

Agenda Request Form

Cherokee County School District

Meeting Date
May 4, 2017

Agenda Item Number
C-1

Title
Modifications to Employee Harassment Policy (GAEB) and Student Harassment Policy (JCAC) on First Reading
Requested Action
School Board Consideration of Superintendent's Recommendation for Approval of Modifications to Employee Harassment Policy (GAEB) and Student Harassment Policy (JCAC) on First Reading
Summary Explanation and Background
Based upon advisement by the School Board Attorney, the Superintendent is recommending the attached modifications to School Board policies to further clarify roles and responsibilities as it relates to harassment reporting and investigative procedures.
Major System Priority
Increasing Accountability
Financial Impact
N/A
Exhibits: (List)
Policies GAEB and JCAC

Board Action
<i>(For Official School Board Records Only)</i>

Source of Additional Information						
<table style="width: 100%; border: none;"> <tr> <td style="border: none;">Dr. Brian Hightower</td> <td style="border: none; text-align: right;">770.479.1871</td> </tr> <tr> <td style="border: none;">Mike McGowan</td> <td style="border: none; text-align: right;">770.479.1871</td> </tr> <tr> <td style="border: none;">Tom Roach</td> <td style="border: none; text-align: right;">770.479.1406</td> </tr> </table>	Dr. Brian Hightower	770.479.1871	Mike McGowan	770.479.1871	Tom Roach	770.479.1406
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Mike McGowan	770.479.1871					
Tom Roach	770.479.1406					

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

Approved in Open Board Meeting on: _____ (Date)

By: _____ (School Board Chairman)

Harassment

Cherokee County School District Board of Education prohibits discrimination and harassment based upon “Constitutionally-Protected Differences” (race, age, gender, gender identity, color, religion, national origin, disability, or any other constitutionally protected class or status. As such, it is the policy of the Cherokee County School District to address such complaints at the lowest level of administration in order to quickly and efficiently resolve all such matters.

~~No employee will be subject to retaliation or reprisal for making a good faith complaint under this policy or for participating in an investigation.~~

All employees are responsible for prevention of harassment and discrimination against students/employees, including the responsibility to report any conduct which they believe to be in violation of this policy. No person will be subject to retaliation or reprisal for making a good faith complaint under this policy or for participating in an investigation.

The Superintendent will develop administrative guidelines regarding the role and responsibility of the applicable Title Coordinator(s) (“Coordinator”) and the role of the Deputy Superintendent (“DS”) in action steps, and the collection and analysis of reporting data in this regard.

I. DEFINITION

Harassment and discrimination may include any conduct which has the effect of unreasonably interfering with an employee’s work based upon a protected characteristic, including conduct by school employees, students or others. Examples may include offensive jokes, slurs or comments; offensive touching or requests for dates or favors; ~~or~~ different treatment of employees based upon ~~race, age, gender, or other protected status~~ Constitutionally-Protected Differences; display or communication of offensive photographs, writing or materials; or conditioning employment benefits on an employee’s participation in, or reaction to, such conduct. ~~Discipline may be imposed for such conduct without regard to whether it rises to the level of a violation of law.~~

II. COMPLAINT PROCEDURES

Complaints made to the Cherokee County School District regarding alleged discrimination, harassment or retaliation for complaints about, or opposition to discrimination or harassment will be processed in accordance with the following procedure:

1. Any employee, applicant for employment, or other person with a complaint alleging a violation as described above ~~shall~~ will promptly notify, ~~in writing, the principal or workplace supervisor supervising the employee believed to have suffered discrimination/harassment. the Coordinator, as annually appointed by the Superintendent, and/or principal of the applicable school or work site location supervisor of the person believed to have suffered discrimination/harassment.~~ If a report is made to a principal or work location supervisor, the principal or work location supervisor will forward the complaint to the Coordinator. The complainant need not be the victim of the discrimination/harassment, but may be any person aware of the conduct. ~~If the complaint involves the school’s principal or the workplace supervisor, or if the complainant does not feel comfortable directing a complaint to such individuals, then the complaint shall be filed with the Director Risk Management.~~

