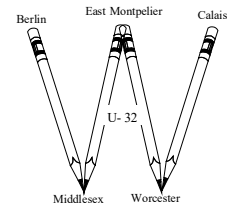


Washington Central Unified Union School District

WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.

1130 Gallison Hill Road
Montpelier, VT 05602
Phone (802) 229-0553
Fax (802) 229-2761



**WCUUSD Policy Committee
Meeting Agenda
6.7.22 4:30-6:30 AM
Central Office, 1130 Gallison Hill Rd. Montpelier
Via Video Conference**

Virtual Meeting Information

<https://tinyurl.com/v2shtjuz>

Meeting ID: 867 5598 8333

Password: 730456

Dial by Your Location: 1-929-205-6099

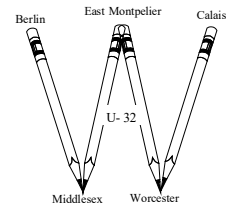
1. Call To Order
2. Approve Minutes of 5.24.22 – pg. 2
3. Review Policies (Discussion/Action)
 - 3.1. C1 Education Record – pg. 4
 - 3.2. C14 Section 504 Grievance Protocol for Students & Staff - pg. 8
 - 3.3. B5 Prevention of Employee Harassment – pg. 11
 - 3.4. School Access
4. Future Agenda Items
 - 4.1. School Choice
 - 4.2. Anti-Racism
 - 4.3. Humanity and Justice Statement
5. Adjourn

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Jennifer Miller-Arsenault
Interim Superintendent



**WCUUSD Policy Committee Meeting
Unapproved Minutes
5.24.22 4:30-6:30 PM
Central Office, 1130 Gallison Hill Rd. Montpelier
VIA Video Conference**

Present: Chris McVeigh, Jonathan Goddard, Jen Miller-Arsenault, Amy Molina, Michelle Ksepka, Kerra Holden, Dennis Hill

- 1. Call to Order:** Chris McVeigh called the meeting to order at 4:33 p.m.
- 2. Approve Minutes of 4.12.22:** Jonathan Goddard moved to approve the minutes of April 12, 2022. Seconded by Chris McVeigh, this motion carried unanimously.
- 3. Review Policies**
 - 3.1. Use of School Property:** (The committee had decided to not create a Use of School Property policy.)
 - 3.2. C1 Education Record:** Jen Miller-Arsenault stated, regarding the procedural question about copying records on school grounds: she had checked with legal counsel but has not yet heard an answer. She feels that if we adopt this policy the way it is written, then we can figure out the copying issue (a procedural issue) in the procedures as opposed to the body of the policy. Michelle Ksepka noted that she agrees; the actual body of the policy doesn't speak directly to the procedure of copying; the policy speaks to the rights of someone to inspect and review their records. Amy Molina stated that she usually defers to Tracy Martin, registrar, when it comes to these issues because she is familiar with the regulations. Chris McVeigh suggested that if reviewing and inspecting is part of the parent's rights, should we designate in the policy that the act of copying the records is not included in "reviewing and inspecting." Jen Miller-Arsenault will follow up with legal counsel. Jonathan Goddard noted that if we are going to allow copying, then we might want to consider building a fee into it. Chris McVeigh suggested referring to the public record request procedure for guidance around a fee.
 - 3.3. C8 Pupil Privacy Rights:** Jen Miller-Arsenault followed up about the issue regarding 18 year old students or emancipated minors. She noted that our policy regarding 18 year olds is word for word from the VSBA model policy; this makes her believe that FERPA rules are honored. Chris McVeigh asked whether there was a concern about whether a parent could request access to student records, after the student turns 18. Jen Miller-Arsenault shared that our current policy addresses this. She read from the policy. In this policy, students who are 18 years or older cannot prevent their

parents or guardians from having access to student records unless the parents agree. Chris McVeigh suggested that we consider the federal statute around PPRA. The committee agreed to use the model policy for C8 and move forward for first reading to the board. Michelle Ksepka will create a red-line version of our current policy to have it match the VSBA model policy so board members can make a comparison.

