** In the event a student sends an electronic communication, that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to an employee, the employee shall submit a written report of the inappropriate communication ("Report") to the principal or designee by the end of the next school day following actual receipt by the Employee of such communication. The principal or designee will take appropriate action to have the student discontinue such improper electronic communications.

While the school district will seek to use such improper electronic communications by a student as a teaching and learning opportunity, student communications violation of this policy may subject a student to discipline. Any

discipline imposed shall take into account the relevant surrounding facts and circumstances.

- B. **Employee communications violation of this policy.** In the event an employee sends an electronic communication that is inappropriate as defined in this policy or that violates the procedures governing inappropriate forms of electronic communication to a student, the student shall or the student's parent or guardian may submit a written report of the inappropriate communication ("Report") to the principal and/or the person designated by the principal to receive complaints under this policy promptly. The report shall specify what type of inappropriate communication was sent by the employee with a copy of the communication, if possible.

Inappropriate electronic communications by an employee may result in appropriate disciplinary action.

- C. **Applicability.** The provisions of this policy shall be applicable at all times while the employee is employed by the district and at all times the student is enrolled in the school district, including holiday and summer breaks. An employee is not subject to these provisions to the extent the employee has a family relationship with a student (i.e. parent/child, nieces, nephews, grandchildren, etc.).
- D. **Other district policies.** Improper electronic communications that may also constitute violations of other policies of the district, i.e. unwelcome sexual conduct may also constitute a violation of the school's separate policy on the Prevention of Harassment, Hazing and Bullying of Students. Complaints regarding such behavior should be directed as set forth in the school's Procedures on the Prevention of Harassment, Hazing and Bullying of Students.

## V. Reporting to Other Agencies

- A. **Reports to Department of Children and Families [DCF].** When behaviors violative of this policy include allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. §4911, et seq., must report the allegations to the Commissioner of DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. §6901 et seq.
- B. **Reports to Vermont Agency of Education [AOE].** Accordingly, if behaviors violative of this policy in a public school involve conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the superintendent and the superintendent shall report the alleged conduct to the AOE.

- C. **Reporting Incidents to the Police.** Nothing in this policy shall preclude persons from reporting to law enforcement any incidents and/or conduct that may be a criminal act.
- D. **Continuing Obligation to Investigate.** Reports made to either DCF or law enforcement shall not be considered to absolve the school administrators of their obligations under this or any other policy, such as the Policy on the Prevention of Harassment, Hazing and Bullying, to pursue and complete an investigation upon receipt of notice of conduct which may constitute a policy violation.

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):* 2018 Acts and Resolves No. 5 (located at  
<https://legislature.vermont.gov/Documents/2018.1/Docs/ACTS/ACT005/ACT005%20As%20Enacted.pdf>)  
16 V.S.A. § 1698  
16 V.S.A. § 570

**BARRE UNIFIED UNION SCHOOL DISTRICT #097  
POLICY**

**CODE: C 12**

**1<sup>ST</sup> READING:**

**2<sup>ND</sup> READING:**

**ADOPTED:**

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**Prevention of Sexual Harassment As Prohibited by Title IX**

**I. Statement of Policy.**

- A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 (“Title IX”) the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District. A District with actual knowledge of sexual harassment in an educational program or activity of the District against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A District may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.
- B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the District, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below*. For conduct which satisfies that definition, a school’s response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the District may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. A third party under supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

**II. Definitions**

As used in this Policy and during the Title IX Grievance Process, the terms below shall have the meaning ascribed.

- A. **“Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient’s Title IX Coordinator; or (b) any official<sup>12</sup> q3’11 of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
  - a. For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
  - b. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
  - c. “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
  - d. Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
  - e. Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. **“Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a “Complainant.”
- C. **“Days”** shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. **“Decision-Maker”** means persons tasked with either the responsibility of making determinations of responsibility (referred to as “Initial Decision-Maker”); or the responsibility to decide any appeal (referred to as “Appellate Decision-Maker”) with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.
- E. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.



- F. **“Disciplinary sanctions”** are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.
- F. **“Emergency Removal”** for purposes of this Policy shall mean removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- G. **“Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the District investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.
- H. **“Investigation of Title IX Sexual Harassment”** Before the District can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the District investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- I. **“Remedial actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
- J. **“Report of Sexual Harassment”** is any report which provides the District with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.
- K. **“Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.
- L. **“Retaliation”** means intimidation, threats, coercion, or discrimination by either the District or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection

with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

Limitation in Scope.

- i. Material False Statements. Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.
- ii. 1st Amendment Protections. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.

M. **“Sexual harassment”** prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the District, against a person in the United States, that satisfies one or more of the following:

1. A school district employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;  
**OR**
2. Unwelcome 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 education program or activity; **OR**
3. Or any conduct which would satisfies one or more of the following definitions:
  - a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct **AND/OR**
  - b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. **AND/OR**
  - c. Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. **AND/OR**

- d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX's definition of "sexual harassment" if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the District did not exercise substantial control over both the respondent and the context in which the harassment occurred.

- N. **"Supportive Measures"** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:
  - 1.counseling;
  - 2.extensions of deadlines or other course-related adjustments;
  - 3.modifications of work or class schedules;
  - 4.campus escort services;
  - 5.mutual restrictions on contact between the parties;
  - 6.changes in work or housing locations;
  - 7.leaves of absence;
  - 8.increased security and monitoring of certain areas of the district campus;
  - 9.and other similar measures.

### III. **Duties**

#### A. **Reports of Sexual Harassment**

- 1. Any Person May Make a 'Report of Sexual Harassment'. Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
  - a. Any Staff Member May Receive Reports. Additionally, while the District strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.
  - b. In Cases where Title IX Coordinator is Alleged Respondent. If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX

Coordinator regarding that Report/Complaint, or delegate the function to another person.

**B. District Response to Report of Sexual Harassment.**

1. Duty to respond. The District will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
  - a. District Response Must Be Equitable. In its response the District shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
  - b. Reports of Harassment Received by District Employees Shall Be Referred to Title IX Coordinator. Where any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
  - c. Complainant Contact. As soon as reasonably possible after receiving a Report of Sexual Harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
    - i. discuss the availability of and offer supportive measures;
    - ii. consider the complainant's wishes with respect to supportive measures;
    - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
    - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.
2. Formal Investigation of Sexual Harassment. Before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the District may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. ("Title IX Grievance Process").

**C. Formal Complaints of Sexual Harassment.**

1. Process for Filing a Formal Complaint of Sexual Harassment. The process for filing a Formal Complaint of Sexual Harassment is set forth in Section IV.A. ("Title IX Grievance Process").
2. District Response to Receipt of Formal Complaint.

- a. Investigation of Sexual Harassment. The District must investigate the allegations of a Formal Complaint unless both parties voluntarily consent to engage in Informal Resolution, or Dismissal otherwise occurs under Section IV. G. below.
2. District Written Notification to Parties in Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the District must provide written notice as set forth in Section IV.C. below of the Title IX Grievance Process. In response to a Formal Complaint of Sexual Harassment, the District must follow the Title IX Grievance Process set forth in Section IV.

**D. District Duty to Respond When Determination of Responsibility For Sexual Harassment Has Been Made Against a Respondent.** The District must provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against a Respondent designed to restore or preserve equal access to the District's education program or activity. Such remedies may include "supportive measures" but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

**E. Reporting to Other Agencies.**

1. Reports to Department of Children and Families. When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.
2. Reports to Vermont Agency of Education. If a report of sexual harassment is made to the District about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Secretary. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]
3. Reporting Incidents to Police.
  - a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute sexual harassment may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.
  - b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.

4. Continuing Obligation to Investigate. Reports made to DCF, AOE or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy, or other school policies where appropriate, to respond, and when appropriate to investigate and follow the Title IX Grievance Process.

**F. Disseminating Information and Notice.**

1. Notice of Title IX Policy. The District will make this Policy publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).
2. Notice of Title IX Obligations and Coordinator Information. The District shall include in all student and employee handbooks, and shall make publicly available on the district's website (OR if the District does not maintain a website, available for inspection to members of the public upon request) the following information:
  - a. The District's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the District extends to admission and employment (all to be prominently displayed on both the website and in publications);
  - b. The title, name, office address, email address, and telephone number of the District's Title IX Coordinator (all to be prominently displayed on both the website and in publications);
  - c. A statement that Title IX inquiries may be referred to either the District's Title IX Coordinator or to the Assistant Secretary for Civil Rights.  
The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the District, and all persons seeking employment with the District, or seeking to enroll or participate in the District's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the District will take in response to such filings.
3. Training Materials. Additionally, the District will make any materials used to train personnel as required under Sec. V.F. publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).

**G. Record Keeping**

The District shall maintain for a period of seven years records of

1. Sexual Harassment Investigations. The District shall maintain records of any:
  - a) determination regarding responsibility;
  - b) any disciplinary sanctions imposed on the respondent;
  - c) any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and
  - d) any appeal and result therefrom.

