



TO: Members, Calcasieu Parish School Board

FROM: Robert Barrentine, Chief Operations Officer  
Human Resources/Auxiliary Services

DATE: February 23, 2021

SUBJECT: Administrative and Personnel Committee Meeting

Mr. Mack Dellafosse, Chairman, has called an Administrative and Personnel Committee Meeting for **Tuesday, February 23, 2021 immediately following the C&I Committee** Meeting in the Board Room at 3310 Broad Street, Lake Charles, Louisiana.

### **AGENDA**

1. Title IX and Sexual Harassment – JCED
2. Title IX and Sexual Harassment – JCED-AP
3. Complaints and Grievances – GAE
4. Investigations - GAMC
5. Equal Education Opportunities – JAA
6. Equal Opportunity Employment – GAAA

### **Administration and Personnel Committee Members:**

Mack Dellafosse, Chair	Dean Roberts, Vice Chair
Annette Ballard	Russell Castille
Fred Hardy	Aaron Natali
Alvin Smith	Eric Tarver
Desmond Wallace	Mark Young

### **Board Members:**

Billy Breaux  
Bliss Bujard  
John Duhon  
Glenda Gay  
Damon Hardesty

## **Item #1 and #2**

### **Title IX and Sexual Harassment**

Act 413 added new requirements to the mandatory sexual harassment policy. Act 413 mandates that sexual harassment policies include "a general description of the investigation process, including requiring the alleged sexual harasser and the alleged victim to participate in the investigation," and "a general description of the possible disciplinary actions which may occur after the conclusion of the investigation." The policy must also now include possible disciplinary actions that may be taken if a complainant has made an intentionally false claim. Lastly, the policy must include a statement which informs employees of their right to pursue a claim under state or federal law, regardless of the outcome of the investigation. These requirements have been added to the Sexual Harassment policy.



## **STUDENT-TO-STUDENT TITLE IX AND SEXUAL HARASSMENT**

Title IX of the Education Amendments of 1972, as amended, and associated regulations, among other laws, prohibit discrimination on the basis of sex in any education program or activity which receives federal financial assistance. These laws and rules forbid exclusion of a person on the basis of sex from participation in and denial of benefits of such programs, activities, and employment.

Any person may report discrimination based on sex, including sexual harassment, in person, by mail, by telephone, or by electronic mail to the School Board's Title IX Coordinator at any time, including during non-business hours. Any School Board employee who has actual knowledge of sexual harassment must report the conduct to the Title IX Coordinator. The Calcasieu Parish School Board's Title IX Coordinator's name and contact information is provided to applicants for admission and employment, students, parents or legal guardians, school students, employees, in the *Code of Student Conduct*, and on the School Board's website. Reports of and inquiries regarding unlawful sex discrimination may also be made to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-1100, Email: ocr@ed.gov, 1-800-421-3481. The School Board's Title IX Coordinator is authorized to coordinate the School Board's Title IX obligations.

### **DEFINITIONS**

*Sexual harassment* means conduct on the basis of sex, additionally described in policy GAEAA, *Sexual Harassment* which satisfies one or more of the following:

- 1) An employee of the School Board conditioning the provision of aid, benefit, or service of the School Board 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, participation in, or the benefits of the School Board's education program or activity; or
- 3) "Sexual assault" as defined in 20 U.S.C. §1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape;
- 4) "Dating violence" as defined in 34 U.S.C. §12291(a)(10), which means violence committed by a person

(A) who is or has been in a social relationship of a romantic or intimate nature



with the victim; and

(B) where the existence of such a relationship is determined to be based on a consideration of the following factors:

- (i) The length of the relationship;
- (ii) The type of relationship; and
- (iii) The frequency of interaction between the persons involved in the relationship.

- 5) "Domestic violence" as defined in 34 U.S.C. §12291(a)(8), which includes 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 in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- 6) "Stalking" as defined in 34 U.S.C. §12291(a)(30), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the School Board's Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the School Board, or to any Calcasieu Parish School Board employee.

Decision-Maker is someone other than the Title IX Coordinator who has been designated by the Superintendent to issue written determinations of responsibility for formal complaints of sexual harassment.

Notice results from any School Board employee witnessing sexual harassment; hearing about sexual harassment; receiving a written or verbal report about sexual harassment; receiving information from any source which may cause a reasonable person to believe sexual harassment may have occurred.

Elements of sexual harassment include unwelcome sexual advances, requests for sexual favors, verbal or physical sexual conduct or contact, derogatory comments, jokes, slurs, remarks, gestures, posters, cards, drawings and other writings of a sexual nature, unwelcome spreading of sexual rumors, displaying sexually suggestive objects in the work or educational environment.



Formal complaint means a document filed with the Title IX Coordinator by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School Board investigate the allegation of sexual harassment.

Complainant means an individual who is alleged to be the victim of conduct which could constitute sexual harassment.

Respondent means an individual who has been reported to be the perpetrator of conduct which could constitute sexual harassment.

### STUDENT-TO-STUDENT SEXUAL HARASSMENT

The Calcasieu Parish School Board recognizes that peer sexual harassment is a form of prohibited discrimination and can contribute to an unacceptable educational environment. Sexual harassment of a student by another student is prohibited. ~~The Board, therefore, will not tolerate sexual harassment on the part of any student toward another student.~~

~~Harassment is defined as a gender-based conduct directed because of a student's sex, and as any unwelcome sexual advance, request for sexual favor, and other verbal or physical conduct of a sexual nature when the conduct is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program, or to alter the conditions of the student's educational environment so as to create a hostile or abusive educational environment.~~

~~Incidents of sexual harassment may include verbal or written assaults involving phrases with direct or implied sexual meaning; physical harassment such as unnecessary or offensive touching; or visual harassment such as derogatory or offensive posters, pictures, cards, cartoons, graffiti, drawings, looks, or gestures. Harassment does not depend solely upon the perpetrator's intention, but also upon how the targeted person perceives the behavior and is affected by the behavior.~~

Each school shall educate its student population and staff concerning the School Board's intolerance of ~~such~~ peer sexual harassment and shall require students and staff to report any such behavior ~~to the school administrator.~~ Information regarding the School Board's policy shall be disseminated to the student population in student handbooks, newsletters, or by other methods. ~~Harassment policy information shall be disseminated to the student population. The information shall be age appropriate and provided through usual means such as newsletters, school handbooks, or other methods.~~

### GENERAL RESPONSES TO SEXUAL HARASSMENT

The provisions of this subsection apply to sexual harassment of students, applicants for admission or employment, and employees. The Calcasieu Parish School Board must respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment in its education programs or activities. Deliberate indifference occurs when a response to sexual harassment is clearly unreasonable in light of the known circumstances.