3.4. C14 Section 504 Grievance Protocol for Students & Staff: Jen Miller-Arsenault provided an update from the previous meeting. She recalls one of the questions was: Is there a distinction between adult employees and adults in general? (She stated that she does not have any more clarification around that question.) Where is the attached complaint form? The district should create a grievance form; there is an example through the VT School Board Association. She shared that federal regulation requires that a public entity adopt and publish grievance procedures; she read from the regulation. Jen Miller-Arsenault shared some of the communication she had with counsel from VSBA to follow up on this policy from the previous meeting. Some discussion followed about using “may” versus “shall” in the procedural document. (specifically, in Step 3) The committee agreed to change the language to “they shall submit....” Jen Miller-Arsenault will follow up with legal counsel. Chris McVeigh stated that using “shall” versus “may” is an attempt to eliminate ambiguity from the protocol.

4. Future Agenda Items

4.1. School Choice

4.2. Anti-Racism

4.3. Humanity and Justice Statement: Jen Miller-Arsenault indicated that the Humanity & Justice Coalition meets one more time in June; the focus right now has been on updating the student and parent handbook; she does not think the work related to Policy Committee will be done in June.

4.4. “School Access” (Chris McVeigh is working with Bernie Lambek on a universal policy around this issue.)

4.5. “Dangerous Weapons” (Jen Miller-Arsenault stated that this is currently under review at the VSBA and that the committee had decided to wait until VSBA had done its work around this, before considering it.)

4.6. B5 Employee Harassment : concept of “harassment” (e.g. broader than “sexual”)

4.7. C5: Weapons: Chris McVeigh would like to address this policy / procedure in terms of the timing between suspension and hearing. He noted that a specific policy overrides a more general policy. Dennis Hill agreed that we should address this to provide clarification.

5. Adjourn: The committee adjourned by consensus at 5:28 p.m.

Respectfully submitted,

Lisa Grace, Committee Recording Secretary

Required

WASHINGTON CENTRAL UNIFIED UNION SCHOOL DISTRICT

Board of Directors' Policy EDUCATION RECORDS

POLICY:	<u>C1</u>
WARNED:	<u>6.8.22</u>
ADOPTED:	<u> </u>
EFFECTIVE:	<u> </u>

Policy

The Washington Central Unified Union School District (District) recognizes the importance of keeping accurate and appropriate education records for students as part of a sound educational program and is committed to act as trustee of this information, maintaining these records for educational purposes to serve the best interests of its students.

The principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure and destruction of education records. It is the policy of the ~~d~~District to protect the confidentiality of education records and release information only as permitted by law. Annually or when the student enrolls, the district will inform parents, guardians, and students eighteen years and older of their right with respect to the student's education records and available procedures for exercising those rights to inspect, review, and seek amendment of the student's education records. The district will inform parents, guardians, and students eighteen years and older of items considered directory information through notices distributed at the beginning of each school year or when a student enrolls. This shall include notification of the following:

1. The right to inspect and review the student's education records within 45 days after the day the district receives a request for access.
2. The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights.
3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that the law authorizes disclosure without consent.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA).
5. The procedure for exercising the right to inspect and review education records.
6. The procedure for requesting amendment of records.
7. The types of personally identifiable information that the district has designated as directory information, and a parent or eligible student's right to opt out of the disclosure of directory information.
8. The procedure for a parent or eligible student to notify the district that they want to opt out of the district's disclosure of directory information.
9. The criteria for determining who constitutes a school official and what constitutes a legitimate educational interest as defined by FERPA.

Administrative Responsibilities

The building principal will be the custodian of all education records in a given school. The superintendent has overall responsibility for education records throughout the ~~De~~istrict and for assuring that adequate systems are in place to maintain such records and to provide parents with access to them in accordance with state and federal law. The superintendent is responsible for developing procedures to assure the consistent implementation of this policy. The procedures shall comply with all federal and state laws and regulations governing access to and the collection, maintenance, disclosure and destruction of education records.

Definitions

All terms used in this policy, and the procedures developed for the implementation of this policy, shall be defined, where applicable, as those terms are defined in the Family Educational Rights and Privacy Act and in the federal regulations promulgated pursuant to that Act.

