

# Washington Central Unified Union School District

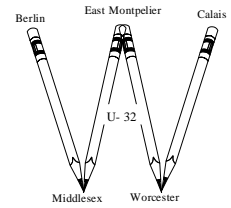
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*WCUUSD exists to nurture and inspire in all students the passion, creativity and power to contribute to their local and global communities.*

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

Bryan Olkowski.  
Superintendent



## WCUUSD Policy Committee Meeting Agenda

**10.27.20 4:30-6:30 pm**

**Via Video Conference\***

<https://tinyurl.com/y5sqajzu>

**Meeting ID: 868 0866 9093**

**Password: 696221**

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

1. Call to Order
2. Approve Minutes of 9.29.20 – pg. 2
3. Review Existing Policies
  - 3.1. October 21 Board Meeting Policy Follow up if needed
  - 3.2. E46 Memorials – July 15 follow up – pg. 6
  - 3.3. Title IX – pg. 8
4. Policy Creation
  - 4.1. School Choice
  - 4.2. School Closure
5. Future Agenda Items
6. Adjourn

**\*Open Meeting Law temporary changes as of 3/30/20:**

**Boards are not required to designate a physical meeting location. Board members and staff are not required to be present at a designated meeting location.**

**Our building will not be open for meetings. All are welcome to attend virtually.**

# Washington Central Unified Union School District

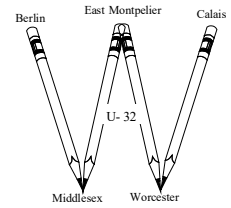
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## **WCUUSD Policy Committee Meeting Minutes Unapproved September 29, 2020**

**Present:** Superintendent Olkowski, Jody Emerson, Aaron Boynton, Michelle Ksepka, Townes DeGroot, Chris McVeigh, Dorothy Naylor

1. **Call to Order:** Chris McVeigh called the meeting to order at 4:34 p.m.
2. **Approve Minutes of 6.23.20:** Dorothy Naylor moved to approve the minutes of June 23, 2020. Seconded by Chris McVeigh, this motion carried unanimously.

### **3. Review Existing Policies**

#### **3.1 Section C – Students**

**3.1.1 C7 – Student Attendance:** This policy had been approved in June 2020, but Chris McVeigh had indicated that he would like to look at this policy, through the lens of COVID19. Aaron Boynton shared that he has not had any issues related to student attendance. Jody Emerson stated that this policy indicates that we need to have procedures in our student handbooks, which we do. She stated that she thinks we might have to think about “Truancy” across the district, to be sure we are meeting the needs of families while also following the law. Dorothy Naylor asked how attendance is measured for students who are working remotely. Administrators indicated that students check in and complete the assignments to meet attendance requirements. They are not seeing problems with this.

Jody Emerson indicated that she would like the Leadership Team to be able to discuss this re: truancy and how the “Base Camp” app influences attendance. Bryan Olkowski stated that he would like to talk with building principals - he indicated that attendance has been around 97% during this back-to-school phase.

Chris McVeigh asked whether consideration should be given to changing the definition of excused versus unexcused absences, during this COVID19 period. Jody Emerson suggested that we check in with the State’s Attorney’s Office about the definition of excused versus unexcused. Some discussion followed around the requirement for a doctor’s note. Aaron Boynton will put this on the next Principal’s agenda and Jody Emerson will reach out to the State’s Attorney’s Office, and the committee will consider this at the next Policy Committee meeting.

Chris McVeigh asked Townes DeGroot what the student perspective is around attendance/ truancy/ excused versus unexcused. He stated that overall it seems that students are handling this issue very well.

### **3.2 Follow up from July 15 Board Meeting:**

**C20: Student Conduct and Discipline:** Jody Emerson had shared an update to the policy in Paragraph 4: adding other verbiage in addition to “LOFT.” **Dorothy Naylor moved to include the new language into Policy C20, for the board to consider. Seconded by Chris McVeigh, this motion carried.** Superintendent Olkowski thanked Jody Emerson for collaborating with the elementary principals, and to include “restorative practice” language in this policy.

Superintendent Olkowski shared that each elementary school has its own unique philosophy around discipline; for example, at least one of the elementary schools does not use PBIS.

Some discussion followed around the time period required to take action on policies. There is a ten-day requirement for a policy with substantive changes to be published before it can be approved. Chris McVeigh suggested that policies that have substantive changes be shared on their own rather than included in the board packet, in order to meet the ten-day requirement. Superintendent Olkowski will find out from his colleagues how other school boards handle these time requirements.

**C46: Interrogation or Searches of Students by Law Enforcement or Other Non-School Personnel:** Chris McVeigh recalled that legal advice was to not allow students to be interrogated by non-school authorities.

