



Book	Policies & Procedures
Section	1000: Board Governance
Title	ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION POLICY AND GRIEVANCE PROCEDURES
Code	1280
Status	Active
Adopted	August 14, 2023
Last Revised	August 14, 2023
Last Reviewed	August 14, 2023
Prior Revised Dates	5/11/2020

A. Prohibited Discrimination, Harassment, and Retaliation of Students, Employees, and Others

The Moore School District does not discriminate on the basis of race, color, creed, national origin, age, gender, marital status, sexual orientation, or disability in its programs and activities.

The following persons have been designated to handle inquiries or complaints regarding the non-discrimination policies, including request for accommodations or access to Moore Public Schools buildings and programs:

Students:

Title: Director of Special Services, Kim Heard

Address: 1500 S.E. 4th Street
Moore, Ok 73160

Phone No. 405-735-4310

email: kimheard@mooreschools.com

Employees

Title: Deputy Superintendent (Human Resources), Michelle McNear

Address: 1500 S.E. 4th Street
Moore, Ok 73160

Phone No. 405-735-4203

email: michellemcnear@mooreschools.com

United States Department of Education
Office for Civil Rights-Region VII
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
ocr.kansascity@edu.gov

The Moore Schools' anti-discrimination policy and grievance procedure, including a complaint form, may be accessed on the District's website at mooreschools.com, and is available in the administration office and publications such as student and employee handbooks.

For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR) please contact OCR at 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

1. Anti-Harassment

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, religion, disability, age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere. The following are examples that may constitute harassment:

- a) Name-calling
- b) Teasing or taunting
- c) Insults, slurs, or derogatory names or remarks
- d) Demeaning jokes
- e) Inappropriate gestures
- f) Graffiti or inappropriate written or electronic material
- g) Visual displays, such as cartoons, posters, or electronic images
- h) Threats or intimidating or hostile conduct
- i) Physical acts of aggression, assault, or violence
- j) Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- k) Unwelcomed sexual advances or propositions
- l) Requests or pressure for sexual favors
- m) Comments about an individual's body, sexual activity, or sexual attractiveness
- n) Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body
- o) Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol
- p) Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc.
- q) Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled "Grievance Procedures," below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment, and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designed to handle complaints of discrimination.

2. Anti-retaliation

The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, insuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

B. Complaint Procedures

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

District employees, supervisors, or administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District's student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure, below.

1. Level 1 (Investigation and Findings):

Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will complete its investigation within ten (10) working days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional working days, without the consent of the complainant. Periodic status updates will be given to the parties, if necessary.

The District's investigation will include, but is not limited to:

- i. Providing the parties with the opportunity to present witnesses and provide evidence.
- ii. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct,

iii. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the subject or subjects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

iv. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

i. A summary of the facts,

ii. An analysis of the appropriate legal standards applied to the specific facts,

iii. Findings regarding whether discrimination occurred, and

iv. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made (see the Remedies section, below, for additional information about remedies). The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **ten (10) working days** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose to a student who was discriminated against or harassed (victim), information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated) when the sanction directly relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.

During the investigation, if the District Compliance Coordinator facilitates an interim action or measure that the District and complainant agree is appropriate, proactive, and sufficient to remedy the allegations (or alleged actions), both parties may agree to conclude the formal investigation. The conclusion of the investigation is only on the stipulation that the action or measure continues to ensure the safety and security of the alleged victim and is a successful remedy, the District Compliance Coordinator or other District Administrator will provide the complainant with the agreed-upon action or measure in writing. If at any time the remedy no longer insures the safety and security of the victim or fails to satisfy the complainant's initial concern (or complaint), the District will immediately re-open the Level I investigation to its conclusion.

2. Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings and/or remedies set forth in the decision, he or she may file an appeal in writing with the Superintendent or his/her designee within **ten (10) working days** after receiving the decision. The Superintendent or his/her designee will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's or his/her designee's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator.