2. **Any informal resolution and the result therefrom.**
3. **All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.**
4. **For each response required of the District by this Policy to Actual Knowledge of Sexual Harassment, the District must create and maintain for a period of seven years the following:**
  - A) Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's educational program or activity. Where a District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

#### **H. Confidentiality**

1. **Duty to Maintain Confidentiality.**  
The District must keep confidential the identity of any individual who has made a Report of Sexual Harassment or Formal Complaint of Sexual Harassment under this Policy, any Complainant, Respondent, and any witness, except either:
  1. As may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99;
  2. or as required by law, such as reports to DCF, law enforcement or the Agency of Education as set forth in Section III.E above;
  3. or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, as set forth in this policy (Section IV.C.2, IV.E.7,8, and 10, IV.F.5., IV.G.3., and IV.H.7.);
  4. where maintaining confidentiality with respect to supportive measures offered to the Complainant or Respondent would impair the ability of the school district to provide the supportive measures;

#### **IV. TITLE IX GRIEVANCE PROCESS.**

##### **A. General Provisions.**

1. **Triggers for Implementation.** The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the District.
2. **Protections for Equitable Treatment in The Handling of Formal Complaints by District.** The District response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:

- a) **“Presumption of Non Responsibility”** presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
- b) **“Objectivity”** an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or Witness;
- c) **“Conflict and Bias Free Personnel”** that individuals designated by the District to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
- d) **“No Interference with Legal Privileges”** such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;
- e) **“Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence,”** which is only met when the party with the burden convinces the fact finder (the Initial Decision- Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
- f) **“Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process.”** The District shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided.
  - 1. Grievance Process Timeline.
    - a. Investigation 20 +/- days (as the complexity of the case demands);
    - b. 10 days for reviewing information prior to conclusion of investigation;
    - c. 10 days after receiving investigative report -by either- party to respond;
    - d. 10 days for decision maker to allow initial questions;
    - e. 10 days for responses to questions;
    - f. 10 days for questions and responses to follow-up questions;
    - f. 10 days for determination of responsibility decision;
    - g. 10 days for appeal (6 additional days for administrative steps);
    - h. 10 days for argument/statement challenging or supporting determination;
    - i. 10 days for decision on appeal.



2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).
3. Delivery of Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.
4. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
  - a. Employee Respondents. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy,, applicable individual or collective bargaining contract, or state or federal laws or regulations.
  - b. Student Respondents. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by District policies, and any other District rules and procedures or student code of conduct.
  - c. Remedial Actions. Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings,

reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

5. Emergency Removal. Nothing in this Policy, or Title IX Grievance Process, precludes a District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.
6. Administrative Leave. Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**B. Formal Complaints of Sexual Harassment.** The Title IX Grievance Process is initiated by way of a Formal Complaint ("complaint" or "formal complaint") filed by the Complainant, the Complainant's parent/guardian, or the Title IX Coordinator.

1. Complainant Options. In cases of Actual Knowledge (and/OR) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.
  - a. Filings by Title IX Coordinator. In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
    - i. initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
    - ii. in other cases where, in the exercise of good judgment and in consultation with the District's attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment.

- iii. If the Complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
    - b. Supportive Measures. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
  - 2. Respondent Rights. In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.
  - 3. Timeliness of Formal Complaints of Sexual Harassment. Although the District will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
  - 4. Jurisdiction Over Parties. Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the District.
  - 5. Manner of Filing and Content of Formal Complaints of Sexual Harassment. Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the District or school website, at a minimum, a Formal Complaint of Sexual Harassment must:
    - a. contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
    - b. describe the alleged sexual harassment;
    - c. request an investigation of the matter;
    - d. when filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
  - 6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.
- C. Notification of Formal Complaint to Parties ("Notification")**. Upon receipt of a Formal Complaint of Sexual Harassment, the District must provide the following written notice to the parties who are known:
- 1. Notice of the District's Title IX Grievance Process (Section IV), including any informal resolution process.

2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.M., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.M., and the date and location of the alleged conduct, if known.
  - a. Supplemental Notice Required Upon Change in Investigative Scope. If, in the course of an investigation the District decides to investigate allegations about the Complainant or Respondent that are not included in the original Notification, the District must provide simultaneous notice of the additional allegations to the parties whose identities are known.
3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV. of the Policy.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

**D. Informal Resolution.** At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the District:

1. May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a Sexual Harassment Investigation of a Formal Complaint of Sexual Harassment, such as may occur through Informal Resolution;
2. May not offer an informal resolution process unless a Formal Complaint of Sexual Harassment is filed;
3. Provides written notice to the parties disclosing:
  - a) The allegations of the Formal Complaint of Sexual Harassment;
  - b) The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
4. Obtains the parties' voluntary written consent to the informal resolution process; and

5. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**E. Sexual Harassment Investigation.**

The Title IX Coordinator shall designate a qualified, trained, person to investigate. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
8. PRIOR to completion of the Sexual Harassment Investigative Report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent

- school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.
10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.

**F. Initial Determination of Responsibility.** The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.

1. Initial Decision-Maker. The Initial Decision-Maker cannot be the same person(s) as the IX Coordinator or the Investigator(s).
2. Opportunity for Relevant Party Questions. After the Investigator Report has been sent to the parties pursuant to Section IV. E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
  - a. Irrelevant Questions and Evidence. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
  - b. Written Responses to Questions. The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
  - c. Opportunity for Limited Supplemental Questions. The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
3. Prohibition on Negative Inferences. The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.
4. Presumption of Non-Responsibility. The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. Written Initial Determination Regarding Responsibility. Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker must issue a Written Initial Determination to the Title IX Coordinator,

the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:

- a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, section II.M.;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
  - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
  - f. The District's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision. The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
- a. On the date that District provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
  - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision.
- a. District Response to Sexual Harassment. Once a **Title IX Sexual Harassment Final Decision** is issued, the District may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District (except as provided by District policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
  - b. Responsibility for Response. The Title IX Coordinator is responsible for effective implementation of remedies.
  - c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts. The District may also proceed against the Respondent or Complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures.

**G. Dismissal of a Formal Complaint.**

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - a. Would not constitute sexual harassment, even if proved;
  - b. Did not occur in the District's education program or activity; or
  - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by the District; or
  - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

**H. Appeals.** The District must offer both parties an appeal from a Initial Determination Regarding Responsibility, and from a Dismissal of a Formal Complaint, or any allegations therein.

1. Method of Filing. Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.
2. Deadline for Notice of Appeal. The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.
3. Grounds For Appeal. Either party may only appeal the Initial Determination of Responsibility or the Dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party's written appeal:
  - a. Procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or



- c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- 4. Appellate Decision-Maker. The Appellate Decision-Maker shall not be the same person as the Initial Decision-Maker that reached the determination regarding responsibility or the Dismissal of a Formal Complaint of Sexual Harassment, the Investigator(s) or the Title IX Coordinator. The Appellate Decision-Maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in section V.F.2. and 3.
- 5. District Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal. The District must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
- 6. Opportunity to Brief Appellate Decision-Maker.
  - a. Deadline In Cases Other than Newly Available Evidence. Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity] from the date of the Notification of Appeal under section H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
  - b. Deadline in Cases of Newly Available Evidence. In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.
- 7. Written Determination of the Appeal
  - a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.
  - b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the District to act as set forth in Section IV.F.7.

## V. Responsible Personnel.

### A. Bias or Conflicts of Interest.

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**B. Title IX Coordinator.**

The District must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this Policy, which employee must be referred to as the “Title IX Coordinator.” Any individual designated by the District as a Title IX Coordinator shall be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

1. Notice of Title IX Coordinator Contact Information. The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
  - a. all applicants for admission and employment;
  - b. parents or legal guardians of elementary and secondary school students;
  - c. employees; and
  - d. all unions or professional organizations holding collective bargaining or professional agreements with the recipient.
2. Duties of Title IX Coordinator In addition to coordinating the District’s efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
  - a. Receipt of Reports of Sexual Harassment. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
    - i. Responding to general reports and formal complaints of sexual harassment.
      - (a). The Title IX Coordinator shall promptly contact the Complainant (or where Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:
        - i. Supportive Measures: the availability of supportive measures (as defined in section II.N. above); to consider Complainant’s wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
        - ii. Formal Complaint and explain the process for filing a Formal Complaint of Sexual Harassment.
      - ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
      - iii. Coordinating the effective implementation of supportive measures; and

- iv. Coordinating the District's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the District's obligations under this policy.
- 3. Conflict of Interest or Bias/Unavailability. In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

**C. Investigators.**

- 1. Conflict of Interest or Bias. Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.

**D. Decision-Makers.**

- 1. Conflict of Interest or Bias. Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities.
  - a. **Initial Decision-Makers** shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
  - b. **Appellate Decision-Makers** shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.

**E. Informal Resolution Process Facilitators ("Facilitators").**

- 1. Conflict of Interest or Bias. Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Facilitators shall be responsible for facilitating a process of informal resolution as permitted in section IV. D. above.

**F. Training.** The District shall ensure that training of the following personnel occur:

- 1. All District Employees. Training of District Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
- 2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These individuals must be trained on the following topics:
  - a. the definition of sexual harassment as contained within this Policy;

- b. the scope of the recipient's education program or activity;
  - c. how to conduct an investigation, appeals, and informal resolution process;
  - d. how to serve impartially, including by avoiding prejudgment of the facts at issue; and
  - e. conflicts of interest and bias.
3. Decision-makers. In addition to the topics set forth in II.D.2. above, decision-makers shall be trained on the following topics:
    - a. 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 as set forth in Section IV.E.1. and IV.F.2.a.
  4. Investigators. In addition to the topics set forth in II.D.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
  5. Training Materials. Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
    - a. Not rely on sex stereotypes; and
    - b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
    - c. Be made available to the public either on its website, or if the District does not maintain a website, must make those materials available upon request for inspection by members of the public.

Code: C12

## Required

### Printer Friendly Versions:

- [Word](#)
- [Acrobat](#)

## Prevention of Sexual Harassment As Prohibited by Title IX

### I. Statement of Policy.

- A. **Prohibiting Title IX Sexual Harassment.** Per Title IX of the Education Amendments Act of 1972 ("Title IX") the District does not discriminate on the basis of sex in its educational programs and activities, including employment and admissions. All forms of sex-based discrimination, including sexual harassment, are prohibited in the District. A District with actual knowledge of sexual harassment in an educational program or activity of the District against a person in the United States must respond promptly in a manner that is not deliberately indifferent. A District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. A District may be deemed to have been deliberately indifferent based on its restriction of rights protected under the U.S. Constitution, including the First, Fifth and Fourteenth Amendments.
- B. **Retaliation.** Retaliation as defined by this Policy is expressly prohibited. Complaints alleging retaliation may be filed according to the Title IX Grievance Procedures set forth in Section IV.
- C. **Concurrent Statutory Obligations.** While all forms of sex-based discrimination are prohibited in the District, the purpose of this policy is to address, and only address, *sexual harassment as defined in Title IX and Section II.M. below*. For conduct which satisfies that definition, a school's response is governed by this policy, and in those cases for which they have received a filing of a formal complaint of same, as set forth under the Title IX Grievance Process set forth in Section IV below. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex under Vermont law, including student misconduct and employment based statutes prohibiting unlawful harassment and other forms of misconduct, the District may have the separate obligation to address those behaviors as required by other school policies and applicable laws.
- D. **Covered Parties.** This Policy shall apply to all students, employees and any third party who contracts with the District to provide services to District students or employees, upon District property or during any school program or activity. A third party under supervision and control of the school system will be subject to

termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate.