Some discussion followed around this issue, for example, in an emergency situation, when parents are not able to be reached. Superintendent Olkowski stated that under those circumstances, he would have himself or an administrator present with the student during questioning. Chris McVeigh reviewed some of the previous discussions around this policy; for example, the possibility of students being allowed to audio tape or video tape an interrogation. Superintendent Olkowski would like to include that the principal or their designee be present during questioning, under #5.

The committee agreed on the following language for #5: *Questioning by non-school personnel of a student may, however, take place without notification of parents if such questioning is required due to an emergency or urgent potential danger of life, or property, as determined by the Principal or Principal’s designee, and reasonable efforts to notify the student’s parents are unsuccessful. Under these circumstances, a student may only be questioned in the presence of the Principal or Principal’s designee.*

**Dorothy Naylor moved to approve the changes as discussed, and recommend to the board. Seconded by Chris McVeigh, this motion carried unanimously.**

**C49: Kindergarten Entrance Age:** The language in this policy is fine the way it is.

**D6: Class Size:** Dorothy Naylor stated that she remembers there being an unwritten agreement that early elementary school class size would be kept as close

as possible to the smaller size of 15 to 20. She does not think it is wise to actually put hard and fast numbers in the policy.

Aaron Boynton asked about #1: does it indicate that an actual number should be named? Committee members agreed that the verbiage “guidelines” does not indicate a hard and fast number.

Jody Emerson stated that class size sometimes comes into discussion during budget development when looking at class enrollment.

Chris McVeigh indicated that if the language is required by statute, then it must remain.

**Dorothy Naylor moved to change *supervisory union* to *district*, and to eliminate “minimum, maximum” in the policy, unless statute requires it, and to send this to the board for review. Chris McVeigh seconded; this motion carried.** Chris McVeigh will look into the issue around statute.

**E45: Role of Religion in the Schools:** Some discussion followed around allowing students to be absent to observe religious holidays. Discussion followed as to whether attendance should be addressed in this policy. Committee members agreed that the additional verbiage which was recommended: *“Students intending to miss school for religious holidays shall notify the school of their intention, at least one day in advance of their absence, and the absence shall be considered an excused absence.”* be included in C7: Attendance, as well as in E45.

**Dorothy Naylor moved to make the changes as discussed to E45, around attendance related to religious holidays. Seconded by Chris McVeigh, this motion carried.**

**Dorothy Naylor moved to further amend C7 to include the language above regarding excused absence, as the last sentence in the policy section. Seconded by Chris McVeigh, this motion carried.**

### 3.3 School Closure

**3.4 School Choice:** Chris McVeigh had shared policies from other school districts. He asked the committee what type of framework we would like to see in our district? Are we in favor of allowing school choice in the elementary schools in our district? or is it broader than that? Michelle Ksepka suggested that the district consider grades K-6, and perhaps consider setting a limit on number of students that can participate. The topic of transportation was discussed. Chris McVeigh indicated that limiting transportation options creates an equity challenge. He would like to have transportation on the table for discussion. Michelle Ksepka explained the difficulty of considering providing transportation. The topic of selection was discussed - would it be by lottery or by weighted criteria or other factors?

Another topic of discussion: Creating guidance around numbers so that each school and each grade level has an appropriate number of students. Superintendent Olkowski shared his experience in other schools. He shared that allowing siblings was critical, and he shared the idea of trying to balance socio-

economic needs. He noted issues such as creating deadlines and creating student number limits. He spoke briefly about the history of magnet schools.

Chris McVeigh invited input from Jody Emerson and Aaron Boynton. Aaron Boynton stated that he believes offering transportation would be a nightmare, logistically and financially. He also believes that a really flexible commitment from families could be difficult. He asked, what if there is an increase in the town's population, after having offered slots for school choice to other towns. He asked the question of privilege versus right. (e.g., around the topic of transportation). Dorothy Naylor stated that with the small schools, there is great variance from year to year in population and class size. She shared that she struggles with the transportation piece. She suggested, perhaps, hiring someone to provide transportation, or to consider helping families financially with transportation barriers.

Superintendent Olkowski spoke about the financial implications of adding to the bus fleet for transportation, as well as the impact on the environment.

The committee will continue this discussion at the next meeting.

**3.5 Title IX:** Superintendent Olkowski shared that there have been some changes in Title IX and he has shared the WCSU previous policy C10 with legal counsel. The new sexual harassment laws are not aligned with this C10 policy. He had shared a model policy for the committee to consider. He stated that Kelly Bushey and Carla Messier are attending a training later this week around this issue and the most recent changes. He suggests that the committee consider this at the next meeting, after this training has taken place. He would like to have Kelly Bushey and Carla Messier report on the training to inform the committee's work.

