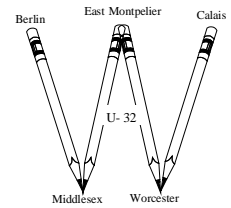


Washington Central Unified Union School District

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
2.8.22 4:30-6:30 PM
Central Office, 1130 Gallison Hill Rd. Montpelier
Via Video Conference**

Virtual Meeting Information

<https://tinyurl.com/yxz7t9ab>

Meeting ID: 837 8353 2112

Password: 284992

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

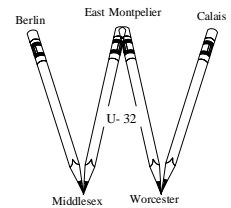
1. Call To Order
2. Approve Minutes of 11.9.21 – pg. 2
3. Review Policies (Discussion/Action)
 - 3.1. Required:
 - 3.1.1. D7 Special Education – pg. 5
 - 3.1.2. C4 English Learners – pg. 6
 - 3.1.3. C5 Weapons/Firearms – pg. 8
 - 3.1.4. B5 Prevention of Employee Harassment – pg. 12
 - 3.2. Recommended:
 - 3.2.1. C29 District Equity Policy – pg. 19
4. Future Agenda Items
 - 4.1. E1 Title I, Part A: Parent and Family Engagement -
5. Adjourn

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Jennifer Miller-Arsenault
Interim Superintendent



WCUUSD Policy Committee Minutes 11.9.21 4:30-5:30 PM Central Office, 1130 Gallison Hill Rd. Montpelier Via Video Conference

Present: Chris McVeigh, Scott Thompson, Mark Kline, Lindy Johnson, Michelle Ksepka, Amy Molina, Jen Miller-Arsenault

- 1. Call to Order:** Chris McVeigh called the meeting to order at 4:30 p.m.
- 2. Approve Minutes of 10.12.21:** Lindy Johnson moved to approve the minutes of October 12, 2021. Seconded by Scott Thompson, this motion carried unanimously.
- 3. Review Policies**
 - 3.1. D7 Special Education (New VSBA Required policy 10/11/21):** Scott Thompson spoke about the idea of having a Special Education Parent Advisory Committee. He asked those present whether they have any recollection of why the board had never gotten on board with such a committee in the past. Lindy Johnson stated that she thinks this falls within the realm of the Director of Special Education. Chris McVeigh suggested that as a board we might be able to create the committee or the council and then leave the implementation to the Director of Special Education; e.g. we could create the parameters/ scope of the committee. Michelle Ksepka expressed concerns related to FERPA. She suggested that Kerra Holden be present to discuss this. Lindy Johnson agreed that having Kerra present to discuss this would be her preference. Scott Thompson offered to share information that already exists around such councils/ committees. Some of the concerns, e.g. related to FERPA, have been ironed out. He suggested that we keep this as an agenda item if committee members want to discuss this in the future. Lindy Johnson reminded him that this was not on tonight's agenda though. He noted that it is related to special education.
Amy Molina suggested that it seems similar to the Equity/ Diversity work that is underway. She wondered whether it is appropriate for Scott to share the information that he has, with Kerra Holden; she is not sure it is within the purview of the Policy Committee. Scott Thompson suggested sharing the information not only with Kerra Holden but with the other committee members. Lindy Johnson suggested it be on the board agenda for discussion. Scott Thompson will gather more information to share;

he indicated that Marylynn Strahan would be a good resource. This topic will go on a future board agenda, with Kerra Holden's input.

Discussion of D7: Scott Thompson spoke about the concept of "least restrictive environment." Amy Molina explained this in the context of special education regulations. Scott Thompson suggested that when referring to IDEA in paragraph 2, we insert "the federal..." to make it clear that this is federal rather than state law. He also suggested inserting a link in the policy to "VT Special Education Procedures and Practices Manual." Chris McVeigh suggested referencing this document but not including a live link within the policy. Lindy Johnson would like to locate this document and reference it in the policy as well as providing a link or download on the WCUUSD website. Chris McVeigh would like to have clarification around the statement "The SU will use the guidelines..." Is this a requirement? Is there an option to use a different guideline? Jen Miller-Arsenault will check with Kerra Holden. The committee will recommend this policy to the board at the next board meeting for a first reading, with the changes as noted this evening.

3.2. Work Plan for remainder of FY 21-22: Scott Thompson asked Jen Miller-Arsenault for some input about work for the committee for the rest of the school year, given the current state and other competing issues/ challenges. She suggested for a few months, to slow down the work of the Policy Committee. She has worries about the capacity to do the work well right now. She would prefer to work on the most urgent/ high priority issues of the committee and focus on COVID-19, e.g. getting children vaccinated. Scott Thompson and Lindy Johnson expressed support for her sentiment. Jen Miller-Arsenault suggested starting with the VSBA required policies and check against our current policies, and then look at "recommended" policies and do the same. Chris McVeigh asked, given that approach going forward this year, that she alert the committee when and if there are any burgeoning issues that would require the work of the policy committee. She will ask the Leadership Team to help her determine that. She thanked the board for supporting her suggestion to slow down the pace of the work of the committee right now.