## II. Definitions

As used in this Policy and during the Title IX Grievance Process, the terms below shall have the meaning ascribed.

- A. “Actual Knowledge”** means “notice” of “sexual harassment” or allegations of “sexual harassment” to either (a) a recipient’s Title IX Coordinator; or (b) any official of the recipient who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of an elementary and secondary school.
- For purposes of this paragraph “sexual harassment” refers to the definition as contained *within this policy*. For other forms of inappropriate conduct, or conduct which may satisfy the definition of harassment on the basis of sex as recognized under Vermont law, schools retain the option and in some cases the obligation, to address those behaviors as required by policy and law.
  - Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
  - “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator as described Section IV.B.
  - Notice sufficient to trigger an obligation under this policy only shall exist where any employee has sufficient personal knowledge of alleged facts to be aware that if such facts were found to be true it would constitute a violation of this policy.
  - Imputation of knowledge based solely on vicarious liability OR constructive notice shall be insufficient to establish or constitute actual knowledge.
- B. “Complainant”** is an individual who is alleged to be the victim of conduct that could constitute “sexual harassment” under this Policy. In order for an individual to be considered to be a Complainant they need not file Report of Sexual Harassment, nor a Formal Complaint of Sexual Harassment. Where the Title IX Coordinator signs a Formal Complaint of Sexual Harassment, the Title IX Coordinator is not considered a “Complainant.”
- C. “Days”** shall mean calendar days, but shall exclude non-weekend days on which the District office is closed (e.g. holidays, office-wide vacations), or any weekday during the school year on which school is closed (e.g. snow days).
- D. “Decision-Maker”** means persons tasked with either the responsibility of making determinations of responsibility (referred to as “Initial Decision-Maker”); or the responsibility to decide any appeal (referred to as “Appellate Decision-Maker”) with respect to Formal Complaints of Sexual Harassment in accordance with the Title IX Grievance Process.

- E. **“Determination of Responsibility”** is the formal finding by the decision-maker on each allegation of Sexual Harassment contained in a Formal complaint that the Respondent did or did not engage in conduct constituting Sexual Harassment under Title IX.
- F. **“Disciplinary sanctions”** are consequences imposed on a Respondent when s/he is determined responsible for sexual harassment prohibited under this Policy.
- F. **“Emergency Removal”** for purposes of this Policy shall mean removing a respondent from the District’s education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. Emergency Removals as permitted by this Policy shall not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.
- G. **“Formal Complaint of Sexual Harassment”** means a document filed by either (a) a complainant (or complainant’s parent/guardian); or (b) the Title IX Coordinator, alleging sexual harassment against a respondent AND requesting that the District investigate the allegation of sexual harassment. The issuance or receipt of a Formal Complaint of Sexual Harassment formally triggers the Title IX Grievance Process set forth in Section IV. of this Policy.
- H. **“Investigation of Title IX Sexual Harassment”** Before the District can conduct an Investigation of Sexual Harassment under this Policy, against a Respondent, a Formal Complaint of Sexual Harassment that contains an allegation of sexual harassment and a request that the District investigate the allegations is required. Such investigation is a part of the Title IX Grievance Process, as set forth in Section IV.E.
- I. **“Remedial actions”** are actions intended to restore or preserve a complainant’s equal access to the educational programs and activities of the District.
- J. **“Report of Sexual Harassment”** is any report which provides the District with actual knowledge of sexual harassment or allegations of sexual harassment. Such a report may or may not be accompanied by a Formal Complaint of Sexual Harassment. Without such a Complaint, the Title IX Grievance Process is not triggered. See Section IV.A and IV.B. regarding the process for initiating that process.

K. **“Respondent”** means an individual who has been reported to be the individual accused (i.e. perpetrator) of conduct that could constitute sexual harassment as defined under this policy.

L. **“Retaliation”** means intimidation, threats, coercion, or discrimination by either the District or any other person, against any individual for the purpose of interfering with any right or privilege secured by Title IX and/or this Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing in connection with this Policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sexual discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation.

**Limitation in Scope.**

- i. **Material False Statements.** Actions taken in response to **materially** false statements made in bad faith, or to submitting **materially** false information in bad faith, as part of a report or during the Title IX Grievance Process do not constitute retaliation. A determination of responsibility alone is insufficient to conclude that a person made a materially false statement in bad faith.
- ii. **1st Amendment Protections.** The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this Policy.

M. **“Sexual harassment”** prohibited under Title IX and by this Policy is conduct on the basis of sex, occurring in an education program or activity of the District, against a person in the United States, that satisfies one or more of the following:

1. A school district employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; **OR**
2. Unwelcome 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 education program or activity; **OR**
3. Or any conduct which would satisfies one or more of the following definitions:
  - a. Sexual assault: Any sexual act(s) directed at another person without consent of the victim, including instances where the victim is unable to lawfully give consent because of age or cognitive ability. Consent to a sexual act exists where words, actions or other non-verbal conduct objectively communicates a desire to participate in the sexual act(s). Consent to some sexual act(s) does not indicate consent to all sexual



acts. Consent may be withdrawn at any time by objectively communicating through words, actions or other non-verbal conduct AND/OR

- b. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or an intimate nature with the victim. The existence of the relationship shall be considered with reference to the length of the relationship, the type of relationship and the frequency of the interactions between the persons involved in the relationship. AND/OR
- c. Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner or any other persons protected under 15 V.S.A. section 1101 from domestic abuse. AND/OR
- d. Stalking: A course of conduct by a person directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Limitation in Scope. For purposes of this policy conduct shall not be deemed to satisfy Title IX's definition of "sexual harassment" if the conduct occurred either (1) outside of the United States and/or (2) includes locations, events or circumstances over which the District did not exercise substantial control over both the respondent and the context in which the harassment occurred.

- N. **"Supportive Measures"** are non-disciplinary, non-punitive, individualized services, offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. These measures may include, but are not limited to, the following:
- 1.counseling;
  - 2.extensions of deadlines or other course-related adjustments;
  - 3.modifications of work or class schedules;
  - 4.campus escort services;
  - 5.mutual restrictions on contact between the parties;
  - 6.changes in work or housing locations;
  - 7.leaves of absence;
  - 8.increased security and monitoring of certain areas of the district campus;
  - 9.and other similar measures.

### III. **Duties**

#### A. **Reports of Sexual Harassment**

1. **Any Person May Make a 'Report of Sexual Harassment'.** Any person may report sexual harassment whether relating to her/himself or another person. A Report of Sexual Harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
  - a. **Any Staff Member May Receive Reports.** Additionally, while the District strongly encourages Reports of Sexual Harassment to be made directly to the Title IX Coordinator, the report may be made to **any** District staff member, including, for instance, a counselor, teacher or principal.
  - b. **In Cases where Title IX Coordinator is Alleged Respondent.** If the Title IX Coordinator is the alleged respondent, in such cases either the Report of Sexual Harassment or Formal Complaint of Sexual Harassment may be made directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that Report/Complaint, or delegate the function to another person.

#### B. **District Response to Report of Sexual Harassment.**

1. **Duty to respond.** The District will promptly respond when there is Actual Knowledge of sexual harassment, even if a Formal Complaint of Sexual Harassment has not been filed.
  - a. **District Response Must Be Equitable.** In its response the District shall treat Complainants and Respondents equitably by providing supportive measures to the Complainant and by following the Title IX Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent.
  - b. **Reports of Harassment Received by District Employees Shall Be Referred to Title IX Coordinator.** Where any District employee – other than the employee harasser, or the Title IX Coordinator – receives information of conduct which may constitute sexual harassment under this Policy, s/he shall, without delay, inform the Title IX Coordinator of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.
  - c. **Complainant Contact.** As soon as reasonably possible after receiving a Report of Sexual Harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant [and parent/guardian in cases where the complainant is a student under the age of 18] to:
    - i. discuss the availability of and offer supportive measures;
    - ii. consider the complainant's wishes with respect to supportive measures;
    - iii. inform the complainant of the availability of supportive measures with or without the filing of a formal complaint; and
    - iv. explain to the complainant the process for filing a Formal Complaint of Sexual Harassment.

2. Formal Investigation of Sexual Harassment. Before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a Respondent, a Formal Complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required and must be filed by either the Complainant, the Complainant's Parent/Guardian, or the Title IX Coordinator, as set forth under Section IV.B. below.
3. Initiating the Title IX Grievance Process. A Report of Sexual Harassment alone does **not** initiate a Title IX Grievance Process. Before the District may initiate that process, a Formal Complaint of Sexual Harassment must be filed under the procedures set out in IV.A. ("Title IX Grievance Process").

**C. Formal Complaints of Sexual Harassment.**

1. Process for Filing a Formal Complaint of Sexual Harassment. The process for filing a Formal Complaint of Sexual Harassment is set forth in Section IV.A. ("Title IX Grievance Process").
2. District Response to Receipt of Formal Complaint.
  - a. Investigation of Sexual Harassment. The District must investigate the allegations of a Formal Complaint unless both parties voluntarily consent to engage in Informal Resolution, or Dismissal otherwise occurs under Section IV. G. below.
2. District Written Notification to Parties in Response to Receipt of Formal Complaint. Upon receipt of a Formal Complaint, the District must provide written notice as set forth in Section IV.C. below of the Title IX Grievance Process. In response to a Formal Complaint of Sexual Harassment, the District must follow the Title IX Grievance Process set forth in Section IV.