Superintendent Olkowski shared information he had discovered, regarding the earlier discussion around timeline re: policy adoption: First notice should advise public of intent to adopt policy at least ten days in the future, provide a summary, and/ or attach it and warn a meeting between the notice and the adoption of the policy, for discussion of the policy.

**4. Future Agenda Items:** Committee will meet monthly on Tuesday, 4:30 - 6:30

**5. Adjourn: The committee adjourned at 6:35 p.m.**

Respectfully submitted,  
Lisa Stoudt, Committee Recording Secretary

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** E46

**WARNED:** 7.10.20

**ADOPTED:** \_\_\_\_\_

**EFFECTIVE:** \_\_\_\_\_

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**MEMORIALS**

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**Philosophy**

The Washington Central Unified Union School District Board of Directors recognizes that the death of a student or staff member is a traumatic event, and that memorial activities, ceremonies, and monuments serve an important function in the healing process. The Board of Directors also recognizes that there are many variables that can lead to inequities in the type and placement of memorials, including family resources, variations in cultural views and customs, circumstances of death, length of attendance, and the popularity of the deceased.

For these reasons and others, the Board of Directors believes that there should be a common space designated in the school or on the school grounds where students or staff who die while enrolled or working at the school can be honored.

**Policy**

It is the policy of the WCUUSD that deceased students or staff will be remembered within a common memorial location, and that no independent or individual memorials will be erected or placed on the school campus.

Temporary tributes, such as flowers, photographs, and similar memorabilia will be limited to a reasonable period of time as determined by the administration. After this period, all items will be removed.

**Procedure**

The Board of Directors will charge the administration with developing a common memorial, to be approved by the Board at a public meeting. Each deceased person will be allotted the same amount of space within the common memorial. Individual designs and materials may differ, but must be made of durable materials. All content, including graphics and text, are subject to approval by the administration.

The cost of creating and maintaining the common memorial will be borne by the school. Individualized commemorations within the common memorial will be created and paid for by the friends and family of the deceased. If there is no one willing or able to provide an individual commemoration, a standard remembrance will be provided by the school.

Existing memorials will be grandfathered for a period of 12 months from the date of adoption of this policy, or for the period previously agreed to when the memorials were erected, but in no case longer than 24 months. The administration will contact the owners or family members for each memorial on school grounds as of the date of this policy, and inform them of these removal provisions. Memorials not removed by the applicable dates will be placed in storage for a period of six months. Memorials not claimed after six months will be disposed of.

Exert from July 15, 2020 Approved minutes

E46 Memorials: Stephen Looke suggested that the committee reconsider this policy; he expressed some concerns. Discussion followed. Jody Emerson explained her understanding of the history behind the creation of this policy. Chris McVeigh asked for a straw poll to the board - this is not a required policy; would the board want to pursue this? The board agreed that this is worth pursuing. Stephen Looke suggested engaging the community in the conversation around this policy. Jonas Eno-Van Fleet suggested using another term in place of “grandfathered.”

## Model Policy for the 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 District’s Title IX Coordinator; or (b) any official of the District who has the authority to institute corrective measures on behalf of the recipient; or (c) to any employee of the District.

- 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.

- a. Actual knowledge shall not be deemed to exist when the only official of the recipient with actual knowledge is the respondent.
- b. "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.
- c. 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.
- d. 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.

**Required**

**WASHINGTON CENTRAL UNIFIED  
UNION SCHOOL DISTRICT**

**Board of Directors' Policy**

**POLICY:** C10

**WARNED:** 5.15.20

**ADOPTED:** 6.3.2020

**EFFECTIVE:** 6.13.2020

**PREVENTION OF HARASSMENT,  
HAZING AND BULLYING**

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**I. Statement of Policy**

The Washington Central Unified Union School District <sup>1</sup> (hereinafter "district") is committed to providing all of its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the policy of the district to prohibit the unlawful harassment of students based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, gender identity or disability. Harassment may also constitute a violation of Vermont's Public Accommodations Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the federal Education Amendments Act of 1972.

It is also the policy of the district to prohibit the unlawful hazing and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The district shall address all complaints of harassment, hazing and bullying according to the procedures accompanying this policy, and shall take appropriate action against any person - subject to the jurisdiction of the board - who violates this policy. Nothing herein shall be construed to prohibit punishment of a student for conduct which, although it does not rise to the level of harassment, bullying, or hazing as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

The procedures are expressly incorporated by reference as though fully included within this policy. The procedures are separated from the policy for ease of use as may be required.

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Where language suggests a "district" will take action, it shall be the superintendent, or their designee.