"Education program or activity" includes locations, events, or circumstances over which the School Board has exercised substantial control over both the person who has allegedly committed an act or acts of sexual harassment and the context in which the sexual harassment has allegedly occurred.

Nothing in the School Board's policies preclude the School Board from removing a respondent from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines an immediate threat to the physical health or safety of a complainant, student, or other individual arising from the allegations of sexual harassment justifies immediate removal. Neither shall School Board policies preclude the School Board from placing a non-student employee respondent on administrative leave during the pendency of the grievance process outlined in procedure JCED-AP, Title IX and Sexual Harassment Administrative Procedure. In both such instances the respondent shall be provided with notice and an opportunity to challenge the decision contemporaneously with or immediately following the removal.

### RETALIATION PROHIBITED

The School Board prohibits retaliation against anyone who makes a complaint or report of, or who participates in an investigation of alleged sexual harassment.

Retaliation is considered an act of sexual harassment itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. All references to "sexual harassment" in this policy and the related procedures shall also include retaliation. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by 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 meeting under this procedure. Intimidation, threats, coercion, or discrimination constitute retaliation.

### COMPLAINTS UNDER TITLE IX OTHER THAN THOSE REGARDING SEXUAL HARASSMENT

Employees, students, and applicants for admission or employment, may submit complaints of violation of Title IX, other than sexual harassment complaints, to the School Board's Title IX Coordinator. Investigation procedures regarding such complaints are set forth in Calcasieu Parish School Board policy GAMC, Investigations.

### ~~FORMAL PROCEDURE FOR STUDENT-TO-STUDENT SEXUAL HARASSMENT COMPLAINTS~~

~~Upon receipt of a complaint of harassment, the school principal or his/her designee will:~~

- ~~STEP 1) Within three (3) school days: thoroughly investigate the complaint; apply appropriate disciplinary action; and provide notice of the disposition of the complaint and appeal process to the involved students and their~~



guardians.

- ~~STEP 2) In the event any party is not satisfied with the disposition of the complaint at Step 1 that party may appeal to the appropriate Assistant Superintendent/Administrative Director. The appeal shall be in writing on the designated appeal form and delivered to the appropriate Assistant Superintendent/ Administrative Director within five (5) school days following notice of disposition.~~
- ~~STEP 3) The Assistant Superintendent/Administrative Director shall within ten (10) school days, investigate and meet with the concerned parties. Disposition shall be made no later than five (5) school days following conclusion of the investigation. Notice of the disposition shall be furnished to the appropriate parties.~~
- ~~STEP 4) In the event the concerned parties are not satisfied with the disposition of the appeal at Step 3, they may appeal in writing within five (5) school days to the Superintendent. Within ten (10) school days of receipt of the appeal, the Superintendent or his/her designee shall conduct a review and provide a written disposition to the appropriate parties.~~
- ~~STEP 5) In the event the parties concerned are not satisfied with the disposition of the appeal at Step 4, or if no disposition has been made in Step 4, the concerned parties may appeal to the Calcasieu Parish School Board within five (5) school days. The appeal shall be in writing and shall request that the Superintendent place the concern on the agenda of the next regularly scheduled Board meeting.~~

~~All reports received shall be properly and adequately investigated.~~

~~Appropriate disciplinary action shall be taken when violations of this policy have been determined. The Board shall prohibit retaliation against any employee or student for a complaint made or for participating in an investigation of alleged harassment.~~

~~Nothing contained in this policy and/or procedure shall restrict or diminish the authority of the Superintendent to suspend or expel students in accordance with the policies of the School Board, state and federal law and applicable regulations.~~

Revised:

Ref: PL 88-352 (42 USC 2000e *et seq.*); 29 CFR '1604.11; La. R.S. 17:81; Board minutes, 8-4-98.



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Any person may report discrimination based on sex, including sexual harassment, in person, by mail, by telephone, or by electronic mail to the School Board's Title IX Coordinator at any time, including during non-business hours. Any School Board employee who has actual knowledge of sexual harassment must report the conduct to the Title IX Coordinator. The Calcasieu Parish School Board's Title IX Coordinator's name and contact information is provided to applicants for admission and employment, students, parents or legal guardians, school students, employees, in the *Code of Student Conduct*, and on the School Board's website. Reports of and inquiries regarding unlawful sex discrimination may also be made to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-1100, Email: ocr@ed.gov, 1-800-421-3481. The School Board's Title IX Coordinator is authorized to coordinate the School Board's Title IX obligations.

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- 3) "*Sexual assault*" as defined in 20 U.S.C. §1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest, and statutory rape;
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(A) who is or has been in a social relationship of a romantic or intimate nature

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6) "*Stalking*" as defined in 34 U.S.C. §12291(a)(30), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

- (A) fear for his or her safety or the safety of others; or
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*Actual knowledge* means notice of sexual harassment or allegations of sexual harassment to the School Board's Title IX Coordinator or any official who has authority to institute corrective measures on behalf of the School Board, or to any Calcasieu Parish School Board employee.

*Decision-Maker* is someone other than the Title IX Coordinator who has been designated by the Superintendent to issue written determinations of responsibility for formal complaints of sexual harassment.

*Notice* results from any School Board employee witnessing sexual harassment; hearing about sexual harassment; receiving a written or verbal report about sexual harassment; receiving information from any source which may cause a reasonable person to believe sexual harassment may have occurred.