**D. District Duty to Respond When Determination of Responsibility For Sexual Harassment Has Been Made Against a Respondent.** The District must provide remedies to a Complainant where a determination of responsibility for sexual harassment has been made against a Respondent designed to restore or preserve equal access to the District's education program or activity. Such remedies may include "supportive measures" but also need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

**E. Reporting to Other Agencies.**

1. Reports to Department of Children and Families. When a report made pursuant to this policy includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4491, et seq. must report the allegation to the Commission or DCF. If the victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6901 et seq.
2. Reports to Vermont Agency of Education. If a report of sexual harassment is made to the District about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the

alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Secretary. [If a report of sexual harassment is made in an independent school about conduct by a licensed educator that might be grounds under Vermont law for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.]

3. Reporting Incidents to Police.

a. FERPA Rights. Information obtained and documented by school administration regarding the school's response to notice of student conduct that may constitute sexual harassment may constitute an "educational record" regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals.

b. First Hand Reports. Nothing in this policy shall preclude persons from reporting incidents and/or conduct witnessed first-hand that may be considered to be a criminal act to law enforcement officials.

4. Continuing Obligation to Investigate. Reports made to DCF, AOE or law enforcement shall not be considered to absolve the school administrators of their obligations under this policy, or other school policies where appropriate, to respond, and when appropriate to investigate and follow the Title IX Grievance Process.

F. Disseminating Information and Notice.

1. Notice of Title IX Policy. The District will make this Policy publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).

2. Notice of Title IX Obligations and Coordinator Information. The District shall include in all student and employee handbooks, and shall make publicly available on the district's website (OR if the District does not maintain a website, available for inspection to members of the public upon request) the following information:

a. The District's policy of non-discrimination on the basis of sex, that it is required by Title IX not to discriminate in such a manner, and that such requirement not to discriminate in the education program or activity of the District extends to admission and employment (all to be prominently displayed on both the website and in publications):

b. The title, name, office address, email address, and telephone number of the District's Title IX Coordinator (all to be prominently displayed on both the website and in publications);

c. A statement that Title IX inquiries may be referred to either the District's Title IX Coordinator or to the Assistant Secretary for Civil Rights.

The same information shall be otherwise provided to students, employees, unions or professional organizations holding collective bargaining or professional agreements with the District, and all persons seeking

employment with the District, or seeking to enroll or participate in the District's educational programs or activities. Those persons shall also be informed of the grievance procedures and process provided for under Section IV. of this Policy, including how to file either a Report of Sexual Harassment or Formal Complaint of Harassment, and the response the District will take in response to such filings.

3. Training Materials. Additionally, the District will make any materials used to train personnel as required under Sec. V.F. publicly available on the District's website (OR if the District does not maintain a website, available upon request for inspection by members of the public).

#### **G. Record Keeping**

The District shall maintain for a period of seven years records of

1. **Sexual Harassment Investigations**. The District shall maintain records of any:
  - a) determination regarding responsibility;
  - b) any disciplinary sanctions imposed on the respondent;
  - c) any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity; and
  - d) any appeal and result therefrom.
2. **Any informal resolution and the result therefrom**.
3. **All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process**.
4. **For each response required of the District by this Policy to Actual Knowledge of Sexual Harassment, the District must create and maintain for a period of seven years the following:**
  - A) Records of any actions, including any supportive measures, taken in response to a Report of Sexual Harassment or Formal Complaint of Harassment. In each instance the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's educational program or activity. Where a District does not provide a Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

#### **H. Confidentiality**

1. **Duty to Maintain Confidentiality**.

The District must keep confidential the identity of any individual who has made a Report of Sexual Harassment or Formal Complaint of Sexual

Harassment under this Policy, any Complainant, Respondent, and any witness, except either:

1. As may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99;
2. or as required by law, such as reports to DCF, law enforcement or the Agency of Education as set forth in Section III.E above;
3. or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing or judicial proceeding arising thereunder, as set forth in this policy (Section IV.C.2, IV.E.7,8, and 10, IV.F.5., IV.G.3., and IV.H.7.);
4. where maintaining confidentiality with respect to supportive measures offered to the Complainant or Respondent would impair the ability of the school district to provide the supportive measures;

#### **IV. TITLE IX GRIEVANCE PROCESS.**

##### **A. General Provisions.**

1. Triggers for Implementation. The Title IX Grievance Process is used only upon the filing of a **Formal Complaint** of sexual harassment as described below. This process must be followed before any discipline of a Respondent to allegations of Sexual Harassment may be imposed by the District.
2. Protections for Equitable Treatment in The Handling of Formal Complaints by District. The District response to a Formal Complaint of Sexual Harassment shall treat Complainant and Respondents equitably. In particular, this Title IX Grievance Process shall require:
  - a) **“Presumption of Non Responsibility”** presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process;
  - b) **“Objectivity”** an objective evaluation of all relevant evidence - including both inculpatory and exculpatory evidence - and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or Witness;
  - c) **“Conflict and Bias Free Personnel”** that individuals designated by the District to act as Title IX Coordinator, investigator, decision-makers, or to facilitate an informal resolution process, shall have no conflict of interest nor bias for or against a Complainant or Respondent individually, or complainants or respondents generally;
  - d) **“No Interference with Legal Privileges”** such that at no point in the grievance process will the Title IX Coordinator, the investigator, any decision maker, or any other person participating on behalf of the District, require, allow, rely upon, or otherwise use questions or evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege (e.g., doctor/patient, attorney/client, clergy, etc.), unless the person holding such privilege (parent/guardian for minor student) has waived the privilege in writing to use the information with respect to the Title IX Grievance Process;

- e) **“Proof of Responsibility for Sexual Harassment by a Preponderance of the Evidence,”** which is only met when the party with the burden convinces the fact finder (the Initial Decision- Maker) that there is a greater than 50% chance that the claim is true (i.e., more likely than not). This standard shall be applied to all Formal Complaints of Sexual Harassment, whether they involve students or faculty; and
- f) **“Reasonably Prompt Time Frames for Conclusion of the Title IX Grievance Process.”** The District shall make a good faith effort to conduct a fair, impartial grievance process in a reasonably prompt manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded - through at least the determination of responsibility decision - within 80 days after filing the Formal Complaint of Sexual Harassment. However, more complex cases or other case specific circumstances, may require additional time beyond that timeframe. In such cases, good cause must be shown and written notice provided.
  - 1. Grievance Process Timeline.
    - a. Investigation 20 +/- days (as the complexity of the case demands);
    - b. 10 days for reviewing information prior to conclusion of investigation;
    - c. 10 days after receiving investigative report -by either- party to respond;
    - d. 10 days for decision maker to allow initial questions;
    - e. 10 days for responses to questions;
    - f. 10 days for questions and responses to follow-up questions;
    - f. 10 days for determination of responsibility decision;
    - g. 10 days for appeal (6 additional days for administrative steps);
    - h. 10 days for argument/statement challenging or supporting determination;
    - i. 10 days for decision on appeal.
  - 2. Delays and Extensions of Time. At any stage of the grievance process, the District (through the Superintendent, or if the Superintendent is the respondent, the Title IX Coordinator or designee) may for good cause allow for temporary delays or extensions of time upon request of either party, or on his/her own initiative. Examples of good cause may include such things as availability of parties, party advisors, witnesses, school or school administrative office holidays or vacations, referral back to an earlier stage of the grievance process, concurrent law enforcement or other agency activity, or need to obtain language interpreters or accommodation of disabilities. For any such delay or extension of time, the Superintendent or the Title IX Coordinator will provide simultaneous written notice to the parties of the delay/extension and the reason(s).
  - 3. Delivery of Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Title IX Grievance Process, the manner of

transmittal may be by electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof (such as a commercial carrier or other receipted delivery). Hand delivery will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, decision maker(s), etc.). Any document required to be delivered to a minor or other non-eligible student, must also be delivered to the minor's parent/guardian. Copies should also be sent to a party's advisor if the information for the advisor has been previously communicated to the sending party. Under federal regulations, copies of the investigative evidence, as well as the investigative report, must be forwarded to a party's advisor.

4. Notice of Range of Disciplinary Sanctions and Remedial Actions Upon Final Determination of Responsibility.
  - a. Employee Respondents. "Disciplinary sanctions" against an employee respondent may include any available sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy,, applicable individual or collective bargaining contract, or state or federal laws or regulations.
  - b. Student Respondents. "Disciplinary sanctions" against a student may include any available discipline or sanction, up to and including expulsion, permitted by District policies, and any other District rules and procedures or student code of conduct.
  - c. Remedial Actions. Remedial actions as to a Respondent after a Title IX Sexual Harassment Final Decision, whether employee or student, may include the imposition upon a responsible respondent of any additional non-disciplinary measures appropriate to effecting a remedy for sexual harassment, and may include such measures as no-contact requirements, scheduling adjustments, removal or exclusion from extracurricular activities, class reassignments, limits on future class registrations, restrictions on access to various spaces in the school buildings, reassignment of attendance, and similar measures fine-tuned to respond appropriately to the circumstances surrounding a successful complainant's right to access the district's program and activity. Additional remedial actions may include recommendations that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances. In such cases, the Superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.
5. Emergency Removal. Nothing in this Policy, or Title IX Grievance Process, precludes a District from removing a Respondent from the District's education program or activity on an emergency basis,



provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Such removal shall not be disciplinary.

6. Administrative Leave. Nothing in this Policy precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of the Title IX Grievance Process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**B. Formal Complaints of Sexual Harassment.** The Title IX Grievance Process is initiated by way of a Formal Complaint (“complaint” or “formal complaint”) filed by the Complainant, the Complainant’s parent/guardian, or the Title IX Coordinator.