(If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.)

3. Level 3 (Appeal to Hearing Officer):

The Board of Education has designated this level 3 statutory appeal to Administrative Hearing Officers. The Board of Education will designate at least 3 individuals to a panel of Hearing Officers that may be utilized to hear the Level 3 Appeal. The Clerk of the Board shall choose the Hearing Officer from the Board-designated Panel within 3 working days of receipt of the Level 3 Complaint. The Board may add to the Hearing Officer Panel or remove individuals from the Panel at any time.

The Board of Education will not hear the appeal. In order to appeal the decision of the Superintendent or his/her designee, a written request for a third level of appeal with a Hearing Officer must be submitted to the Superintendent within ten (10) working days from the date of the Second Level of Appeal decision made by the Superintendent or his/her designee. The Hearing Officer shall have the sole discretion of determining a date and time to hear the appeal.

Each side will be given the opportunity to have an attorney represent them at the hearing, to present evidence, to cross-examine witnesses, to invoke the rule of exclusion of witnesses prior to testimony, to present proposed findings of fact, and to make a concluding statement. The Hearing officer will be solely responsible for ruling upon any motions and the admission of evidence at the appeal hearing.

Upon full investigation of the matter, the Hearing Officer may uphold the decision of the Superintendent or his/her designee or may uphold the appeal partially or in its entirety. The decision of the Hearing Officer will be final. The hearing will be confidential and not open to members of the public. Persons who are not witnesses shall not be allowed to attend the hearing. The Appellant, the Superintendent, their attorneys, and the Level 1 Investigator shall be allowed to attend the entire hearing.

The Hearing Officer shall issue a written decision within 30 days of the conclusion of the hearing. The Hearing Officer may, at his or her discretion, ask for written positions or briefs on issues of law at the conclusion of the hearing. In this case the written decision of the Hearing Officer shall be issued within 30 days of the receipt of the briefs. The Clerk of the Board shall be provided a copy of the written decision of the Hearing Officer and shall cause the decision to be promptly mailed to the Appellant and the Superintendent.

C. Remedies:

If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District's pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the

specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser to remain. In addition, the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

- a) Providing an escort to ensure the complainant can move safely between classes and activities.
- b) Insuring the complainant and alleged harasser do not attend the same classes.
- c) Moving the alleged harasser to another school within the District.
- d) Providing counseling services.
- e) Providing medical services.
- f) Providing academic support services, such as tutoring
- g) Arranging for the complainant to re-take a course or withdraw from a class without penalty, including insuring that any changes do not adversely affect the complainant's academic record.

The District may provide remedies for the broader student population as well, including but not limited to:

- h) Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
- i) Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.
- j) Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- k) Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- l) Creating a committee of students or employees and District officials to identify strategies for insuring that students and employees:

- i. Know the school's prohibition against discrimination, harassment, and retaliation.
 - ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
 - iii. Understand how to and to whom to report any incidents of discrimination.
 - iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
 - v. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- m) Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- n) Conducting, in conjunction with students or employees, a "climate check" to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the student or employee who discriminated, harassed, or retaliated against the complainant, including possible expulsion or termination.

D. Confidentiality

The identity of the complainant will be kept confidential, to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the District as an "education record" under FERPA. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

E. Training

The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

- a) The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- b) The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- c) Identification of the District's designated compliance coordinators and their job responsibilities.
- d) Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others, should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- e) Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f) Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- g) A description of victim resources including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receives additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

F. Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- a) Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- b) Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment, and anti-retaliation laws and regulations, including the training areas listed above.

- c) Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d) Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e) Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- f) Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g) Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- h) Insuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- i) Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- j) Recommending changes to this policy and grievance procedure.
- k) Performing other duties as assigned.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

G. Preventive Measures:

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws and widely publish and disseminate this grievance procedure, including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section, above.

The District also may distribute specific harassment and violence materials including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.