<i>Legal Reference(s):</i>	<i>20 U.S.C. §§ 1232g (Federal Family Educational Rights and Privacy Act of 1974)</i>
	<i>20 U.S.C. § 7908</i>
	<i>16 V.S.A. § 563(27) (NCLBA Armed Forces Recruiter/Higher Education Access)</i>
	<i>34 C.F.R. Part 99</i>
	<i>1 V.S.A. § 317 (Definitions)</i>
	<i>15 V.S.A. § 670 (Non-custodial parents)</i>
	<i>33 V.S.A. § 5536a (Juvenile court records)</i>
	<i>VT State Board of Education Manual of Rules and Practices § 2113</i>

Required

WASHINGTON CENTRAL UNIFIED UNION SCHOOL DISTRICT

Board of Directors' Policy EDUCATION RECORDS

POLICY:	<u>C1</u>
WARNED:	<u>6.8.22</u>
ADOPTED:	<u></u>
EFFECTIVE:	<u></u>

Policy

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The principles of accuracy and confidentiality underlie all policies and procedures for the collection, maintenance, disclosure and destruction of education records. It is the policy of the District to protect the confidentiality of education records and release information only as permitted by law. Annually or when the student enrolls, the district will inform parents, guardians, and students eighteen years and older of their right with respect to the student's education records and available procedures for exercising those rights. This shall include notification of the following:

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4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA).
5. The procedure for exercising the right to inspect and review education records.
6. The procedure for requesting amendment of records.
7. The types of personally identifiable information that the district has designated as directory information, and a parent or eligible student's right to opt out of the disclosure of directory information.
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Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

**SECTION 504 AND ADA GRIEVANCE
PROTOCOL FOR STUDENTS & STAFF**

POLICY: C14

WARNED: _____

ADOPTED: _____

EFFECTIVE: _____

It is the policy of Washington Central Unified Union School District not to discriminate on the basis of disability. The District has adopted this internal protocol for prompt handling and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990 (ADA). Section 504 and the ADA prohibit discrimination on the basis of disability in any program or activity receiving Federal financial assistance.¹ The District further provides assurance that strictly prohibits any form of retaliation against persons who utilize this Protocol. To the extent possible, confidentiality will be maintained throughout the investigation of a complaint of unlawful discrimination. **Nevertheless, a person is not required to use this protocol and may instead file a complaint directly with the U.S. Department of Education's Office for Civil Rights, Office for Civil Rights, Boston Office:**

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921

The following protocol is available and shall be distributed to all third parties for their use in filing complaints of discrimination based on disability.

This protocol will be distributed by the Building 504 Coordinators or their designees to all employees prior to the start of co-curricular activities every school year, preferably during the August In – Service, and again with the recommencement of co-curricular activities immediately following the December vacation.²

It will also be distributed by Building 504 Coordinators, or their designees, to all third parties, at the time of their engagement for services.

¹Step 1: A person (an employee, student, or third party) who believes that he/she has been discriminated against by the District is encouraged, but is not required, to discuss the matter informally with the appropriate building principal (when the person is a student) or with his/her immediate supervisor (when the person is an employee). NOTE: If the building principal or the immediate supervisor is the subject of the complaint, or the grievant is not a student or employee, the

¹ 29 U.S.C. § 794; 42 U.S.C. § 12132; 34 C.F.R. § 104.4; 28 C.F.R. § 35.101

² 28 C.F.R. § 35.107(b); 34 C.F.R. §§ 100.6(d), 104.7(b), 104.61

grievant may, instead, contact the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION]. The person receiving the complaint, or their designee, shall investigate and then verbally convey his/her findings to both the person who alleged the violation and the person who **is the subject of the complaint within 10 business days.**