1. Complainant Options. In cases of Actual Knowledge (and/OR) Reports of Sexual Harassment, the Complainant retains the option to either file a Complaint of Sexual Harassment or choose not to and instead simply receive the supportive measures, except as set forth below.
  - a. Filings by Title IX Coordinator. In cases where the Complainant does not file a Formal Complaint of Sexual Harassment, the Title IX Coordinator may nevertheless choose to sign and thus initiate a Formal Complaint of Harassment, but only if:
    - i. initiating the grievance process against the respondent is not clearly unreasonable in light of the known circumstances;
    - ii. in other cases where, in the exercise of good judgment and in consultation with the District’s attorney as appropriate, the Title IX Coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to Actual Knowledge of sexual harassment.
    - iii. If the Complaint is filed by the Title IX Coordinator, he/she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to respondents and complainants.
  - b. Supportive Measures. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures.
2. Respondent Rights. In cases where no Formal Complaint of Sexual Harassment is either filed by the Complainant or the Title IX Coordinator **no disciplinary action may be taken** against the Respondent based upon conduct that would constitute sexual harassment under this policy. Nevertheless, the Title IX Coordinator may contact the respondent to discuss, and or impose, non-disciplinary supportive measures.

3. Timeliness of Formal Complaints of Sexual Harassment. Although the District will initiate the Title IX Grievance Process regardless of when the Formal Complaint of Sexual Harassment is submitted, delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
4. Jurisdiction Over Parties. Although there is no time limit per se to filing a Formal Complaint of Sexual Harassment, Complaints may be dismissed if either the Complainant or Respondent is no longer enrolled or employed by the District.
5. Manner of Filing and Content of Formal Complaints of Sexual Harassment. Formal Complaints of Sexual Harassment may be filed with the Title IX coordinator in person, by mail, or by email and must be in writing. While forms may be obtained from the Title IX Coordinator or on the District or school website, at a minimum, a Formal Complaint of Sexual Harassment must:
  - a. contain the name and address of the Complainant and the student's parent or guardian if the complainant is a minor student;
  - b. describe the alleged sexual harassment;
  - c. request an investigation of the matter;
  - d. when filed by the Complainant be signed by the Complainant or otherwise indicate that the complainant is the person filing the complaint, or if not filed by the Complainant be signed by the Title IX Coordinator.
6. Consolidation of Complaints. The District may consolidate formal complaints of allegations of sexual harassment where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one respondent; or by more than one complainant against one or more respondents; or by one party against the other party. When the District has consolidated formal complaints so that the grievance process involves more than one complainant or more than one respondent, references to the singular "party", "complainant", or "respondent" include the plural, as applicable.

**C. Notification of Formal Complaint to Parties ("Notification").** Upon receipt of a Formal Complaint of Sexual Harassment, the District must provide the following written notice to the parties who are known:

1. Notice of the District's Title IX Grievance Process (Section IV), including any informal resolution process.
2. Notice of the allegations potentially constituting sexual harassment as defined by Section II.M., including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment as defined by Section II.M., and the date and location of the alleged conduct, if known.
  - a. Supplemental Notice Required Upon Change in Investigative Scope. If, in the course of an investigation the District decides to investigate allegations about the Complainant or Respondent that are not included in the original

Notification, the District must provide simultaneous notice of the additional allegations to the parties whose identities are known.

3. The written notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process set forth in Section IV. of the Policy.
4. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney (who may be present during any Grievance proceeding, including any related meeting or proceeding). The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
5. The written notice must inform the parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

**D. Informal Resolution.** At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), the District may offer an optional informal resolution process (e.g., mediation, arbitration), provided that the District:

1. May not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a Sexual Harassment Investigation of a Formal Complaint of Sexual Harassment, such as may occur through Informal Resolution;
2. May not offer an informal resolution process unless a Formal Complaint of Sexual Harassment is filed;
3. Provides written notice to the parties disclosing:
  - a) The allegations of the Formal Complaint of Sexual Harassment;
  - b) The requirements of the information resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
  - c) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
4. Obtains the parties' voluntary written consent to the informal resolution process; and
5. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**E. Sexual Harassment Investigation.**

The Title IX Coordinator shall designate a qualified, trained, person to investigate. The investigation must:

1. Include objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. (Evidence about the complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such evidence about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is offered to prove consent.)
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
5. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
6. Provide, to a party (e.g., Respondent or Complainant – and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation;
8. PRIOR to completion of the Sexual Harassment Investigative Report, the District, through the Title IX Coordinator, must send to each party and party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report;
9. Prepare a written Sexual Harassment Investigative Report that fairly summarizes relevant evidence, including, without limitation, witness credibility, discrepancies, inculpatory and exculpatory information, and relevant District policies, rules and regulations, and the manner in which the same were made known to the pertinent school populations or specific parties. The investigative report shall include a description of the procedural steps taken, starting with the receipt of the formal complaint, and continuing through the preparation of the investigative report, including any notifications

to the parties, interview with parties and witnesses, site visit, and methods used to gather evidence.

10. The investigator shall provide the Investigative Report in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any. Each party will have 10 days from receipt to provide the Title IX Coordinator a written response to the Investigative Report.

F. **Initial Determination of Responsibility.** The initial determination of responsibility of the respondent shall be made by the Initial Decision-Maker.

1. **Initial Decision-Maker.** The Initial Decision-Maker cannot be the same person(s) as the IX Coordinator or the Investigator(s).
2. **Opportunity for Relevant Party Questions.** After the Investigator Report has been sent to the parties pursuant to Section IV. E.10 (above), and PRIOR to making a determination of responsibility, the Initial Decision-Maker will afford each party 10 days to submit written, relevant questions to the Initial Decision-Maker that the party wants asked of any party or witness. Only relevant questions may be posed. The Initial Decision-Maker shall explain to the party proposing the questions any decision to exclude a question as deemed "not relevant."
  - a. **Irrelevant Questions and Evidence.** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are **not** relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the question and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
  - b. **Written Responses to Questions.** The Initial Decision-Maker will provide the questions to the party/witness, with copies to each party, and provide no less than 10 days for written responses, likewise to be provided to each party.
  - c. **Opportunity for Limited Supplemental Questions.** The Initial Decision-Maker will provide 5 days each for supplementary, limited follow-up questions and 5 days for answers, and may provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
3. **Prohibition on Negative Inferences.** The Initial Decision-Maker may not make any credibility determinations based on the person's status as a complainant, respondent or witness.
4. **Presumption of Non-Responsibility.** The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX Grievance Process.
5. **Written Initial Determination Regarding Responsibility.** Within 10 days following the close of the period set for responses to the last round of follow-up questions, the Initial Decision-Maker must issue a Written Initial Determination to the Title IX

Coordinator, the Superintendent and the parties simultaneously, which, while applying the preponderance of the evidence standard, must include:

- a. Identification of the allegations potentially constituting Sexual Harassment as defined in this Policy, section II.M.;
  - b. A description of the procedural steps taken from the receipt of the formal complaint through the Initial Determination Regarding Responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - c. Findings of fact supporting the Written Initial Determination Regarding Responsibility;
  - d. Conclusions regarding the application of the District's applicable codes of conduct, policies, administrative regulations or rules to the facts;
  - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the respondent is responsible for sexual harassment), any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the Complainant; and
  - f. The District's procedures and permissible bases for the Complainant and Respondent to appeal (as set forth in Section IV.H, below).
6. Finality of Decision. The Initial Determination Regarding Responsibility becomes final, and identified as the **Title IX Sexual Harassment Final Decision** either:
- a. On the date that District provides the parties with Written Determination of the Appeal, if an appeal is taken as set forth in Section IV.H. (below); OR
  - b. Where no appeal is taken, the date on which an appeal would no longer be considered timely.
7. Duty to Effectuate Title IX Sexual Harassment Final Decision.
- a. District Response to Sexual Harassment. Once a **Title IX Sexual Harassment Final Decision** is issued, the District may implement remedies as set forth in Section III.D. above, and action as necessary to respond in a manner not deliberately indifferent in light of the known circumstances in cases of a Determination of Title IX Sexual Harassment Final Decision concluding responsibility for Sexual Harassment. The issue of responsibility for the conduct at issue shall not be subject to further review or appeal within the District (except as provided by District policy or collective bargaining agreement or applicable law). Appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline, or to the extent applicable through any statutory or other processes provided under collective bargaining agreements or individual contracts.
  - b. Responsibility for Response. The Title IX Coordinator is responsible for effective implementation of remedies.
  - c. Other Actions Pursuant to Applicable Code of Conduct, Policies, Agreements, Contracts. The District may also proceed against the Respondent or Complainant pursuant to the District's applicable code of conduct or other Board policies, collective bargaining agreement, individual contract or administrative rules/regulations/procedures.

**G. Dismissal of a Formal Complaint.**

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
  - a. Would not constitute sexual harassment, even if proved;
  - b. Did not occur in the District's education program or activity; or
  - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s):
  - a. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
  - b. The respondent is no longer enrolled or employed by the District; or
  - c. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
3. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.
4. The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies, code of conduct or administrative rules/regulations. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

**H. Appeals.** The District must offer both parties an appeal from a Initial Determination Regarding Responsibility, and from a Dismissal of a Formal Complaint, or any allegations therein.