*Elements* of sexual harassment include unwelcome sexual advances, requests for sexual favors, verbal or physical sexual conduct or contact, derogatory comments, jokes, slurs, remarks, gestures, posters, cards, drawings and other writings of a sexual nature, unwelcome spreading of sexual rumors, displaying sexually suggestive objects in the work or educational environment.



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Each school shall educate its student population and staff concerning the School Board's intolerance of peer sexual harassment and shall require students and staff to report any such behavior. Information regarding the School Board's policy shall be disseminated to the student population in student handbooks, newsletters, or by other methods.

#### GENERAL RESPONSES TO SEXUAL HARASSMENT

The provisions of this subsection apply to sexual harassment of students, applicants for admission or employment, and employees. The Calcasieu Parish School Board must respond promptly and in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment in its education programs or activities. Deliberate indifference occurs when a response to sexual harassment is clearly unreasonable in light of the known circumstances.

"Education program or activity" includes locations, events, or circumstances over which the School Board has exercised substantial control over both the person who has allegedly committed an act or acts of sexual harassment and the context in which the sexual harassment has allegedly occurred.

Nothing in the School Board's policies preclude the School Board from removing a respondent from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines an immediate threat to the physical health or safety of a complainant, student, or other individual arising from the allegations of sexual harassment justifies immediate removal. Neither shall School Board policies preclude the School Board from placing a non-student employee respondent on administrative leave during the pendency of the grievance process outlined in procedure *JCED-AP, Title IX and Sexual Harassment Administrative Procedure*. In both such instances the respondent shall be provided with notice and an opportunity to challenge the decision contemporaneously with or immediately following the removal.



### RETALIATION PROHIBITED

The School Board prohibits retaliation against anyone who makes a complaint or report of, or who participates in an investigation of alleged sexual harassment.

Retaliation is considered an act of sexual harassment itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. All references to "sexual harassment" in this policy and the related procedures shall also include retaliation. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by 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 meeting under this procedure. Intimidation, threats, coercion, or discrimination constitute retaliation.

### COMPLAINTS UNDER TITLE IX OTHER THAN THOSE REGARDING SEXUAL HARASSMENT

Employees, students, and applicants for admission or employment, may submit complaints of violation of Title IX, other than sexual harassment complaints, to the School Board's Title IX Coordinator. Investigation procedures regarding such complaints are set forth in Calcasieu Parish School Board policy *GAMC, Investigations*.

Revised:

Ref: PL 88-352 (42 USC 2000e *et seq.*); 29 CFR §1604.11; La. R.S. 17:81; Board minutes, 8-4-98.

**CALCASIEU PARISH SCHOOL BOARD  
ADMINISTRATIVE PROCEDURES**

**SUBJECT: TITLE IX AND SEXUAL HARASSMENT**

**TITLE IX COORDINATOR**

Any person may report sex discrimination, including sexual harassment, in person, by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving such a report. The Title IX Coordinator's contact information is as follows:

Title IX Coordinator  
600 S. Shattuck, Street  
Lake Charles, Louisiana 70601  
Telephone: (337) 217-4150, ext. 1502  
Fax: (337) 217-4151/52  
Email: [jeanice.biondini@cpsb.org](mailto:jeanice.biondini@cpsb.org)

Any Calcasieu Parish School Board employee who has notice of sexual harassment or allegations of sexual harassment shall immediately provide the Title IX Coordinator with information regarding such notice.

**SEXUAL HARASSMENT**

**A. General Response to Actual Knowledge of Sexual Harassment**

The School Board will respond promptly to actual knowledge of sexual harassment or to allegations of sexual harassment, in a manner which is not clearly unreasonable in light of known circumstances. The School Board will treat complainants and respondents equitably by offering supportive measures to a complainant and by following the grievance process before imposition of disciplinary sanctions, or other actions which are not supportive measures, against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, explain to the complainant the process for filing a formal complaint, and will consider the complainant's wishes with respect to supportive measures.

**B. Supportive Measures**

The Calcasieu Parish School shall offer supportive measures as appropriate before or after the filing of a formal complaint of sexual harassment, or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the School Board's education program or activity without



unreasonably burdening the other party, including measures designed to protect the safety of all parties and/or the School Board's educational environment, and/or to deter sexual harassment. Supportive measures may include behavioral, academic, and social emotional interventions, counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or education locations, leaves of absences, increased security, monitoring of certain areas of the campus, and other similar measures.

#### FILING A FORMAL TITLE IX COMPLAINT

- A. A formal "written" complaint alleging sexual harassment which requests that the School Board investigate the allegation may be filed with the Title IX Coordinator in person, by mail, or by electronic mail directed to the Title IX Coordinator. Students may also submit formal written complaints of discrimination on the basis of sex or sexual harassment by hand delivery to the principal, assistant principal, or other similar administrator of the school to which the student is primarily assigned. Employees may file complaints of Title IX violations with the Title IX Coordinator in person, by mail, or by electronic mail. Although a formal complaint may be submitted electronically, all complaints, whether in paper form or otherwise, must contain the complainant's contact information, identity of respondent and contact information (if known), the facts (conduct) on which the complaint is based, date and location of said conduct, names of witnesses to the conduct, and a physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. The Title IX Coordinator may sign a formal written complaint which alleges sexual harassment.
- B. Complaints of violation of Title IX, other than allegations of sexual harassment, shall be investigated in accordance with the procedures set forth in policy GAMC.
- C. Grievance Procedure for Formal Complaints of Sexual Harassment

The grievance process must be followed before imposition of disciplinary sanctions or other actions against the respondent that are not supportive measures.

Complainants and Respondents are to be equitably treated. Evidence is to be objectively evaluated, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. It shall be presumed that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The preponderance of the evidence standard is applicable in the grievance process in formal complaints of sexual harassment.



No person who has a conflict of interest or bias for or against respondents, individually and collectively, shall serve as Title IX Coordinator, investigator, decision maker, facilitator of informal resolution process, or appeal hearing officer.