4. Future Agenda Items

4.1. E1 Title I, Part A: Parent and Family Engagement (Updated 9/24/21)

4.2. C4 English Learners (Updated 12/21/20)

4.3. C5 Firearms (Updated 12/9/20)

4.4. B5 Employee Unlawful Harassment (Updated 10/20/20)

4.5. Anti-Racism

4.6. Commitment to Humanity and Justice Statement

5. Adjourn: The committee adjourned at 5:20 p.m.

Respectfully submitted,
Lisa Stoudt, Committee Recording Secretary

Policy Number	WCUUSD Policy	VSBA Changes
D7 Special Education	There is not a WCUUSD Policy	This is a required VSBA policy
C4 English Learners	<p>1.Has Policy and Implementation but no Definition .</p> <p>2. WCUUSD Policy is called Limited English Proficiency Students , VSBA is just English Learners</p>	Definition of English Learner is more detailed
C5 Weapons/Firearms	<p>1.In the first sentence we have <i>“it is the intent”</i></p> <p>2.Under definitions it states”the policy shall define the terms dangerous weapons</p> <p>3. Under Policy Implementation it states “The Superintendent may refer to the appropriate law enforcement agency any student who possesses or brings a dangerous weapon to school under the control and supervision of the school District</p> <p>4. Part B : With Regard to Persons Other than Students .</p>	<p>1.In the first sentence VSBA has <i>“It is the policy”</i></p> <p>2.VSBA has only firearms, school, and expelled as terms to be defined</p> <p>3.VSBA only states” <i>any student who brings”</i></p> <p>4. <i>Part B is not included in the VSBA policy</i></p>
B5 Prevention of Employee Harassment	<p>1. Under Definitions #3 Sexual Harassment it states <i>“verbal or physical conduct of a sexual nature when “</i></p> <p>2.No Training section</p>	<p>1.VSBA states <i>“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 “</i></p> <p>2. <i>Training section is included after #10 Genetic Information</i></p>

CODE D7
(Required)

SPECIAL EDUCATION

Policy

It is the policy of the _____ Supervisory Union/Supervisory District (SU/SD) to meet the needs of students with disabilities, as defined in federal and state law and regulations, and to provide a free and appropriate public education (FAPE) to these students in the least restrictive environment that will allow all students to benefit educationally.

The Agency of Education (AOE), as the State Education Agency (SEA), is responsible for the overall provision of a Free Appropriate Public Education (FAPE) to eligible Vermont students with disabilities and does this through the implementation of the Individuals with Disabilities Education Act (IDEA).

The _____ SU/SD will use the guidelines developed by the Vermont Agency of Education in its most current edition of the *Vermont Special Education Procedures and Practices Manual (Manual)* regarding special education issues. The Manual is designed to assist Vermont school districts in understanding the provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and meeting its requirements.

The Manual can be found on the Vermont Agency of Education's website.

<i>VSBA Version:</i>	<i>October 11, 2021</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference:</i>	<i>20 U.S.C. § 1415 (Individuals with Disabilities Education Act (IDEA))</i>
<i>Cross Reference:</i>	

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY: C4

WARNED: 5.1.2020

ADOPTED: 5.20.2020

EFFECTIVE: 5.20.2020

LIMITED ENGLISH PROFICIENCY STUDENTS

Policy

It is the policy of the Washington Central Unified Union School District to ensure that students whose primary or dominant language is not English, and who therefore have limited-English proficiency (LEP), have equitable access to school programs as required by law.

Implementation

The superintendent or their designee shall be responsible for developing and implementing procedures to comply with federal and state laws, which define standards for serving LEP students.

*Legal Reference(s): 42 U.S.C. §§2000 d et seq. (Title VI of the Civil Rights Act of 1964); 20 U.S.C. 6801 et seq. (English Language Acquisition, Enhancement, and Academic Achievement Act)
20 U.S.C. § 7801(25) (Definition of Limited English Proficiency)
34 C.F.R. Part 100
9 V.S.A. §4502 (Discrimination, public accommodations)
Vermont State Board of Education Manual of Rules and Procedures §1250*

ENGLISH LEARNERS

Policy:

It is the policy of the _____ School District to ensure that English Learners aged 3-21, including immigrant students, have equitable access to academic and extracurricular school programming as required by law.