1. Method of Filing. Either party may appeal the Initial Determination of Responsibility or the dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) by notifying the Superintendent in writing ("written appeal"), with a copy to the Title IX Coordinator. If there are multiple determinations of responsibility, the written appeal shall specify which ones are included in the appeal.
2. Deadline for Notice of Appeal. The Notice of Appeal must be in writing and received by the Superintendent, with a copy to the Title IX Coordinator, within 10 days of either the Initial Determination of Responsibility or the written Notice of Dismissal being communicated to the parties, as appropriate.
3. Grounds For Appeal. Either party may only appeal the Initial Determination of Responsibility or the Dismissal of a Formal Complaint of Sexual Harassment (or any allegations therein) based upon one or more of the following grounds, which must be stated specifically in the party's written appeal:
  - a. Procedural irregularity that affected the outcome of the matter;

- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - c. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- 4. Appellate Decision-Maker. The Appellate Decision-Maker shall not be the same person as the Initial Decision-Maker that reached the determination regarding responsibility or the Dismissal of a Formal Complaint of Sexual Harassment, the Investigator(s) or the Title IX Coordinator. The Appellate Decision-Maker shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Appellate Decision-Maker shall be trained as set forth in section V.F.2. and 3.
- 5. District Notification of Appeal and Duty to Equitable Treatment of Parties During Appeal. The District must notify the both parties in writing when an appeal is filed and implement appeal procedures equally for both parties.
- 6. Opportunity to Brief Appellate Decision-Maker.
  - a. Deadline In Cases Other than Newly Available Evidence. Except in cases of newly available evidence, each party shall have 10 days “reasonable and equal opportunity] from the date of the Notification of Appeal under section H.5. above, to submit to the Appellate Decision-Maker a written statement in support of, or challenging, the Initial Determination Regarding Responsibility.
  - b. Deadline in Cases of Newly Available Evidence. In cases where the basis of the appeal is newly available evidence affecting the outcome, the party relying upon such evidence shall submit to the Appellate Decision-Maker such evidence or a summary of such evidence along with the party’s appeal statement first and within 7 days from the date of the Notification of the Appeal. In such instances the Appellate Decision-Maker shall then forward such documentation on to the opposing party, whereupon the opposing party shall thereafter have 7 days to review and submit their Brief to the Appellate Decision-Maker.
- 7. Written Determination of the Appeal
  - a. The Appellate Decision-Maker shall provide a Written Determination of the Appeal after considering the record and the parties’ appeal statements, describing the result of the appeal and the rationale of the result. The appeals decision maker will only overturn the Initial Determination of Responsibility upon a conclusion that it was clearly erroneous (i.e., either made on unreasonable grounds, or without any proper consideration of the circumstances). If the basis or one of the bases for the appeal was new evidence, the appeals decision maker may either make a determination of responsibility regarding that evidence or refer it back to the appropriate stage of the Title IX Grievance Process. The Appellate



Decision shall be provided simultaneously to both parties, with a copy to the Title IX Coordinator and the Superintendent of Schools.

- b. Upon issuance of the Written Determination of the Appeal, it becomes a **Title IX Sexual Harassment Final Decision**, as set forth in Section IV.F.6, with commensurate Title IX obligations for the District to act as set forth in Section IV.F.7.

V. **Responsible Personnel.**

A. **Bias or Conflicts of Interest.**

No person designated as a Title IX Coordinator, investigator, decision-maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

B. **Title IX Coordinator.**

The District must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this Policy, which employee must be referred to as the "Title IX Coordinator." Any individual designated by the District as a Title IX Coordinator shall be free of conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

1. **Notice of Title IX Coordinator Contact Information.** The name or title, office address, electronic mail address, and telephone number of the employee(s) designated as the Title IX Coordinator shall be provided to the following:
  - a. all applicants for admission and employment;
  - b. parents or legal guardians of elementary and secondary school students;
  - c. employees; and
  - d. all unions or professional organizations holding collective bargaining or professional agreements with the recipient.
2. **Duties of Title IX Coordinator** In addition to coordinating the District's efforts to comply with its responsibilities under this Policy, and any other duties assigned, the Title IX Coordinator shall be responsible for:
  - a. **Receipt of Reports of Sexual Harassment.** Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator.
    - i. **Responding to general reports and formal complaints of sexual harassment.**
      - (a). The Title IX Coordinator shall promptly contact the Complainant (or where Complainant is a minor their parent/guardian) (regardless to whether a formal complaint has been received) to discuss:

- i. Supportive Measures: the availability of supportive measures (as defined in section II.N. above); to consider Complainant's wishes with respect to supportive measures; to inform of the availability of supportive measures with or without the filing of a Formal Complaint of Sexual Harassment;
    - ii. Formal Complaint and explain the process for filing a Formal Complaint of Sexual Harassment.
  - ii. Signing and/or receiving Formal Complaints of Sexual Harassment and in such cases commencing the Title IX Grievance Process set out in Section IV. above;
  - iii. Coordinating the effective implementation of supportive measures; and
  - iv. Coordinating the District's efforts to comply with its responsibilities related to the Title IX Grievance Process set forth in Section IV of this policy, including any other specific duties as assigned by the Superintendent to fulfill the District's obligations under this policy.
3. Conflict of Interest or Bias/Unavailability. In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case, in such instances "Title IX Coordinator" shall include the acting Title IX Coordinators.

**C. Investigators.**

- 1. Conflict of Interest or Bias. Any individual assigned to investigate a Formal Complaint of Sexual Harassment shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities. Investigators shall be responsible for conducting Sexual Harassment Investigations as set forth in Section IV.E. above.

**D. Decision-Makers.**

- 1. Conflict of Interest or Bias. Any individual assigned as a Decision-Maker in the case of a Sexual Harassment under this Policy shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- 2. Responsibilities.
  - a. **Initial Decision-Makers** shall be responsible for issuing an Initial Determination Regarding Responsibility following a Sexual Harassment Investigation and other duties set forth in Section IV.F. above.
  - b. **Appellate Decision-Makers** shall be responsible for issuing a Written Determination of the Appeal, and other duties set forth in Section IV.H. above.

**E. Informal Resolution Process Facilitators ("Facilitators").**

- 1. Conflict of Interest or Bias. Any individual assigned to facilitate an informal resolution process shall not have a conflict of interest or bias for or against

complainants or respondents generally or an individual complainant or respondent.

2. Responsibilities. Facilitators shall be responsible for facilitating a process of informal resolution as permitted in section IV. D. above.

**F. Training.** The District shall ensure that training of the following personnel occur:

1. All District Employees. Training of District Employees shall occur relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.
2. Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These individuals must be trained on the following topics:
  - a. the definition of sexual harassment as contained within this Policy;
  - b. the scope of the recipient's education program or activity;
  - c. how to conduct an investigation, appeals, and informal resolution process;
  - d. how to serve impartially, including by avoiding prejudgment of the facts at issue; and
  - e. conflicts of interest and bias.
3. Decision-makers. In addition to the topics set forth in II.D.2. above, decision-makers shall be trained on the following topics:
  - a. 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 as set forth in Section IV.E.1. and IV.F.2.a.
4. Investigators. In addition to the topics set forth in II.D.2. above, investigators shall be trained on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in Section IV.E.9 above.
5. Training Materials. Any materials used for trainings of Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must:
  - a. Not rely on sex stereotypes; and
  - b. Promote impartial investigations and adjudications of formal complaints of sexual harassment.
  - c. Be made available to the public either on its website, or if the District does not maintain a website, must make those materials available upon request for inspection by members of the public.

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**Legal References:**

1. *Title IX of the Education Amendments of 1972, 20 U.S.C 1681, et seq 20 U.S.C. §1232g, Family Educational Rights and Privacy Act*
2. *34 CFR. Part 99, Family Educational Rights and Privacy Act Regulations*
3. *34 CFR 106.8, Designation of responsible employee and adoption of grievance procedures.*
4. *34 CFR 106.30, Definitions*

5. 34 CFR 106.44, Recipient's response to sexual harassment
6. 34 CFR 106.4, Grievance process for formal complaints of sexual harassment
7. 34 CFR 106.71, Retaliation

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

**BARRE UNIFIED UNION SCHOOL DISTRICT #097  
POLICY**

**CODE: C 13**

**1<sup>ST</sup> READING:**

**2<sup>ND</sup> READING:**

**ADOPTED:**

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## **Homeless Students**

### **Policy**

The Barre Unified Union School District (BUUSD) is committed to the success of every student. Homeless students in the District will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

The District will designate a liaison for students in homeless situations to carry out duties as required by law.

The District will ensure that homeless students are not stigmatized nor segregated on the basis of their status as homeless. A homeless student will be admitted to the school district in which the student is actually living or to the student's school of origin as requested by the parent and in accordance with the student's best interest. Transportation will be provided to and from the student's school of origin at the request of the parent, or in the case of an unaccompanied student, the District's liaison for homeless students. Homeless students will have access to all programs and services for which they are eligible, including but not limited to special education services, preschool, school nutrition programs, and language assistance for English learners.

### **Definitions**

- (a) **Homeless students** means those lacking a fixed, regular and adequate nighttime residence, including:
1. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
  2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
  3. Living in emergency or transitional shelters;
  4. Being abandoned in hospitals;
  5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
  6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings; and
  7. Migratory children living in conditions described in the previous examples.

- (b) **Enroll and enrollment** mean attending classes and participating fully in school activities.
- (c) **Unaccompanied youth** means a homeless child or youth not in the physical custody of a parent or guardian.
- (d) **School of Origin** includes preschools and, when a child or youth completes the final grade level served by the school of origin, it also includes the designated receiving school at the next grade level for all feeder schools.

### **Implementation**

The Superintendent shall develop written procedures to ensure the following rights of eligible students:

- Equal access to the same free, appropriate public education, including public preschool education, as is provided to other children and youth
- Immediate enrollment, even when records normally required for enrollment are not present
- Remain in the school of origin, if it is in the student's best interest, in order to maintain educational stability
- Access to all educational and related services for which they are eligible, including Title I services and free school meals
- Full participation in school, which may include participation in extracurricular activities
- Transportation, provided by the LEA, to and from the school of origin
- Privacy

Code: C13

Required

**Printer Friendly Versions:**

- [Word](#)
- [Acrobat](#)

## Homeless Students

### Policy

The \_\_\_\_\_ School District (District) is committed to the success of every student. Homeless students in the District will have access to the education and other services needed to ensure that an opportunity is available to meet the same academic achievement standards to which all students are held.

The District will designate a liaison for students in homeless situations to carry out duties as required by law.