Harassment

2. ~~The recipient~~ Upon receipt of the a discrimination/harassment complaint the Coordinator will immediately notify and forward a copy of the complaint to the Assistant Superintendent Personnel Management (ASPM). ~~The ASPM shall arrange for~~ (a) facilitate a prompt investigation of the complaint, ~~by someone other than the ASPM,~~ (b) take any interim action necessary to protect students, staff or operations pending the result of the investigation, and (c) make any necessary reporting of the allegations. Said investigation ~~shall will~~ consist at a minimum of interviewing the complainant, accused person(s), and persons with direct knowledge of the alleged events. Said investigation ~~shall will~~ be concluded as soon as practicable, and generally within fifteen (15) business days (defined as days when the School District central office is open for business) of receipt of the ~~written~~ complaint. Upon completion of the investigation the Coordinator ~~ASPM shall will take~~ initiate such remedial actions as are necessary to prevent any further harassment. Such steps may include: counseling, suspension, termination, or any other remedial action deemed appropriate to address and eliminate further discrimination/harassment. Upon completion of the investigation the CHRO ~~ASPM shall will~~ notify appropriate parties (which may include the alleged victim(s) and accused, ~~and/or their parents or legal guardians~~) in writing of the substance of the investigation and remedial measures to be taken pending any appeal. The Coordinator will retain, review and analyze the investigative file of each complaint and will report the results of the review and analysis annually to the Superintendent. ~~ASPM shall also forward a copy of the investigative file and notices to the appropriate title coordinator for document review and retention.~~
3. The complainant may seek a review of the initial decision by written request received by the Coordinator ~~ASPM~~ within five (5) business days of the date of the decision.
4. Upon timely written request, the Coordinator will forward a copy of the investigative file to the DS. The ASPM ~~DS~~ or designee ~~shall will~~ have up to fifteen (15) business days to review the appeal, investigative file and the previous decision and determine, if additional investigation is warranted, any change in the remedial action recommended, ~~conducting any additional investigation deemed necessary.~~ The DS ~~ASPM~~ or designee ~~shall will~~ promptly notify appropriate parties of the appeal decision.
5. The decision of the DS ~~Assistant Superintendent Personnel Management~~ or his/her designee ~~shall will~~ be the final decision under this policy. Additional ~~Due~~ process will be provided for any disciplinary measures as required by law.

The complainant retains at all times the right to contact the Office of Civil Rights or the Equal Employment Opportunity Commission with regard to any allegations that the School District has violated any law.

~~This policy shall be distributed to all employees. District employees will receive training on this policy on a regular basis.~~

This policy will be distributed to all employees annually. Additionally, the Coordinator and other employees designated by the Superintendent will receive appropriate training in investigating, remediating and analyzing complaints of discrimination/harassment on an annual basis.

Harassment

ADOPTED: August 2, 2001

LAST REVISED: April 21, 2011

Cherokee County Board of Education

Harassment

The Cherokee County Board of Education prohibits discrimination and harassment based upon “Constitutionally-Protected Differences” (race, age, gender, gender identity, color, religion, national origin, disability, or any other constitutionally protected class or status). As such, it is the policy of the School District to address such complaints at the lowest level of administration in order to quickly and efficiently resolve all such matters.

All employees are responsible for prevention of harassment and discrimination against students/employees, including the responsibility to report any conduct which they believe to be in violation of this policy. No person will be subject to retaliation or reprisal for making a good faith complaint under this policy or for participating in an investigation.

The Superintendent will develop administrative guidelines regarding the role and responsibility of the applicable Title Coordinator(s) (“Coordinator”) and the role of the Deputy Superintendent (“DS”) in action steps, and the collection and analysis of reporting data in this regard.