Step 2 If the informal Step 1 process does not resolve the matter, OR if the grievant does not wish to use the informal procedures set forth in Step 1, a written complaint may be submitted to the either the District Section 504 Coordinator, [INSERT 504 COORDINATOR CONTACT INFORMATION] or the appropriate school specific Building 504 Coordinator (see list at the end of this document for contact information) who will investigate the complaint. [NOTE: If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted to the Superintendent who will appoint another administrator (or third party) to conduct the investigation. If both the Section 504 Coordinator and the Superintendent have involvement with the complaint, the written complaint may be submitted to the Human Resources Coordinator, Carla Messier 1130 Gallison Hill Rd, Montpelier, VT 05602

The complaint shall be in writing and signed by the grievant and include:

1. the grievant's name and contact information;
2. the facts of the incident or action complained about;
3. the date of the incident or action giving rise to the complaint;
4. the type of discrimination alleged to have occurred;
5. and the specific relief sought;

Or, alternatively, the grievant may use the 504 Complaint Form (attached). Names of witnesses and other evidence as deemed appropriate by the grievant may also be submitted. An investigation of the complaint will begin within 10 business days following the submission of the written complaint.

The investigation may be informal, but it must be thorough and shall include an interview of the parties and witnesses, a review of relevant evidence, and any other steps necessary to ensure a prompt and thorough investigation of the complaint.

A written disposition of the complaint shall be issued within 10 business days of completion of the investigation, unless a specific written extension of time is provided to the parties.

Copies of the disposition, subject to FERPA confidentiality,³ will be given to both the grievant and the person who is the subject of the complaint. If discrimination was found to have occurred, the disposition will include the steps that the District will take to prevent recurrence of any discrimination and to correct its discriminatory effects on the grievant and others, if appropriate.

Step 3 If the grievant wishes to appeal the decision in Step 2, he/she may submit a signed, written appeal to the Superintendent (or Board if the Superintendent is the subject of the complaint) within 15 business days after receipt of the written disposition. The Superintendent/Board or his/her designee shall respond to the complaint, in writing, within 30 business days of the date of the appeal. Copies of the response shall be provided to both the grievant and the person who is the subject of the complaint.

The ADA/504 Coordinator(s) will maintain the files and records related to any complaints filed under this protocol.

The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Protocol. The District will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. Such arrangements may include but are not limited to, providing interpreters for the deaf, providing taped cassettes of material for the blind, or assuring a barrier-free location for the proceedings. The Section 504 Coordinator will be responsible for such arrangements.

If you have questions regarding these procedures or desire to file a complaint, please contact either the District 504 Coordinator or Building Section 504 Coordinator.

[INCLUDE BUILDING 504 COORDINATOR CONTACT INFORMATION]

<i>VSBA Version:</i>	<i>January 25, 2022</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>20 U.S.C. § 1232f 28 C.F.R. § 35.101 28 C.F.R. § 35.107(b) 29 U.S.C. § 794 34 C.F.R. § 99.1 34 C.F.R. § 104.4 34 C.F.R. §§ 104.7(b), 104.61 34 C.F.R. § 100.6(d) 42 U.S.C. § 12132</i>
<i>Cross Reference:</i>	

Required

WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT

Board of Directors' Policy

POLICY: B5

WARNED: 2.8.22

ADOPTED: _____

EFFECTIVE: _____

PREVENTION OF EMPLOYEE HARASSMENT

Harassment is a form of unlawful discrimination that will not be tolerated in Washington Central Unified Union 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.
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 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, slur,

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.

D. Procedure

1. **Duty to Investigate.** In the event the district 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. Washington Central Unified Union School District shall 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 school or WCUUSD 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 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.

Confidentiality. Witnesses, complainant and the accused shall keep confidential matters related to the charge of unlawful harassment.

<i>Legal Reference(s):</i>	<i>9 V.S.A. §§4502 et seq. (Public accommodations)</i>
	<i>16 V.S.A. 11(a)(26) (Definitions)</i>
	<i>21 V.S.A. §§495 et seq. (Unlawful employment practice, sexual harassment)</i>
	<i>42 U.S.C. §§2000e et seq. (Title VII of the Civil Rights Act of 1964)</i>
	<i>29 C.F.R. 1604.11 (Equal Opportunity Employment Commission)</i>
<i>Cross Reference:</i>	<i>C10 Prevention of Harassment, Hazing & Bullying of Students</i>