

## **PROHIBITION AGAINST ILLEGAL DISCRIMINATION, HARASSMENT, AND RETALIATION**

*(Notice of Nondiscrimination)*

### *General Rule*

The Special School District Board of Education is committed to maintaining a workplace and educational environment that is free from discrimination and harassment in admission or access to, or treatment or employment in, its programs, services, activities, and facilities. In accordance with law, the district strictly prohibits discrimination and harassment against employees, students, or others on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, ancestry, disability, veteran status, age, genetic information, or any other characteristic protected by law. Special School District (SSD) is an equal opportunity employer.

Employees and applicants will not be retaliated against for opposing discriminatory practices, filing discrimination complaints, or participating in investigations of these complaints, including when responding to questions during investigations. Retaliatory actions include, but are not limited to, acts of intimidation, threats, coercion, or discrimination against those who report, make complaints of, or participate in an investigation, formal proceeding, or informal resolution of prohibited discrimination or harassment, whether conducted internally or outside the district.

The district also prohibits:

1. Discrimination based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA
2. Aiding, abetting, inciting, compelling, or coercing discrimination, harassment, or retaliatory actions
3. Discrimination, harassment, or retaliation against any person because of such person's association with a person protected from discrimination or harassment in accordance with this policy

As used in this policy, "discrimination, harassment, or retaliation" has the same meaning as "illegal discrimination, harassment, or retaliation" and is limited to acts prohibited by law. All employees, students, and visitors must immediately report to the district for investigation any incident or behavior that could constitute discrimination, harassment, or retaliation in accordance with this policy. If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division (CD) of the Department of Social Services (DSS) in accordance with state law. In accordance with this policy and as allowed by law, the district will investigate and address discrimination, harassment, and retaliation that negatively impacts the school environment, including instances that occur off district property or are unrelated to the district's activities.

### *Sexual Harassment Reporting and District Response*

Sexual harassment is prohibited under this policy and policy ACA, but policy ACA applies only to a narrower category of sexual harassment under Title IX, as defined in the federal regulations. All sexual harassment reports must be made to the Title IX coordinator identified in policy ACA and evaluated for policy ACA applicability. If a sexual harassment report is made to any other district employee, the report must be promptly referred to the Title IX coordinator for intake. Even

if the suspected victim of discrimination, harassment or retaliation does not report on their own behalf, district employees are required to report to the Title IX coordinator any observations, rumors or other information about actions prohibited by both this policy and policy ACA. Incidents of alleged sexual harassment that are not investigated under policy ACA may be referred for processing under this policy.

#### *Additional Prohibited Behavior*

Behavior that is not unlawful or does not rise to the level of illegal discrimination, harassment, or retaliation might still be unacceptable for the workplace or the educational environment and may be prohibited by another Board of Education (BOE) policy such as policy GBCB governing staff conduct. The district encourages students, employees, and the public to report such behavior under the appropriate BOE policy so that it can be promptly addressed, but the complaint process in this policy is reserved for allegations of illegal discrimination, harassment, and retaliation.

#### *Student-on-Student Harassment*

Building-level administrators are in a unique position to identify and address illegal discrimination, harassment, and retaliation between students, particularly when behaviors are reported through the normal disciplinary process and not through a complaint. Administrators have the ability to immediately discipline a student for prohibited behavior in accordance with the district's discipline policy. However, if sexual harassment is observed or alleged, the administrator must consult the Title IX coordinator to determine policy ACA's applicability to the reported facts or allegations prior to imposing discipline.

Administrators will report all incidents of illegal discrimination, harassment, and retaliation to the compliance officer and will direct the parent/guardian and student to the compliance officer who may determine that the incident has been appropriately addressed or recommend additional action. When a complaint is filed, the investigation and complaint process detailed in AC-R will be used as appropriate.

#### *Boy Scouts of America Equal Access Act*

As required by law, the district will provide equal access to district facilities and related benefits and services and will not discriminate against any group officially affiliated with the Boy Scouts of America, the Girl Scouts of the United States of America, or any other youth group designated in applicable federal law.

#### *School Nutrition Programs*

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs (including the district), are prohibited from discriminating based on race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by the USDA. These programs include the National School Lunch Program, the Special Milk Program, the School Breakfast Program, and the Summer Food Service Program.

Any person or representative alleging discrimination based on a prohibited basis has the right to file a complaint within 180 days of the alleged discriminatory action with the USDA Office of the Assistant Secretary for Civil Rights or the district's compliance officer using the process outlined in policy EF.

#### *Individuals with Disabilities*

The district will identify, evaluate, and provide free, appropriate education to all students with disabilities, in accordance with law. Anyone who knows or believes that a child may have a disability regardless of whether the child is currently enrolled in SSD is encouraged to contact the district's compliance officer.

Anyone who, because of a disability, requires an auxiliary aid or service for effective communication or requires a modification of policies or procedures to participate in a program, service, or activity should contact the district's compliance officer as soon as possible, but no later than 48 hours before the scheduled event.

#### *Consequences and Remedies*

If the district determines that illegal discrimination, harassment, or retaliation has occurred, the district will take prompt, effective, and appropriate action to address the behavior, prevent its recurrence, and remedy its effects.

Employees who violate this policy will be disciplined, up to and including employment termination. Students who violate this policy will be disciplined, which may include suspension or expulsion. Patrons, contractors, visitors, or others who violate this policy may be prohibited from district property or otherwise restricted while on district property. The superintendent or designee will contact law enforcement or seek a court order to enforce this policy when necessary or when actions may constitute criminal behavior.