1) Time Frames and Notices

- a) Within five (5) school days of receipt by the Title IX Coordinator of a formal complaint, written notice shall be provided to the parties of the following:
  - i) Calcasieu Parish School Board's grievance process for formal complaints of sexual harassment;
  - ii) The allegations of sexual harassment, including the identities of the parties, the alleged conduct, with date(s) and locations(s);
  - iii) That the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
  - iv) The right of the parties to have an advisor who may be, but is not required to be, an attorney, and to inspect and review evidence;
  - v) The consequences of submitting information/statements which are known to be false;
  - vi) That the parties shall provide to the Title IX Coordinator all relevant evidence and statements of witnesses which the parties desire that the Title IX Coordinator review within five (5) school days of notice;
  - vii) The Title IX Coordinator may choose to interview witnesses and other individuals identified during these proceedings; and
  - viii) The range of possible disciplinary action (Student Code of Conduct) if a determination of responsibility is made.
- b) All evidence obtained by or submitted to the Title IX Coordinator shall be promptly sent to the parties. The parties shall have ten (10) calendar days to submit written responses to the evidence provided to them by the Title IX Coordinator;
- c) The initial investigation of the formal complaint of sexual harassment must be completed by the Title IX Coordinator or his/her designee within twenty (20) school days of his/her receipt of the formal complaint. It is the responsibility of the Calcasieu Parish School Board to gather evidence sufficient to reach a determination, and it is the School Board's burden of



proof. Production, consideration, access, disclosure, or use of a party's physical or mental health treatment records without that party's written consent is prohibited;

- d) At least ten (10) calendar days prior to the time of determination of responsibility the investigative report must be sent to the parties for their review. The parties may submit written responses to the investigative report within three (3) calendar days from receipt;
- e) Each party may within three (3) calendar days from receipt of the investigative report submit written questions to be asked of a party or witness. Answers received by the School Board will be promptly provided to each party who shall have two (2) calendar days to submit additional limited follow-up questions. The written question procedure shall constitute "cross examination" of the parties; and
- f) Time limits may be extended for good cause. Written notice of the delay and reasons for the action shall be given to the parties.

## **2) Determination Regarding Responsibility**

All evidence is to be objectively evaluated. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The decision-maker shall issue a written determination regarding responsibility, within twenty-five (25) days from the date of the investigation report, which shall include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the recipient's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision maker recommends be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided by the School Board to the complainant; and



- f) The School Board's procedures and permissible bases for the complaint and respondent to appeal.

### 3) Appeals

Appeals when a student is the respondent may be taken to the Calcasieu Parish School Board Chief Academic Officer, and to the Superintendent when an employee is the respondent, by written request delivered no more than five (5) calendar days from receipt of the determination, and only on one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The written request for an appeal must contain a written statement of the bases of the appeal, the errors committed, and must explain in detail the position of the person taking the appeal. The other party will be allowed to respond to the appeal within five (5) calendar days of the receipt of notice of the appeal. The Chief Academic Officer or the Superintendent shall issue a written decision within fifteen (15) days of receipt of notice of appeal.

### D. Records

The School Board must maintain for seven (7) years records of actions taken in response to a report or formal complaint of sexual harassment which must include documentation of the bases which support a conclusion that its response was not deliberately indifferent, and the measures taken to restore or preserve equal access to its education program or activity. Reasons why the complainant was not provided with supportive measures must be documented, and must demonstrate why such a response was not deliberately indifferent.

### E. Dismissal of a Formal Complaint

- 1) The Title IX Coordinator must review the allegations made in a formal complaint. If the conduct alleged in the formal complaint would not constitute "sexual harassment" even if proved; did not occur in the School Board's education program or activity; or did not occur against a person in the United States, then the Title IX



Coordinator must dismiss the formal complaint. Such a dismissal does not preclude action under another provision of the School Board's code of conduct.

- 2) The Title IX Coordinator may dismiss the formal complaint or any allegations therein, if at any time during the investigation a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School Board; or specific circumstances prevent the Title IX Coordinator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 3) Upon a dismissal required or permitted pursuant to paragraphs 1 or 2 of this section, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

**F. Training**

School Board employees who are charge with responsibility for compliance with Title IX requirements are to receive training as provided in 34 C.F.R. §106.54(b)(1)(iii). Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications. Materials used in training must be made publicly available on the School Board's website.

New procedure:

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**B. Supportive Measures**

The Calcasieu Parish School shall offer supportive measures as appropriate before or after the filing of a formal complaint of sexual harassment, or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the School Board's education program or activity without



unreasonably burdening the other party, including measures designed to protect the safety of all parties and/or the School Board's educational environment, and/or to deter sexual harassment. Supportive measures may include behavioral, academic, and social emotional interventions, counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or education locations, leaves of absences, increased security, monitoring of certain areas of the campus, and other similar measures.

#### FILING A FORMAL TITLE IX COMPLAINT

- A. A formal "written" complaint alleging sexual harassment which requests that the School Board investigate the allegation may be filed with the Title IX Coordinator in person, by mail, or by electronic mail directed to the Title IX Coordinator. Students may also submit formal written complaints of discrimination on the basis of sex or sexual harassment by hand delivery to the principal, assistant principal, or other similar administrator of the school to which the student is primarily assigned. Employees may file complaints of Title IX violations with the Title IX Coordinator in person, by mail, or by electronic mail. Although a formal complaint may be submitted electronically, all complaints, whether in paper form or otherwise, must contain the complainant's contact information, identity of respondent and contact information (if known), the facts (conduct) on which the complaint is based, date and location of said conduct, names of witnesses to the conduct, and a physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint. The Title IX Coordinator may sign a formal written complaint which alleges sexual harassment.
- B. Complaints of violation of Title IX, other than allegations of sexual harassment, shall be investigated in accordance with the procedures set forth in policy GAMC.
- C. Grievance Procedure for Formal Complaints of Sexual Harassment

The grievance process must be followed before imposition of disciplinary sanctions or other actions against the respondent that are not supportive measures.

Complainants and Respondents are to be equitably treated. Evidence is to be objectively evaluated, and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. It shall be presumed that a respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The preponderance of the evidence standard is applicable in the grievance process in formal complaints of sexual harassment.