I. DEFINITION

Harassment and discrimination may include any conduct which has the effect of unreasonably interfering with a student’s participation in an educational program or activity, including conduct by school employees, students or others. Examples may include offensive jokes, slurs or comments; offensive touching or requests for dates or favors; different treatment of students based upon Constitutionally-Protected Differences; display or communication of offensive photographs, writing or materials; or conditioning educational benefits on a student’s participation in, or reaction to, such conduct. Discipline may be imposed for such conduct without regard to whether it rises to the level of a violation of law.

II. COMPLAINT PROCEDURES

Complaints made to the School District regarding alleged discrimination, harassment or retaliation for complaints about, or opposition to discrimination or harassment will be processed in accordance with the following procedure:

1. Any student or other person with a complaint alleging a violation as described above will promptly notify, ~~in writing, the principal of the school or work location supervisor attended by the person believed to have suffered discrimination/harassment~~ the Coordinator, as annually appointed by the Superintendent, and/or principal of the school or work site location supervisor attended by the person believed to have suffered discrimination/harassment. If a report is made to a principal or work location supervisor, the principal or work location supervisor will forward the complaint to the Coordinator. The complainant need not be the victim of the discrimination/harassment, but may be any person aware of the conduct. ~~If the complaint involves the school principal or if the complainant does not feel comfortable directing the complaint to the school principal, then the complaint will be filed with the Office of School Operations.~~

Harassment

2. ~~The recipient~~ Upon receipt of the a discrimination/harassment complaint, ~~will the~~ Coordinator will immediately notify and forward a copy of the complaint to the Deputy Superintendent (DS). The DS will arrange for (a) facilitate a prompt investigation of the complaint, ~~by someone other than the DS or his/her designee~~ (b) take any interim action necessary to protect students, staff or operations of the school or work location pending the result of the investigation, and (c) make any necessary reporting of the allegations. Said investigation will consist at a minimum of interviewing the complainant, accused person(s), and persons with direct knowledge of the alleged events. Said investigation will be concluded as soon as practicable, and generally within fifteen (15) business days (defined as days when the School District Central Office is open for business) of receipt of the ~~written~~ complaint. Upon completion of the investigation the ~~DS~~ Coordinator will ~~take~~ initiate such remedial actions as are necessary to prevent any further harassment. Such steps may include: counseling, suspension, expulsion, or any other remedial action deemed appropriate to address and eliminate further discrimination/harassment. Upon completion of the investigation the ~~DS~~ Coordinator will notify appropriate parties (which may include the alleged victim(s), accused, and/or their parents or legal guardians) in writing of the substance of the investigation and remedial measures to be taken pending any appeal. ~~The DS will also forward a copy of the investigative file and notices to the appropriate title coordinator for document review, analysis and retention. Coordinator will retain,~~ review and analyze the investigative file of each complaint and will report the results of the review and analysis annually to the Superintendent.
3. The complainant may seek a review of the initial decision by written request received by the ~~DS~~ Coordinator within five (5) business days of the date of the decision.
4. ~~If the investigation is assigned to a designee, the DS or designee will either conduct a review of the investigation or assign another designee for that purpose. Upon timely~~ written request, the Coordinator will forward a copy of the investigative file to the DS. The DS or designee will have up to fifteen (15) business days to review the appeal, investigative file and the previous decision and determine, if additional investigation is warranted, any change in the remedial action recommended. The DS or designee will promptly notify appropriate parties of the appeal decision.
5. The decision of the DS or his/her designee will be the final decision under this policy. Additional due process will be provided for any disciplinary measures as required by law.

The complainant retains at all times the right to contact the Office of Civil Rights or the Equal Employment Opportunity Commission with regard to any allegations that the School District has violated any law.

~~This policy will be distributed to all students. Additionally, School District employees will receive training on this policy on an annual basis.~~

Harassment

This policy will be distributed to all students annually. Additionally, the Coordinator and other employees designated by the Superintendent will receive appropriate training in investigating, remediating and analyzing complaints of discrimination/harassment on an annual basis.

ADOPTED: August 2, 2001

REVISED: September 1, 2016

Cherokee County Board of Education