Definition:

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

English learner: The term “English learner,” when used with respect to an individual, means an individual:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
3.
 - A. who was not born in the United States or whose native language is a language other than English;
 - B.
 - i. who is a Native American or Alaska Native, or a native resident of the outlying areas; and
 - ii. who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
 - C. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
4. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
 - A. the ability to meet the challenging State academic standards;
 - B. the ability to successfully achieve in classrooms where the language of instruction is English; or
 - C. the opportunity to participate fully in society.

Implementation:

The superintendent or the superintendent's designee shall be responsible for developing and implementing procedures to comply with federal and state laws, which define standards for serving students who are English learners.

<i>VSBA Update:</i>	<i>12/9/20</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	<i>42 U.S.C. §§ 2000 d et seq. (Title VI of the Civil Rights Act of 1964); 20 U.S.C. 6801 et seq. (English Language Acquisition, Enhancement, and Academic Achievement Act) 20 U.S.C. § 7801(20) (Definition of English Learner) ESEA Section 8101(20) 34 C.F.R. Part 100 9 V.S.A. § 4502 (Discrimination, public accommodations) Vermont State Board of Education Manual of Rules and Procedures § 1250</i>
<i>Cross Reference:</i>	

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	<u>C5</u>
WARNED:	<u>5.15.20</u>
ADOPTED:	<u>6.3.20</u>
EFFECTIVE:	<u>6.13.2020</u>

WEAPONS / FIREARMS

It is the intent of the board to comply with the federal Gun Free Schools Act of 1994, and the Vermont state laws (16 V.S.A. §1166 & §1162) requiring school districts to provide for the possible expulsion of students who bring or possess dangerous weapons or firearms at school. It is further the intent of the board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

Definitions:

This policy shall define the terms “*dangerous weapons*”, “*firearm*”, “*at school*” and “*expelled*”. However, the school board may augment the definitions, provided they remain consistent with definitions required by state and federal law.

- a. The term “*dangerous weapon*” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, designed for, or is readily capable of, causing death or serious bodily injury. This includes weapons that a student acquires at school or on the bus.
- b. “*Firearm*” means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun.
- c. “*At school*” means any setting that is under the control and supervision of the school district. It includes school grounds, facilities and vehicles used to transport students to and from school or school activities.
- d. “*Expelled*” means the termination of educational services to a student for greater than 10 days, and is determined by the board.

Policy Statement

PART A: WITH REGARDS TO STUDENTS

Any student who brings to school or possesses a dangerous weapon while at school shall be brought by the superintendent to the school board for consideration of an expulsion hearing.

However, with the prior written consent of the superintendent or their designee, a student may possess a device that might be considered a dangerous weapon for a predetermined educational purpose.

If after a hearing, a student is found by the board to have brought or possessed a dangerous weapon while at school, the superintendent or principal may suspend the student for up to 10 school days, or the board may expel the student for up to the remainder of the school year, or up to 90 school days, whichever is longer, 16 V.S.A. §1162(a). Or, if after a hearing, a student is found by the board to have brought or possessed a firearm while at school, the student shall be expelled for no less than one calendar year,

16 V.S.A. §1166 (2). However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

- a. The student was unaware that they had brought a weapon to school.
- b. The student did not intend to use the weapon or threaten or endanger others.
- c. The student is disabled and the misconduct is related to the disability.
- d. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student nor substantially further the goal of ensuring a safe and fear free environment.

At the discretion of the school board and administration, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law, and as developed by the superintendent or their designee.

The superintendent may refer to the appropriate law enforcement agency any student who possesses or brings a dangerous weapon to a school under the control and supervision of the school district. The superintendent shall refer to the appropriate law enforcement agency any student who possesses or brings a firearm to a school under the control and supervision of the school district. In addition, the superintendent may report any incident subject to this policy to the Department of Children & Families.

As required by state law, the superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled, and the type of dangerous weapons involved.

PART B: WITH REGARD TO PERSONS OTHER THAN STUDENTS

No person shall enter onto school grounds while in possession of a dangerous weapon or firearm as described above unless:

- a. The person has prior written approval from the superintendent or their designee to bring the weapon to school for authorized activities;
- b. The person is a law enforcement officer.

Legal Reference(s): 16 V.S.A. §1162 (Suspension or expulsion of pupils)
16 V.S.A. §1166 (State law pursuant to Federal law)
13 V.S.A. §§4004, 4016 (Criminal offenses)
20 U.S.C. §7151 (Gun Free Schools Act)
18 U.S.C. §921 (Gun Free Schools Act of 1990)
20 U.S.C. §§ 1400 et seq. (IDEA)
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312

FIREARMS

Policy

It is the policy of the _____ School District to comply with the federal Gun Free Schools Act of 1994 and state law requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at school. It is further the intent of the board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

Definitions

For the purposes of this policy, the terms “firearm” “school” and “expelled” shall be defined consistent with the definitions required by state and federal law.