No person who has a conflict of interest or bias for or against respondents, individually and collectively, shall serve as Title IX Coordinator, investigator, decision maker, facilitator of informal resolution process, or appeal hearing officer.

1) Time Frames and Notices

- a) Within five (5) school days of receipt by the Title IX Coordinator of a formal complaint, written notice shall be provided to the parties of the following:
  - i) Calcasieu Parish School Board's grievance process for formal complaints of sexual harassment;
  - ii) The allegations of sexual harassment, including the identities of the parties, the alleged conduct, with date(s) and locations(s);
  - iii) That the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process;
  - iv) The right of the parties to have an advisor who may be, but is not required to be, an attorney, and to inspect and review evidence;
  - v) The consequences of submitting information/statements which are known to be false;
  - vi) That the parties shall provide to the Title IX Coordinator all relevant evidence and statements of witnesses which the parties desire that the Title IX Coordinator review within five (5) school days of notice;
  - vii) The Title IX Coordinator may choose to interview witnesses and other individuals identified during these proceedings; and
  - viii) The range of possible disciplinary action (Student Code of Conduct) if a determination of responsibility is made.
- b) All evidence obtained by or submitted to the Title IX Coordinator shall be promptly sent to the parties. The parties shall have ten (10) calendar days to submit written responses to the evidence provided to them by the Title IX Coordinator;
- c) The initial investigation of the formal complaint of sexual harassment must be completed by the Title IX Coordinator or his/her designee within twenty (20) school days of his/her receipt of the formal complaint. It is the responsibility of the Calcasieu Parish School Board to gather evidence sufficient to reach a determination, and it is the School Board's burden of



proof. Production, consideration, access, disclosure, or use of a party's physical or mental health treatment records without that party's written consent is prohibited;

- d) At least ten (10) calendar days prior to the time of determination of responsibility the investigative report must be sent to the parties for their review. The parties may submit written responses to the investigative report within three (3) calendar days from receipt;
- e) Each party may within three (3) calendar days from receipt of the investigative report submit written questions to be asked of a party or witness. Answers received by the School Board will be promptly provided to each party who shall have two (2) calendar days to submit additional limited follow-up questions. The written question procedure shall constitute "cross examination" of the parties; and
- f) Time limits may be extended for good cause. Written notice of the delay and reasons for the action shall be given to the parties.

## 2) Determination Regarding Responsibility

All evidence is to be objectively evaluated. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness. The decision-maker shall issue a written determination regarding responsibility, within twenty-five (25) days from the date of the investigation report, which shall include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the recipient's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision maker recommends be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided by the School Board to the complainant; and



- f) The School Board's procedures and permissible bases for the complaint and respondent to appeal.

### 3) Appeals

Appeals when a student is the respondent may be taken to the Calcasieu Parish School Board Chief Academic Officer, and to the Superintendent when an employee is the respondent, by written request delivered no more than five (5) calendar days from receipt of the determination, and only on one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The written request for an appeal must contain a written statement of the bases of the appeal, the errors committed, and must explain in detail the position of the person taking the appeal. The other party will be allowed to respond to the appeal within five (5) calendar days of the receipt of notice of the appeal. The Chief Academic Officer or the Superintendent shall issue a written decision within fifteen (15) days of receipt of notice of appeal.

### D. Records

The School Board must maintain for seven (7) years records of actions taken in response to a report or formal complaint of sexual harassment which must include documentation of the bases which support a conclusion that its response was not deliberately indifferent, and the measures taken to restore or preserve equal access to its education program or activity. Reasons why the complainant was not provided with supportive measures must be documented, and must demonstrate why such a response was not deliberately indifferent.

### E. Dismissal of a Formal Complaint

- 1) The Title IX Coordinator must review the allegations made in a formal complaint. If the conduct alleged in the formal complaint would not constitute "sexual harassment" even if proved; did not occur in the School Board's education program or activity; or did not occur against a person in the United States, then the Title IX



Coordinator must dismiss the formal complaint. Such a dismissal does not preclude action under another provision of the School Board's code of conduct.

- 2) The Title IX Coordinator may dismiss the formal complaint or any allegations therein, if at any time during the investigation a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the School Board; or specific circumstances prevent the Title IX Coordinator from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 3) Upon a dismissal required or permitted pursuant to paragraphs 1 or 2 of this section, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

**F. Training**

School Board employees who are charge with responsibility for compliance with Title IX requirements are to receive training as provided in 34 C.F.R. §106.54(b)(1)(iii). Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications. Materials used in training must be made publicly available on the School Board's website.



## **Items 3,4,5, and 6**

Corrections and additions along with wording and grammar changes were made to items 3,4,5, and 6 because of the new sexual harassment policy requirements. These changes were made to guide people to the correct person within the Calcasieu Parish School Board to report a complaint, grievance, or case of sexual harassment depending on the nature of the situation.



## COMPLAINTS AND GRIEVANCES

Any employee of the School Board shall have the right to appeal the application of policies and administrative decisions affecting him/her. The employee shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance.

All grievances shall be handled expeditiously, and according to the procedures adopted by the School Board, as follow:

1. Definitions:

- A. A grievance is a claim by an employee or group thereof that he has suffered harm or injury by the interpretation, application or violation of a contract, a school board policy, a law or constitutionally guaranteed rights. The term "grievance" does not include matters for which the method of review is otherwise prescribed by law or School Board policy, or where the school board is without authority to act. For example, this policy on Complaints and Grievances shall not apply to complaints of violation of federal or state laws which prohibit sexual harassment, discrimination on the basis of sex, or employment discrimination.
- B. Employees covered by this procedure shall mean permanent employees of the School Board.
- C. Immediate Supervisor is that employee possessing administrative authority to direct the activities of the grievant.

2. Procedure:

Grievances shall be processed as rapidly as possible. The number of days indicated at each level is a maximum, and every effort shall be made to expedite processing the grievance.