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### Definitions

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  3. Living in emergency or transitional shelters;
  4. Being abandoned in hospitals;
  5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
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### Implementation

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- Access to all educational and related services for which they are eligible, including Title I services and free school meals
- Full participation in school, which may include participation in extracurricular activities
- Transportation, provided by the LEA, to and from the school of origin
- Privacy

<i>VSBA Update:</i>	<i>10/16/20</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>McKinney-Vento Homeless Assistance Act (as amended by ESSA) 42 U.S.C. §§ 11431 – 11432</i>
	<i>Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 CFR Part 99</i>



**BARRE UNIFIED UNION SCHOOL DISTRICT # 097  
POLICY****CODE: A 22****1<sup>ST</sup> READING: 5/9/2019  
2<sup>ND</sup> READING: 6/13/2019  
ADOPTED: 6/13/19**

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**NOTICE OF NON-DISCRIMINATION****1. POLICY**

The Barre Unified Union School Union (BUUSD) will not unlawfully discriminate in its programs and activities against any person or group on any basis prohibited by federal or state law, and will provide equal access to the Boy Scouts and other designated youth groups.

The BUUSD shall make reasonable accommodations to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the BUUSD can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity.

The Superintendent, or his or her designee, shall prepare, and the Board shall approve, guidance to applicants and employees regarding requests for reasonable accommodations, including provisions for undue hardship.

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the BUUSD are hereby notified that this school district does not discriminate on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, gender identity, disability, age, political affiliation or marital status in admission or access to, or treatment or employment in, its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.

**2. IMPLEMENTATION**

The Superintendent, or his or her designee, shall develop procedures necessary to ensure compliance and enforcement of this policy.

A person has been designated by the BUUSD to coordinate the efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, and other non-discrimination laws or regulations. The designated coordinator is identified in the procedure accompanying this policy along with information on how that person may be contacted.

Any person having inquiries concerning the BUUSD's compliance with the regulations

implementing Title VI, Title IX, Section 504 or other state or federal non-discrimination laws or regulations is directed to contact the non-discrimination coordinator described above.

### **3. GRIEVANCE PROCEDURE**

In the absence of a controlling grievance procedure outlined in a collective bargaining agreement the procedure accompanying this policy will be in effect.

**CODE: A22**  
**(Recommended)**

**Printer Friendly Versions:**

- [Word](#)
- [Acrobat](#)

## **NOTICE OF NON-DISCRIMINATION**

### **Policy**

The board will not unlawfully discriminate in its programs and activities against any person or group on any basis prohibited by federal or state law, and will provide equal access to designated youth groups. <sup>[1]</sup>

The district shall make reasonable accommodations to the known qualifying physical or emotional disabilities of an applicant or employee, unless the district can demonstrate that the accommodation would impose an undue hardship on the operation of its program or activity. <sup>[2]</sup>

Applicants for admission and employment, students, parents, employees, sources of referral of applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the \_\_\_\_\_ School District are hereby notified that this district does not discriminate on the basis of race, color, religion (creed), ancestry, national origin, place of birth, sex, sexual orientation, disability, age, political affiliation <sup>[4]</sup> or marital status in admission or access to, or treatment or employment in, its programs and activities.

A person has been designated by the \_\_\_\_\_ School District to coordinate the district's efforts to comply with the regulations implementing Title VI, Title IX, and Section 504 of the Rehabilitation Act of 1973, and other non-discrimination laws or regulations. The designated coordinator is identified in the procedure accompanying this policy along with information on how that person may be contacted.

Any person having inquiries concerning the \_\_\_\_\_ School District's compliance with the regulations implementing Title VI, Title IX, Section 504 or other state or federal non-discrimination laws or regulations is directed to contact the non-discrimination coordinator described above.

VSBA Updated:	8/30/20
Date Warned:	
Date Adopted:	
Legal Reference(s):	9 V.S.A. §4502 (Public accommodations)
	21 V.S.A. §§495 et seq. (Employment practices)
	21 V.S.A. §1726 (Unfair labor practices)
	20 U.S.C. §§1400 et seq. (IDEA)
	20 U.S.C. §§1681 et seq. (Title IX, Education Amendments of 1972))

	29 U.S.C. §206(d) (Equal Pay Act of 1963)
	29 U.S.C. §§621 et seq. (Age Discrimination in Employment Act)
	29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
	42 U.S.C §§2000d et seq. (Title VI of the Civil Rights Act of 1964)
	42 U.S.C. §§12101 et seq. (Americans with Disabilities Act of 1990)
Cross Reference:	

<sup>[1]</sup> Federal regulations implementing Title VI (race, color, national origin), Title IX (sex), Section 504 (disability), the *Age Discrimination Act*, and the *Boy Scouts Act* contain requirements for recipients of federal funds to issue notices of non-discrimination. These regulations require that recipients notify students, parents and others that they do not discriminate on the basis of race, color, national origin, sex, disability and age, and, if applicable, that they provide equal access to the Boy Scouts of America and other designated youth groups.

<sup>[2]</sup> See 34 C.F.R. § 104.12(a).

<sup>[3]</sup> See 34 C.F.R. § 104.12(b) & (c) for requirements related to reasonable accommodations and factors to be considered when determining when a requested accommodation would create an undue hardship. The inclusion of this provision in this model policy is based on a finding by the federal Office of Civil Rights that a Vermont school district's policy on non-discrimination was not in compliance with Section 504 of the Rehabilitation Act of 1973 because it did not include these provisions.

<sup>[4]</sup> Discrimination against an employee on the basis of political affiliation is prohibited by the Vermont Municipal Labor Relations Act. 21 V.S.A. § 1726(a)(7).

**BARRE UNIFIED UNION SCHOOL DISTRICT # 097  
POLICY**

**CODE: B 5**

**1<sup>ST</sup> READING: 5/9/2019**

**2<sup>ND</sup> READING: 6/13/2019**

**ADOPTED: 6/13/2019**

**PREVENTION OF EMPLOYEE HARASSMENT**

**1. POLICY**

Harassment is a form of unlawful discrimination that will not be tolerated in the Barre Unified Union School District (BUUSD). Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising good faith allegations of unlawful harassment or against any witness cooperating in an investigation by the BUUSD pursuant to this policy is prohibited.

**2. DEFINITIONS**

**Employee:** For purposes of this policy, any person who may be permitted, required or directed by the BUUSD, in consideration of direct or indirect gain or profit, to perform services for the BUUSD or a member district.

**Unlawful Harassment:** Verbal, written or physical conduct based on an employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.

**Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**Retaliation:** Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

### **3. EXAMPLES**

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, ancestry, place of birth, genetic information or disability. Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

#### **Sex**

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

#### **Race and Color**

Racial or color harassment may include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

#### **Religion**

Harassment on the basis of religion includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs.

#### **National Origin and Place of Birth**

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin or place of birth such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

#### **Age**

Age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

#### **Marital Status**

Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

#### **Sexual Orientation**

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.

#### **Gender Identity**

Harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

### **Disability**

Disability harassment includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling mental or physical condition such as imitating manner of speech or movement, or interference with necessary equipment.

### **Genetic Information**

Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

## **4. PROCEDURE**

**4.1 Duty to Investigate.** In the event the BUUSD receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The BUUSD is committed to take action if it learns of potential unlawful harassment, even if the aggrieved employee does not wish to file a formal complaint.

**4.2 Designated Persons.** Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the Superintendent or other Administrators.

**4.3 Investigation.** Allegations of unlawful harassment will be promptly investigated by the Superintendent or other Administrators. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the BUUSD will take appropriate disciplinary and/or corrective action. The Superintendent or other Administrators will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s) and the complainant(s) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.

**4.4 Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the Superintendent or other Administrators. The complainant will be asked to provide copies of any relevant documents or notes of events and the names of people who witnessed or were told of the unlawful harassment.

**4.5 Alternative Complaint Processes.** Employees may file complaints with both the BUUSD and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:

- a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.
- b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.

**4.6 Confidentiality.** The confidentiality of the complainant, the accused individual, and the witnesses shall be maintained consistent with the BUUSD's obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of personnel records or other applicable discovery or disclosure obligations.



**CODE: B5**  
**(Required)**

**Printer Friendly Versions:**

- [Word](#)
- [Acrobat](#)

## **EMPLOYEE UNLAWFUL HARASSMENT**

### **Policy**

Harassment is a form of unlawful discrimination that will not be tolerated in the \_\_\_\_\_ School District. Unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct constituting harassment as defined herein and by state and federal law violate this policy. Retaliation against any person raising good faith allegations of unlawful harassment or against any witness cooperating in an investigation pursuant to this policy is prohibited.

### **A. Definitions**

1. **Employee:** For purposes of this policy, any person employed by and subject to the direct supervision of the district or supervisory union.
2. **Unlawful Harassment:** Verbal, written or physical conduct based on an employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, political affiliation, ancestry, place of birth, genetic information or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
3. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a District employee or a person engaged to perform work or a service for the District when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
4. **Retaliation.** Retaliation is adverse action taken against a person for making a complaint of unlawful harassment or for participating in or cooperating with an investigation.

## **B. Examples**

Unlawful harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an employee because of the employee's race, religion, color, national origin, marital status, sex (including pregnancy), sexual orientation, gender identity, age, ancestry, place of birth, genetic information or disability. Such conduct includes, but is not limited to: unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

### **Sex**

Sexual harassment may include unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

*Please be aware that any sexual harassment allegations must be considered and processed pursuant to the District's Title IX policy.*

### **Race and Color**

Racial or color harassment may include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, and negative references to racial customs.

### **Religion**

Harassment on the basis of religion includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs.

### **National Origin and Place of Birth**

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin or place of birth such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

### **Age**

Age harassment includes unwelcome verbal, written or physical conduct directed at someone (an applicant or employee) age 40 or older, such as offensive remarks about a person's ability to perform certain tasks because of his or her age.

### **Marital Status**

Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

**Sexual Orientation**

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation.

**Gender Identity**

Harassment on the basis of gender identity includes unwelcome verbal, written or physical conduct directed at an individual's actual or perceived gender identity, or gender-related characteristics intrinsically related to an individual's gender or gender identity, regardless of the individual's assigned sex at birth.

**Disability**

Disability harassment includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling mental or physical condition such as imitating manner of speech or movement, or interference with necessary equipment.

**Genetic Information**

Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about family medical history.

**C. Training**

The District shall implement a reasonable training program to make employees aware of the District's sexual harassment policies and procedures.