Sanctions

Any student who brings a firearm to school, or who possesses a firearm at school shall be brought by the superintendent to the school board for an expulsion hearing.

A student found by the school board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

1. The student was unaware that he or she had brought a firearm to school.
2. The student did not intend to use the firearm to threaten or endanger others.
3. The student is disabled and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

At the discretion of the school board and administration, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law and as developed by the superintendent or his or her designee.

The superintendent shall refer to the appropriate law enforcement agency any student who brings a firearm to a school under the control and supervision of the school district. The superintendent may also report any incident subject to this policy to the Department for Children and Families (DCF).

The superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled and the type of firearms involved.

VSBA Review:	10/11/19, updated 11/18/2020
Date Warned:	
Date Adopted:	
Legal Reference(s):	16 V.S.A. § 1166 (State law pursuant to Federal law)
	13 V.S.A. §§ 4004, 4016 (Criminal offenses)
	20 U.S.C. § 7151(Gun Free Schools Act)

	18 U.S.C. § 921 (Gun Free School Zones Act of 1990)
	20 U.S.C. §§ 1400 et seq.(IDEA)
	29 U.S.C. § 794 (Section 504, Rehabilitation Act of 1973)
	Vt. State Board of Education Manual of Rules & Practices, §§ 4311, 4313
Cross Reference:	Search and Seizure
	Student Conduct and Discipline

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	B5
WARNED:	1.10.2020
ADOPTED:	2.5.2020
EFFECTIVE:	2.15.2020

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.

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: C10 Prevention of Harassment, Hazing & Bullying of Students

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.

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.

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.

1. **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.

2. **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.

3. **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.

4. **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.

5. **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.

6. **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.

7. **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.

8. **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.

9. **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.

10. **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.

Training

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

Procedure

1. **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.

<i>VSBA Update</i>	<i>10/20/20</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<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>Harassment, Hazing & Bullying of Students</i>
	<i>Board Commitment to Non-Discrimination</i>
	<i>Prevention of Sexual Harassment As Prohibited by Title IX</i>

DISTRICT EQUITY POLICY

Policy

The _____ School District (District) is committed to the success of every student, regardless of race, ethnicity, religion, family economics, class, geography, ability, language, gender, sexual orientation, gender identity or initial proficiencies. The _____ School Board (Board) holds itself and all District and school-site decision-makers, faculty, and support staff accountable for building a District-wide commitment to equity. The District will incorporate principles of equity within all policies, programs, operations, practices, and resource allocations.

Definitions

Equity: Each student receives the resources and educational opportunities they need to learn and thrive.

- Equity means that a student's success is not predicted nor predetermined by characteristics such as race, ethnicity, religion, family economics, class, geography, ability, language, gender, sexual orientation, gender identity or initial proficiencies.
- Equity means that every school provides and every student has access to high quality culturally responsive curriculum, programs, teachers and administrators, extracurricular activities and support services to meet the needs of each and every student.
- Equity goes beyond formal equality where all students are treated the same. Achieving equity may require an unequal distribution of resources and services.
- Equity involves acknowledging and disrupting inequitable practices, acknowledging biases, employing practices that reflect the reality that all students will learn, and creating inclusive multicultural school environments for adults and children.

Culturally Responsive Practices: The beliefs, methods, and practices that support and empower all students socially, emotionally, intellectually, and civically by leveraging students' lived experiences to ensure learning.

Implementation

To realize this commitment to equity, the District will:

- Systematically use District-wide and individual school-level data, disaggregated by race, ethnicity, language, ability, gender, and socioeconomic background to inform District decision-making;
- Provide every student with equitable access to high-quality and culturally relevant instruction, curriculum, support, facilities, technology and other educational resources that respect their individual identities, cultures, backgrounds, abilities and experiences;
- Monitor and evaluate the individual needs of schools and distribute resources and effective personnel based on those needs;

- Incorporate the voice, culture and perspectives of students, staff, families, and communities that reflect student demographics and support and enhance student success;
- Identify and counteract biased practices that perpetuate achievement disparities and opportunity gaps;
- Provide ongoing and continuous professional development at all organizational levels to support employees to engage in culturally responsive practices and delivery of quality culturally relevant instruction;
- Incorporate the principle of equity into the District’s strategic plan and identify measurable outcomes to prepare all students for college, career, and life.

The superintendent shall identify outcome indicators as necessary to monitor this policy and shall provide a _____ (monthly, quarterly, annually) status report to the Board.

<i>VSBA Version:</i>	<i>July 21, 2020</i>
<i>Date Warned:</i>	
<i>Date Adopted:</i>	
<i>Legal Reference(s):</i>	
<i>Policy Reference(s):</i>	