Step 1. After informally and thoroughly discussing any grievance with ~~his/her~~ their immediate supervisor, upon reaching no satisfactory resolution of the grievance, an employee shall promptly present the grievance in writing to the immediate supervisor. Such notice shall be presented no later than five (5) working days from the date of discussion with the immediate supervisor. The written grievance submitted shall state the nature of the grievance and the harm or injury caused that initiated the grievance. The employee and the immediate supervisor shall attempt to resolve the grievance. The immediate supervisor shall make a proper disposition of the grievance and shall reply to the employee within five (5) working days following the date of submission. If the grievance is not submitted within the



time prescribed, the employee shall be deemed not to have further right with respect to said grievance.

Step 2. In the event the employee wishes to appeal the decision in Step 1 or if no decision has been rendered in the time specified, the appeal must be presented in writing to the next administrative officer of higher rank than the grievant's immediate supervisor. Such appeal shall be presented within five (5) working days of the Step 1 decision. Such appeal shall contain a statement of the grievance and specific references to the action taken causing the grievance. The administrative officer shall schedule a meeting with the employee as promptly as is reasonably possible to attempt to resolve the grievance. Notice of the conference shall be given to all parties involved in an alleged grievance. The administrative officer shall issue a written decision to the grievant within five (5) working days after the conference. Unless the grievance shall be so appealed, it shall be deemed to have been settled and the grievant shall have no further right with respect to said grievance.

Step 3. In the event the grievant wishes to appeal the decision at Step 2, the appeal must be presented to the Superintendent in writing within five (5) working days of the receipt of the Step 2 decision. A copy of the Step 3 appeal, together with Step 1 and Step 2 decisions shall be submitted to the Superintendent. Upon receipt of such a written appeal, the Superintendent or his designee shall schedule a hearing at a specific date and time and send proper notice of the scheduled hearing to the grievant. The Superintendent or designee, at the date and time specified, shall conduct a full hearing on the grievance, and in doing so, maintain a transcript of the proceedings. Following the hearing the Superintendent or designee shall make a written recommendation for disposition of the grievance and provide a copy of the transcript to the School Board at a meeting of the School Board.

Step 4. After reviewing the transcript of the grievance hearing and the recommendation of the Superintendent or designee, the Board then shall dispose of the grievance.

### 3. Miscellaneous

- A. Meetings - All meetings concerning grievances will take place at reasonable hours. Employees absent from their assigned duties because of such meetings must have the approval of the administration. If a grievance hearing is scheduled during the regular working day, all participants in the investigation and processing of the grievance, including the aggrieved, and witnesses, shall be released from regular duties and shall suffer no loss of pay or other benefits. Reasonable notice of scheduled hearings shall be given to all participants.



- B. Records of Meetings - All documents, communications, and records dealing with a grievance shall be filed ~~separately from, and no notation of such grievance shall appear~~ in the official personnel files of the parties aggrieved unless so requested by the aggrieved. All matters pertaining to a grievance shall be treated as confidential personnel material ~~and shall not be considered in decisions regarding assignment, transfer, promotion, or reemployment~~. Copies of all written decisions of grievances shall be sent to all parties involved.
- C. Time Limits - The number of days indicated at each level shall be a maximum. Time limits specified may be extended in any specific instance by mutual agreement of both parties.
- D. Withdrawal - A grievance may be withdrawn at any step and cannot be reopened.
- E. Reprisals - No reprisals of any kind shall be taken by or against any employee in the grievance procedure by reason of such participation. Reprisals shall not be taken against any party of interest in the grievance procedure by reason of such participation.
- F. Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties in interest will not be allowed to expand the issues during the grievance procedure, except to the extent necessary to respond to administrative decisions made along the way.
- G. Failure by the aggrieved person to meet the timelines and requirements of this procedure shall result in dismissal of his grievance. Failure by respondent to meet timelines and requirements of this procedure shall allow the aggrieved person, at his option, to proceed to the next level of appeal.
- H. If the aggrieved person voluntarily or involuntarily leaves the employment of the Board during the course, at any level, of a complaint or grievance, then such aggrieved person loses the right to continue the complaint process.
- I. Termination or disciplinary action against an employee may not form the basis of a complaint or grievance by that employee.

#### 4. Representation

The person bringing forth the grievance shall have the right to present their own grievance. Grievants have the right to have representation at Steps 2, and 3.



If a person chooses to have representation when presenting their grievance, said person shall provide advance notice of such in writing to the immediate supervisor at the respective procedural level at least two (2) days prior to the meeting on the grievance.

Revised: December, 1995

Revised:

Ref: La. Rev. Stat. Ann. '17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968).



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- G. Failure by the aggrieved person to meet the timelines and requirements of this procedure shall result in dismissal of his grievance. Failure by respondent to meet timelines and requirements of this procedure shall allow the aggrieved person, at his option, to proceed to the next level of appeal.
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Revised: December, 1995

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Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968).



## INVESTIGATIONS

### GENERAL INVESTIGATIONS

Concerns about serious situations or conditions within the school system ~~are to~~ should be reported to the Superintendent or his/her designee. The Superintendent's designees to whom complaints of unlawful discrimination, other than complaints of violation of Title IX, are the Chief Operating Officer and the Chief Academic Officer. Complaints regarding violation of Title IX of the Education Amendments of 1972 are to be reported to the School Board's Title IX Coordinator per policies JCED, Title IX and Sexual Harassment, and JCED-AP, Title IX and Sexual Harassment Administrative Procedures. Should the Superintendent determine that the situation/condition warrants investigation, or should investigation be required by law or School Board Policy, the Superintendent ~~he/she~~ shall have the matter investigated by appointing appropriate staff personnel (one or more persons) to make the necessary inquiries. At the conclusion of their investigation, a report shall be prepared for submission to the Superintendent.

~~Any investigation undertaken in the school system shall be conducted in accordance with the following stipulations:~~

No School Board member shall participate in any manner in an investigation.

- ~~1. The Superintendent shall use every means possible to protect School Board personnel from unwarranted personal criticism.~~

In ~~any~~ required investigation, and in any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of employees, all employees of the Calcasieu Parish School Board shall, upon reasonable request by the Superintendent or his/her designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation or are related to the matter being investigated.

If deemed appropriate by the Superintendent or his/her designee in the conduct of such investigation, employees shall, upon reasonable notification, appear at the offices of the Superintendent or at such other suitable location within the parish as might be appropriate and convenient in the investigation.