Students, employees, and others will not be disciplined for speech in circumstances where it is protected by law.

#### *Public Notice*

The superintendent or designee will continuously publicize the district's policy prohibiting illegal discrimination, harassment, and retaliation and disseminate information on how to report illegal discrimination, harassment, and retaliation. A copy of this policy will be made available online to the public, employees, parents/guardians, and students. The district will provide information in alternative formats when necessary to accommodate persons with disabilities.

#### *Reporting*

Unless the concern is otherwise voluntarily resolved, all persons must report incidents that might constitute discrimination, harassment, or retaliation directly to the compliance officer, superintendent, or designee. If a student alleges sexual misconduct on the part of any district employee to any person employed by the district, that person will immediately report the allegation to the Children's Division in accordance with state law.

In accordance with law and district policy, any person suspected of abusing or neglecting a child will be reported immediately to the Children's Division.

#### *Confidentiality and Records*

To the extent permitted by law and in accordance with board policy, the district will keep confidential the identity of the person filing a complaint and any complaint or other document that is generated or received pertaining to complaints. Information may be disclosed if necessary to further the investigation, appeal, or resolution of a complaint, or if necessary to carry out interim or disciplinary measures. The district will disclose information to the district's attorney, law enforcement, the Children's Division, and others when necessary to enforce this policy or when required by law. In implementing this policy, the district will comply with state and federal laws regarding the confidentiality of student and employee records. Information regarding any resulting employee or student disciplinary action will be maintained and released in the same manner as any other disciplinary record. The district will keep any documentation created in investigating the complaint including, but not limited to, documentation considered when making any conclusions, in accordance with the Missouri Secretary of State's retention manuals and applicable law.

#### *Investigation*

The district will immediately investigate all complaints of illegal discrimination, harassment, or retaliation pursuant to this policy. All persons are required to cooperate fully in the investigation.

#### *Training*

The district will provide training to employees on identifying and reporting acts that may constitute illegal discrimination, harassment, or retaliation.

The district will provide information to parents/guardians and students regarding this policy and will provide age-appropriate instruction to students.

Date Adopted: September 10, 1985

Date Revised: March 14, 1995  
July 11, 2000  
September 24, 2002  
April 13, 2010  
May 8, 2012  
November 15, 2016  
May 26, 2020  
January 26, 2021  
January 25, 2022  
December 5, 2023

*Policy Reference Disclaimer-* These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Cross Refs.: BCC - Appointed Board Officials  
ECG - Animals on District Property  
EFB - Free and Reduced-Price Meals  
EHB - Technology Usage  
GBAC - Staffing with and Employing Retirees  
GBCB - Staff Conduct  
GBCC - Staff Use of Communication Devices  
GBH - Staff/Student Relations GBL, Personnel Records  
GBLB - References  
GCBA - Professional Staff Compensation  
GCD - Professional Staff Hiring  
GCPD - Administrative Leave and Suspension of Professional Staff  
Members GCPE - Termination of Professional Staff Members  
GCPF - Renewal of Professional Staff Members  
GDBA - Support Staff Compensation  
GDC - Support Staff Recruiting and Hiring  
GDPD - Placement on Administrative Leave and Suspension of Support  
Staff Members  
GDPE - Nonrenewal and Termination of Support Staff Members  
IGAEB - Teaching about Human Sexuality  
IGBCB - Programs for Migratory Students  
IGBH - Programs for English Learners IGCD, Virtual Courses  
IGD - District-Sponsored Extracurricular Activities and Groups  
IICC - School Volunteers  
INC - Speakers at District Events  
IND - Ceremonies and Observances  
JFCF - Bullying  
JFCG - Hazing  
JG - Student Discipline  
JHCF - Student Allergy Prevention and Response  
JHG - Reporting and Investigating Child Abuse/Neglect  
KG - Community Use of District Facilities  
KK - Visitors to District Property/Events  
KL - Public Concerns and Complaints  
KLA - Concerns and Complaints Regarding Federal Programs

Legal Refs.: §§ 105.255, 160.261, 162.068, 213.010-.137, 290.400-.450, RSMo.  
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 – 1417  
Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 Boy  
Scouts of America Equal Access Act, 20 U.S.C. § 7905  
Equal Pay Act, 29 U.S.C. § 206(d)  
Age Discrimination in Employment Act, 29 U.S.C. §§ 621-631  
The Rehabilitation Act of 1973, Section 504 29 U.S.C. § 794  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d – 2000d-7  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e-1 - 2000e-  
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Genetic Information Nondiscrimination Act, 42 U.S.C. §§ 2000ff – 2000ff-11  
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 – 6107  
Americans with Disabilities Act, 42 U.S.C. §§ 12101 – 12213  
Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 – 1760  
Child Nutrition  
Act of 1966, 42 U.S.C. §§ 1777 – 1785  
7 C.F.R. Parts 210, 215, 220 and 225  
*Bostock v. Clayton County*, 590 U.S.\_\_\_\_ (2020)  
*Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999) *Faragher v. City of Boca Raton*, 524 U.S. 775 (1998) *Burlington Indust. v. Ellerth*, 524 U.S. 742 (1998)  
*Gebser. v. Lago Vista Ind. Sch. Dist.*, 524 U.S. 274 (1998)  
*Oncale v. Sundowner Offshore Serv.*, 523 U.S. 75 (1998)  
*Harris v. Forklift Syst., Inc.*, 510 U.S. 17 (1993)