**D. Procedure**

**Duty to Investigate.** In the event the district or supervisory union receives a complaint of unlawful harassment of an employee, or otherwise has reason to believe that unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. The \_\_\_\_\_ School District is committed to take action if information regarding potential unlawful harassment is learned, even if the aggrieved employee does not wish to file a formal complaint.

2. **Designated Persons.** Every employee is encouraged to report any complaint of or suspected acts of unlawful harassment. Unlawful harassment should be reported to the non-discrimination coordinators or to the principal at the following address and telephone number:  
Non-Discrimination Coordinators:  
Address:  
Telephone number:  
Principal:  
Address:  
Telephone number:

3. **Investigation.** Allegations of unlawful harassment will be promptly investigated by a non-discrimination coordinator or his/her designee. At the outset of the investigation, the complainant shall be provided with a copy of this policy. If the allegations are found to have been substantiated by the investigator, the district or Supervisory Union will take appropriate disciplinary and/or corrective action. The non-discrimination coordinator or his/her designee will inform the complainant(s) and the accused(s) whether the allegations were substantiated. The accused(s), the complainant(s) and any witness(es) shall be warned against any retaliation. If, after investigation, the allegation is found not to have been substantiated, the complainant(s) shall be informed of the right to contact any of the state or federal agencies identified in this policy.
4. **Filing a Complaint.** Employees are encouraged to report the alleged unlawful harassment as soon as possible to the non-discrimination coordinators or the principal.
5. **Alternative Complaint Processes.** Employees may file complaints with both the district or supervisory union and with state and federal agencies. If employees are dissatisfied with the results of an investigation, they may file a complaint with state and federal agencies. The agencies are:
  - a. Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05602, tel: (802) 828-3171. Complaints should be filed within 300 days of any unlawful harassment.
  - b. Equal Employment Opportunity Commission, 1 Congress Street, Boston, MA 02114, tel: (617)565-3200 (voice), (617)565-3204 (TDD). Complaints should be filed within 300 days of any unlawful harassment.
6. **Confidentiality.** Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

VSBA Update	10/20/20
Date Warned:	
Date Adopted:	
Legal Reference(s):	9 V.S.A. §§4502 et seq. (Public accommodations) 16 V.S.A. 11(a)(26) (Definitions) 21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment) 42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964) 29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)
Cross Reference:	Harassment, Hazing & Bullying of Students Board Commitment to Non-Discrimination Prevention of Sexual Harassment As Prohibited by Title IX

**BARRE UNIFIED UNION SCHOOL DISTRICT # 097  
POLICY****CODE: F 22****1<sup>ST</sup> READING:****2<sup>ND</sup> READING:****ADOPTED:**

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**ELECTRONIC COMMUNICATIONS USE & RETENTION****I. Policy Purpose**

The Barre Unified Union School District (BUUSD) intends to comply with state and federal requirements regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative procedures concerning the retention, storage, and destruction of electronic information.

**II. Use of E-Mail and Electronic Communications**

The school board and administration will not use email as a substitute for discussion at board meetings, or for any business properly conducted at board meetings subject to the Vermont Open Meeting Law.<sup>1</sup>

E-mail messages produced or acquired by school officials, board members and employees in the course of school district business are subject to disclosure under the Vermont Access to Public Records law whether or not the messages originate from, or are stored on, personal or school district computer systems.<sup>2</sup> The school district may monitor the use of its computer systems regardless of whether individuals have been assigned passwords for system security. Password systems utilized by the school district are for the purpose of providing system security from unauthorized users, not to provide privacy to individual system users. The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. This provision applies to any and all uses of the school district's computer systems, including any incidental personal use permitted in accordance with board policy or administrative regulations regarding computer use by employees or school board members.

Any retained messages may be retrieved as part of routine monitoring, an employee investigation or a formal discovery process as part of litigation. E-mail messages may be retained at different locations within the computer network and are subject to retrieval at any retention location.

**III. Retention of Electronically Stored Information**

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<sup>1</sup> 1 V.S.A. §310 et seq. The Open Meeting Law, defines a "meeting" as "a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action."

<sup>2</sup> 1 V.S.A. §315 et seq. "As used in this subchapter, 'public record' or 'public document' means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying." 1 V.S.A. §317(b).

Record retention protocols that apply to paper records also apply to electronically stored information, including e-mail communications. The content and function of an electronic record, including an e-mail communication, shall determine the retention period for that record. The school district will comply with any record retention requirements established by the Vermont State Archives and Records Administration that apply to school districts.<sup>3</sup>

In addition to the retention protocols established by the Superintendent and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.<sup>4</sup>

<i>VSBA Updated:</i>	9/17/20
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	Vermont Open Meeting Law, 1 V.S.A. § 310 et seq.
	Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq.
	Electronic Messages Best Practice for All Public Agencies (Effective April 1, 2009) Vermont State Archives and Records Administration.
	<a href="http://vermont-archives.org/records/standards/vermont.htm">http://vermont-archives.org/records/standards/vermont.htm</a> .
	Rules 34 and 45 of the Federal Rules of Civil Procedure
<i>Cross Reference:</i>	

<sup>3</sup> 1 V.S.A. § 317a(b) states that a “custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in **3 V.S.A. § 117(a)(6)**, that has been approved by the State Archivist.”

<sup>4</sup> Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments) require that electronic information be retained so that it can be provided to a party in a federal lawsuit if the (school district) was either: 1) engaged in federal litigation as a party to a lawsuit, 2) anticipating being engaged in federal litigation, or 3) issued a subpoena by a party to a federal lawsuit in a matter in which the (school district) is not a party.

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## **ELECTRONIC COMMUNICATIONS USE & RETENTION**

### **I. Policy Purpose**

The \_\_\_\_\_ school district intends to comply with state and federal requirements regarding the retention, storage and destruction of electronic information and records. The Superintendent or his/her designee shall be responsible for developing and implementing administrative procedures concerning the retention, storage, and destruction of electronic information.

### **II. Use of E-Mail and Electronic Communications**

The school board and administration will not use email as a substitute for discussion at board meetings, or for any business properly conducted at board meetings subject to the Vermont Open Meeting Law.<sup>1</sup>

E-mail messages produced or acquired by school officials, board members and employees in the course of school district business are subject to disclosure under the Vermont Access to Public Records law whether or not the messages originate from, or are stored on, personal or school district computer systems.<sup>2</sup> The school district may monitor the use of its computer systems regardless of whether individuals have been assigned passwords for system security. Password systems utilized by the school district are for the purpose of providing system security from unauthorized users, not to provide privacy to individual system users. The system's security aspects, message delete function and personal passwords may be bypassed for monitoring purposes. This provision applies to any and all uses of the school district's computer systems, including any incidental personal use permitted in accordance with board policy or administrative regulations regarding computer use by employees or school board members.

Any retained messages may be retrieved as part of routine monitoring, an employee investigation or a formal discovery process as part of litigation. E-mail messages may be retained at different locations within the computer network and are subject to retrieval at any retention location.

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<sup>2</sup> 1 V.S.A. §315 et seq. "As used in this subchapter, 'public record' or 'public document' means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business. Individual salaries and benefits of and salary schedules relating to elected or appointed officials and employees of public agencies shall not be exempt from public inspection and copying." 1 V.S.A. §317(b).

### III. Retention of Electronically Stored Information

Record retention protocols that apply to paper records also apply to electronically stored information, including e-mail communications. The content and function of an electronic record, including an e-mail communication, shall determine the retention period for that record. The school district will comply with any record retention requirements established by the Vermont State Archives and Records Administration that apply to school districts.<sup>3</sup>

In addition to the retention protocols established by the Superintendent and used by school district officials and employees, all school officials and employees have a duty to preserve all records and electronic information, including records and electronic information that might otherwise be deleted or destroyed, that relate to any matter that is currently in litigation or may be anticipated to involve future litigation.<sup>4</sup>

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<sup>3</sup> 1 V.S.A. § 317a(b) states that a “custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in **3 V.S.A. § 117(a)(6)**, that has been approved by the State Archivist.”

<sup>4</sup> Rules 34 and 45 of the Federal Rules of Civil Procedure (2006 Amendments) require that electronic information be retained so that it can be provided to a party in a federal lawsuit if the (school district) was either: 1) engaged in federal litigation as a party to a lawsuit, 2) anticipating being engaged in federal litigation, or 3) issued a subpoena by a party to a federal lawsuit in a matter in which the (school district) is not a party.



**BARRE UNIFIED UNION SCHOOL DISTRICT # 097    Code: D 30**  
**POLICY****1st READING: 5/9/2019****2nd READING: 6/13/2019****ADOPTED: 6/13/2019****FIELD TRIPS****Policy**

It is the policy of the Barre Unified Union School District (BUUSD) to endorse the use of field trips as extensions of classroom experiences.

**Implementation**

Administration shall develop procedures on field trips to address the following guidelines:

1. Teachers shall submit to the Principal/Director a written request for approval for a field trip.
2. Out of state field trips, and/or overnight field trips require Board approval.
3. Requests will be submitted in a timely fashion
4. Accompanying the request for approval must be information specifying those students who are participating and the basis for their participation. In addition, the report must state specific reference to the curriculum, learning outcomes, the source of payment for the field trip, the method of transportation, as well as commencement and termination times, dates, number of school personnel to attend, number of additional chaperones, method of financing the adult participation, and any other pertinent information.
5. Teachers organizing field trips will be responsible for obtaining signed permission slips from parents, scheduling transportation, and overseeing arrangements with the site of the field trip.
6. Those individuals responsible for the field trip shall submit a list of participants to the school nurse and a principal in a timely fashion so that provisions for any special medical problems and/or precautions can be provided.
7. Field trip costs over and above those normally budgeted for by the BUUSD will be paid for by the student's parents directly and/or through fundraising activities. Funds will exist for any student who desires to attend but is unable to pay the individual cost of travel and accommodations.
8. All chaperones shall comply with Policy B2, Volunteers & Work Study Students.