During any such employee interview, the employee may have legal representation if desired by the employee, but said representation shall be at no cost to the Calcasieu Parish School Board.



## PUBLIC ANNOUNCEMENT OF EMPLOYEE DISCIPLINE

The Calcasieu Parish School Board, in accordance with state law, shall provide for an investigation of an employee, in cases where the School Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below under Reporting Investigation Procedures. Not later than thirty (30) days after the conclusion of the investigation and prior to any disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be given a reasonable time, as determined by the School Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.

These provisions shall not be applicable to any reduction of personnel initiated by the Superintendent.

## IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

If an employee is accused of impermissible corporal punishment, or of a moral offense involving a student, a prompt, thorough investigation shall be conducted by the Superintendent or designee. The investigation shall proceed as outlined below under Reporting Investigation Procedures. A written report of the results of the investigation shall be prepared, and the employee shall be provided with the results ~~a copy of the investigation such report~~. The Superintendent may promulgate such administrative regulations as he/she deems necessary to implement this policy. Any employee found to have violated the provisions of School Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, and termination, ~~and/or referral to the local child protection agency/law enforcement~~.

If the allegations falls within the definition of *abuse* as defined in Board policy JGCE, Child Abuse, then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

## INVESTIGATION ~~REPORTING~~ PROCEDURES

~~Notwithstanding any statute or other Board policy, any complaint relative to employee conduct~~ These procedures apply to matters for which investigation procedures are not otherwise provided in Calcasieu Parish School Board Policies. For example, investigation of certain complaints of sexual harassment shall be conducted pursuant to policies JCED and JCED-AP.

Investigations under policy GAMC shall be handled as follows:



1. The Superintendent or his/her designee may order such investigation to be conducted in each instance as is warranted by the circumstances, and shall conduct an investigation when required by law, or School Board policy.
2. A person, including an employee, who believes that he/she has been subjected to unlawful discrimination, or unlawfully excluded from participation in or denied the benefits of a School Board program or activity based upon protected status, may file a complaint with the Title IX Coordinator, the Chief Academic Office, the Chief Operating Officer, or the Superintendent of the Calcasieu Parish School Board. The complaint shall be promptly investigated.
3. The investigation shall be conducted by the Superintendent or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint. Staff members or students may be interviewed if it is deemed essential to the investigation. Individuals against whom a complaint is made shall be notified of the complaint and shall be given an opportunity to respond. Both the complainant and the respondent shall be interviewed.
4. Unless circumstances delay the proceedings, the investigation shall be completed within thirty (30) calendar days from receipt of the complaint. ~~The Superintendent or his/her designee shall confer with each accused employee's immediate supervisor concerning the results of the investigation and the immediate supervisor shall discuss the matter with the employee.~~
5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent or designee ~~and a copy forwarded to the complainant~~ within a reasonable period of time in light of the circumstances of the alleged complaint.
6. If the complaint is ~~charges are~~ substantiated, appropriate action to address the complaint ~~disciplinary action~~ may be taken in accordance with School Board policy, based upon investigative evidence gathered. Disciplinary action against a respondent which may include reprimand, suspension, demotion, or other disciplinary action up to and including termination of employment. ~~of the employee.~~ Any disciplinary action shall be placed in the offender's personnel file which will reflect the action taken and the grounds thereof.

### CONFIDENTIALITY

The School Board shall attempt to protect the privacy of the complainant and the respondent, but confidentiality is not guaranteed. Information regarding the complaint and identities of complainants, respondents, and witnesses may be revealed as permitted or required by law, and as is necessary to conduct the investigation and enforce the consequences of the investigation.



Recoded: November, 2006  
Revised: September, 2009  
Revised: August, 2012  
Revised:

Ref: La. Rev. Stat. Ann. "14:403, 17:81, 17:81.6, 17:81.8; Board minutes, 2-6-07, 1-12-10, 10-2-12.



## INVESTIGATIONS

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No School Board member shall participate in any manner in an investigation.

In a required investigation, and in any investigation into incidents involving accidents or injuries to students or employees, or involving student misconduct, or the competence, honesty or performance of duties of employees, all employees of the Calcasieu Parish School Board shall, upon reasonable request by the Superintendent or his/her designee, give a statement of the facts and circumstances within the employee's knowledge, or an accounting of the employee's conduct concerning the circumstances which are the subject of the investigation or are related to the matter being investigated.

If deemed appropriate by the Superintendent or his/her designee in the conduct of such investigation, employees shall, upon reasonable notification, appear at the offices of the Superintendent or at such other suitable location within the parish as might be appropriate and convenient in the investigation.

During any such employee interview, the employee may have legal representation if desired by the employee, but said representation shall be at no cost to the Calcasieu Parish School Board.

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The Calcasieu Parish School Board, in accordance with state law, shall provide for an investigation of an employee, in cases where the School Board has made a public announcement that an employee may be disciplined, whether or not there is an accompanying reduction in pay. The investigation shall proceed as outlined below under *Investigation Procedures*. Not later than thirty (30) days after the conclusion of the investigation and prior to any disciplinary action, the employee may appear, if he/she so determines, before the School Board in open session and be given a reasonable time, as



determined by the School Board, to comment on the investigation and any actions taken or proposed to be taken involving the employee.

These provisions shall not be applicable to any reduction of personnel initiated by the Superintendent.

#### IMPERMISSIBLE CORPORAL PUNISHMENT OR MORAL OFFENSES

If an employee is accused of impermissible corporal punishment, or of a moral offense involving a student, a prompt, thorough investigation shall be conducted by the Superintendent or designee. The investigation shall proceed as outlined below under *Investigation Procedures*. A written report of the results of the investigation shall be prepared, and the employee shall be provided with the results of the investigation. The Superintendent may promulgate such administrative regulations as he/she deems necessary to implement this policy. Any employee found to have violated the provisions of School Board policy shall be disciplined by such means as appropriate to the incident, including reprimand, suspension, and termination.

If the allegations fall within the definition of *abuse* as defined in Board policy *JGCE, Child Abuse*, then all school employees with knowledge of such incidents become *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made and applied in conjunction with the procedures outlined in this policy.

#### INVESTIGATION PROCEDURES

These procedures apply to matters for which investigation procedures are not otherwise provided in Calcasieu Parish School Board Policies. For example, investigation of certain complaints of sexual harassment shall be conducted pursuant to policies JCED and JCED-AP.

Investigations under policy GAMC shall be handled as follows:

1. The Superintendent or his/her designee may order such investigation to be conducted in each instance as is warranted by the circumstances, and shall conduct an investigation when required by law, or School Board policy.
2. A person, including an employee, who believes that he/she has been subjected to unlawful discrimination, or unlawfully excluded from participation in or denied the benefits of a School Board program or activity based upon protected status, may file a complaint with the Title IX Coordinator, the Chief Academic Office, the Chief Operating Officer, or the Superintendent of the Calcasieu Parish School Board. The complaint shall be promptly investigated.



3. The investigation shall be conducted by the Superintendent or his/her designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint. Staff members or students may be interviewed if it is deemed essential to the investigation. Individuals against whom a complaint is made shall be notified of the complaint and shall be given an opportunity to respond. Both the complainant and the respondent shall be interviewed.
4. Unless circumstances delay the proceedings, the investigation shall be completed within thirty (30) calendar days from receipt of the complaint.
5. A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Superintendent or designee within a reasonable period of time in light of the circumstances of the alleged complaint.
6. If the complaint is substantiated, appropriate action to address the complaint may be taken in accordance with School Board policy, based upon investigative evidence gathered. Disciplinary action against a respondent may include reprimand, suspension, demotion, or other disciplinary action up to and including termination of employment. Any disciplinary action shall be placed in the offender's personnel file which will reflect the action taken and the grounds thereof.

#### CONFIDENTIALITY

The School Board shall attempt to protect the privacy of the complainant and the respondent, but confidentiality is not guaranteed. Information regarding the complaint and identities of complainants, respondents, and witnesses may be revealed as permitted or required by law, and as is necessary to conduct the investigation and enforce the consequences of the investigation.

Recoded: November, 2006  
Revised: September, 2009  
Revised: August, 2012  
Revised:

Ref: La. Rev. Stat. Ann. §§14:403, 17:81, 17:81.6, 17:81.8; Board minutes, 2-6-07, 1-12-10, 10-2-12.



## EQUAL EDUCATION OPPORTUNITIES

It shall be the policy of the Calcasieu Parish School Board that the school district shall place an equal emphasis upon the nondiscriminatory provision of educational opportunities for children and no person shall be excluded from participation in, denied the benefits of, or subject to discrimination in any education program or activity on the basis of race, color, disability ~~handicap~~, religion, ~~creed~~, national origin, age, or sex. All programs offered by schools within the school district shall be open to all students in compliance with statutory and judicial requirements.

~~The Superintendent shall designate a member of the staff to investigate any and all complaints which may be brought against the district in regard to any alleged discriminatory action. Adequate procedures shall be developed and maintained to provide for prompt and equitable resolution of student complaints.~~

The Superintendent and/or his/her representative shall investigate any and all complaints of prohibited discriminatory action. When School Board policies do not provide the method by which or to whom complaints are to be made, complaints may be submitted to either the School Board's Chief Operating Officer or to the Chief Academic Officer, 3310 Broad Street, Lake Charles, Louisiana 70615, (337) 217-4008. Except with respect to allegations of sexual harassment of students, employees, and applicants for admission or employment, the investigation shall be in accordance with the procedures set forth in School Board policy GAMC, *Investigations*. Sexual harassment investigation procedures are contained in policies JCED, *Title IX and Sexual Harassment*, and JCED-AP, *Title IX and Sexual Harassment Administrative Procedures*.

Revised:

Ref: 42 USC "2000d (1-6); 42 USC "2000c (1-9); 20 USC '1681 *et seq.*; 20 USC '1401 *et seq.*; 42 USC '1983; 29 USC '794; 29 USC "621 *et seq.*; Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1969); Ross v. Moffitt, 94 S.Ct. 437 (1974); San Antonio Independent School District v. Rodriguez, 93 S.Ct. 1278 (1973); Regents of University of California v. Bakke, 98 S.Ct. (1978).



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Revised:

Ref: 42 USC §§2000d (1-6); 42 USC §§2000c (1-9); 20 USC §1681 *et seq.*; 20 USC §1401 *et seq.*; 42 USC §1983; 29 USC §794; 29 USC §§621 *et seq.*; Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1969); Ross v. Moffitt, 94 S.Ct. 437 (1974); San Antonio Independent School District v. Rodriguez, 93 S.Ct. 1278 (1973); Regents of University of California v. Bakke, 98 S.Ct. (1978).



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The Superintendent and/or his/her representative shall investigate any and all complaints ~~which may be brought against any individual school in the School District in regard to any alleged~~ of prohibited discriminatory action. When School Board Policies do not provide the method by which or to whom complaints are to be made, complaints may be submitted to either the School Board's Chief Operating Officer or to the Chief Academic Officer, 3310 Broad Street, Lake Charles, Louisiana 70615, (337) 217-4008 ~~for appropriate treatment by the Board.~~ Except with respect to allegations of sexual harassment of students, employees, and applicants for admission or employment, the investigation shall be in accordance with the procedures set forth in School Board policy GAMC, Investigations. Sexual harassment investigation procedures are contained in policies JCED, Title IX and Sexual Harassment, and JCED-AP, Title IX and Sexual Harassment Administrative Procedures.

Revised:

Ref: US Constitution, Amend. XIV, '1; 42 USC '2000e-1-17; 20 USC '1681 *et seq.*; 29 USC '621 *et seq.*; Griggs v. Duke Power Company, 91 S.Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979).



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Revised:

Ref: US Constitution, Amend. XIV, §1; 42 USC §2003-1 to 1017; 20 USC §1681 et seq.; 29 USC §621 et seq.; Griggs v. Duke Power Company, 91 S.Ct. 849 (1979); Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir. 1979).