## **II. Implementation**

The superintendent or their designee shall:

1. Adopt a procedure directing staff, parents and guardians how to report violations of this policy and file complaints under this policy. (See Washington Central Unified Union School District Procedures on the Prevention of Harassment, Hazing and Bullying of Students.)
2. Annually, select two or more designated employees to receive complaints of hazing, bullying and/or harassment at each school campus and publicize their availability in any publication of the district that sets forth the comprehensive rules, procedures, and standards of conduct for the school.
3. Designate an Equity Coordinator to oversee all aspects of the implementation of this policy as it relates to obligations imposed by federal law regarding discrimination. This role may be also be assigned to one or both of the designated employees.
4. Respond to notifications of possible violations of this policy in order to promptly and effectively address all complaints of hazing, harassment, and/or bullying.
5. Take action on substantiated complaints. In cases where hazing, harassment and/or bullying is substantiated, the district shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment and/or bullying; prevent its recurrence; and to remedy the impact of the offending conduct on the victim(s), where appropriate. Such action may include a wide range of responses from education to serious discipline.

Serious discipline may include termination for employees and, for students, expulsion or removal from school property. It may also involve penalties or sanctions for both organizations and individuals who engage in hazing. Revocation or suspension of an organization's permission to operate or exist within the district's purview may also be considered if that organization knowingly permits, authorizes or condones hazing.

## **III. Constitutionally Protected Speech**

It is the intent of the district to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.



**IV. Definitions.** For the purposes of this policy and the accompanying procedures, the following definitions apply:

**A. “Bullying”** means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

- Is repeated over time;
- Is intended to ridicule, humiliate, or intimidate the student; and
- (i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or  
  
(ii) does not occur during the school day on school property, on a school bus or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student’s right to access educational programs.

**B. “Complaint”** means an oral or written report information provided by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of hazing, harassment or bullying.

**C. “Complainant”** means a student who has provided oral or written information about conduct that may rise to the level of hazing, harassment or bullying, or a student who is the target of alleged hazing, harassment or bullying.

**D. “Designated employee”** means an employee who has been designated by the school to receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.

**E. “Employee”** includes any person employed directly by or retained through a contract with the district, an agent of the school, a school board member, a student teacher, an intern or a school volunteer. For purposes of this policy, “agent of the school” includes district staff.

**F. “Equity Coordinator”** is the person responsible for implementation of Title IX (regarding sex-based discrimination) and Title VI (regarding race-based discrimination) for the district and for coordinating the district’s compliance with Title IX and Title VI in all areas covered by the implementing regulations. The equity coordinator is also responsible for overseeing implementation of the district’s *Preventing and Responding to Harassment of Students and Harassment of Employees* policies. This role may also be assigned to designated employees.

**G. “Harassment”** means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student’s or a

student's family member's actual or perceived race, creed, color, national origin, marital status disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment.

Harassment includes conduct as defined above and may also constitute one or more of the following:

(1) Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:

- (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
- (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program on the basis of sex.

(2) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.

(3) Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

**H. "Hazing"** means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student: In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and

- (i) Which is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-curricular, or military training program goals, provided that:

- (1) The goals are approved by the educational institution; and
- (2) The activity or conduct furthers the goals in a manner that is appropriate contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

With respect to Hazing, “**Student**” means any person who:

- (A) is registered in or in attendance at an educational institution;
- (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
- (C) intends to attend an educational institution during any of its regular sessions after an official academic break.

**I. “Notice”** means a written complaint or oral information that hazing, harassment or bullying may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment or bullying, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the school learns of possible hazing, harassment or bullying through other means, for example, if information about hazing, harassment or bullying is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school’s response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were subjected to the alleged harassment; and whether those individuals want to pursue the matter. In addition, for purposes of violations of federal anti-discrimination laws, notice may occur when an employee of the district, including any individual who a student could reasonably believe has this authority or responsibility, knows or in the exercise of reasonable care should have known about potential unlawful harassment or bullying.

**J. “Organization”** means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

**K. “Pledging”** means any action or activity related to becoming a member of an organization.

**L. “Retaliation”** is any adverse action by any person against a person who has filed a complaint of harassment, hazing or bullying or against a person who assists or participates in an investigation, proceeding or hearing related to the harassment complaint. Such adverse action may include conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation may also include conduct by a student directed at another student in the form of further harassment, intimidation, and reprisal.

**M. “School administrator”** means a superintendent, principal or their designee assistant principal//technical center director or their designee and/or the district’s equity coordinator.

**N. “Student Conduct Form”** is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment and/or bullying.

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## **APPENDIX A**

### **Designated Employees:**

The following employees of the Washington Central Unified Union School District have been designated by the district to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A. §570a(a)(7) and 16 V.S.A. §570c(7) and under federal anti-discrimination laws;

Name:

Title:

Contact Information:

Name:

Title:

Contact Information: