

Notice to Individuals Complaining of Harassment/Discrimination

The District prohibits all forms of improper conduct, including sexual harassment and discrimination. A copy of the District's policy is attached for your information. Please be aware of the following provisions:

The District's ~~Civil Rights Compliance Officer~~ Title IX/Equity Coordinator is Shelee Clark. If you have any questions pertaining to sexual harassment or sexual discrimination, you may contact this person at:

Hardin County Board of Education
65 W. A. Jenkins Road
Elizabethtown, Ky. 42701
Phone 270-769-8800

The District will investigate the allegations of harassment/discrimination that you have brought to its attention. The investigation will be conducted by a District administrator or other individual with specific training and/or experience in this area. If you have any questions for the District's investigator, you may contact him/her at the address listed above.

During the investigation, you have the right to: (a) provide the District with information and documentation concerning the alleged improper conduct; (b) advise the District of the identity and location of any possible witness(es); and (c) exercise all other rights set forth in law or in District policy.

The District is interested in knowing what actions you are seeking in response to your complaint. Although law does not require the District to comply with all requested actions in order to eliminate harassment/discrimination, a collaborative dialogue may be a useful tool in insuring that it is eliminated.

The District will take reasonable steps to preserve confidentiality and will make every effort to prevent public disclosure of the names of the parties involved, except to the extent necessary to carry out the investigation. The District is interested in knowing your views about confidentiality issues and will try to accommodate them, subject to the District being able to fulfill its commitment to eliminate harassment/discrimination.

District employees and students who are alleged perpetrators of harassment/discrimination misconduct may be entitled to due process and may be protected by certain confidentiality rights. Subject to the rights of students or employees, the District will make an effort to keep you advised of the progress of its investigation and of any decisions it reaches concerning the situation. If you have any questions concerning the progress of the investigation or the actions taken by the District to remediate any harassment/discrimination that may have occurred, please feel free to contact the Title IX/Equity Coordinator ~~Civil Rights Compliance Officer~~ or the individual assigned to investigate a complaint.

If you are dissatisfied with the progress of the investigation, the progress of rendering a decision, or the decision itself, you have the right to appeal to the Board of Education.

If it is concluded following the investigation that the allegations have merit and that action will be taken to remediate the situation, the District may follow up with you to make sure that there is not a recurrence of the improper conduct. If there is any repeat of any improper conduct, we ask you to notify immediately the Title IX/Equity Coordinator ~~Civil Rights Compliance Officer~~ and/or a District administrator.

Notice to Individuals Complaining of Harassment/Discrimination

The District will make every effort to correct the effects of any improper conduct on the complainant and others. Please advise us of the actions you believe the District should take to correct the discriminatory effects of the improper conduct.

Retaliation against an individual who has reported improper conduct by faculty, staff or students, including sexual harassment/discrimination, is strictly forbidden. If you believe that any of those parties is retaliating against you in any way, please notify the Title IX/Equity Coordinator~~Civil Rights Compliance Officer~~ and/or a District administrator immediately. If you are not satisfied with the District's response, you have the right to file a complaint with the Office of Civil Rights at the following address:

Wanamaker Building, Suite 515

100 Penn Square East
Philadelphia, PA 19107

Harassment/Discrimination Reporting Form

This form provides the opportunity for an employee to report violation(s) of Board Policy 03.162 or 03.262 and to secure an equitable and prompt resolution. This procedure shall be implemented in compliance with Board policy and shall be used to document all complaints, whether addressed informally or formally.

Employee's Name _____			
_____	_____	_____	_____
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>	
Employee's Address _____			
_____		_____	_____
<i>City</i>		<i>State</i>	<i>Zip Code</i>
Employee's Home Phone Number _____		Daytime Phone # _____	
Work Site _____			

CONFIDENTIALITY

Information regarding an investigation of alleged harassment/discrimination shall be kept confidential to the extent possible. Individuals involved in the investigation shall not discuss information regarding the complaint outside of the investigation process.

HARASSMENT/DISCRIMINATION COMPLAINT (USE ADDITIONAL SHEETS IF NECESSARY.)

Date(s)/approximate time of the alleged incident(s): _____

Place alleged incident(s) occurred: _____

What type of harassment or discrimination was involved in the alleged incident?

- ☐ sexual ☐ racial ☐ on the basis of national origin ☐ on the basis of disability
☐ limitations due to pregnancy, childbirth, or related medical conditions
☐ other type of harassment/discrimination? If other, specify: _____

Name of person you believe is guilty of harassment or discrimination: _____

Position: _____

If the alleged behavior was directed toward another person, name that person: _____

Describe the alleged incident as clearly as possible, including such information as verbal statements (i.e. slurs, threats, other verbal or physical abuse or prohibited requests), what physical contact, if any was involved, what force, if any was used. _____

List any witnesses to these events: _____

PLEASE ATTACH ANY EXHIBITS OR OTHER TANGIBLE EVIDENCE (I.E., NOTES).

WHAT RESULTS ARE YOU SEEKING BY FILING THIS FORM? _____

I agree that all information reported here is complete, accurate and true to the best of my knowledge and affirm that I honestly believe that the person named harassed or discriminated against me or another person.

Signature of Employee

Date

Received by

Date

Harassment/Discrimination Reporting Form

NOTE:

- Employees wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, program.intake@usda.gov.

http://www.ascr.usda.gov/complaint_filing_cust.html

CERTIFIED PERSONNEL

Title IX Sexual Harassment Grievance Procedures

Refer to Procedure 09.428111 area for ~~Title IX Sexual Harassment Notices, Grievance Procedures, and Reporting Forms~~ a copy of the District's notice.

RELATED PROCEDURES:

03.2621 AP.2; 09.428111 AP.11; (all procedures)

PERSONNEL

03.1621 AP.21

CERTIFIED PERSONNEL

Title IX Sexual Harassment Reporting Form

COMPLAINANT _____

Last Name

First Name

Middle Initial

EMPLOYEE'S SCHOOL/BUILDING _____

INFORMATION CONCERNING SEXUAL HARASSMENT

DATE: _____ TIME: _____ ☐ AM ☐ PM LOCATION: _____

INDIVIDUAL(S) WHO ALLEGEDLY ENGAGED IN TITLE IX SEXUAL HARASSMENT:

DESCRIPTION OF ALLEGATION: _____

_____. This form may be supplemented with additional paper if needed.

NAME OF PERSON FILLING OUT THIS FORM (PLEASE PRINT): _____

SIGNATURE: _____ DATE: _____

PHONE: _____ EMAIL: _____

Formatted: Centered

03.1621 AP.21

Title IX Sexual Harassment Reporting Form

COMPLAINANT _____			
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
EMPLOYEE'S SCHOOL/BUILDING _____			

INFORMATION CONCERNING SEXUAL HARASSMENT

DATE: _____ TIME: _____ ☐ AM ☐ PM LOCATION: _____

INDIVIDUAL(S) WHO ALLEGEDLY ENGAGED IN TITLE IX SEXUAL HARASSMENT:

DESCRIPTION OF ALLEGATION:

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NAME OF PERSON FILLING OUT THIS FORM (PLEASE PRINT): _____

SIGNATURE: _____ **DATE:** _____

PHONE: _____ **EMAIL:** _____

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Philadelphia, PA 19107

Harassment/Discrimination Forms

Please refer to procedures coded to the 03.162 policy area. Those procedures provide the opportunity for an employee to report violation(s) of Board Policy 03.262 and to secure at the lowest administrative level an equitable and prompt resolution.

CLASSIFIED PERSONNEL

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PERSONNEL

03.2621 AP.21

CLASSIFIED PERSONNEL

Title IX Sexual Harassment Reporting Form

COMPLAINANT

Last Name

First Name

Middle Initial

EMPLOYEE'S SCHOOL/BUILDING

INFORMATION CONCERNING SEXUAL HARASSMENT

DATE: TIME: ☐ AM ☐ PM LOCATION:

INDIVIDUAL(S) WHO ALLEGEDLY ENGAGED IN TITLE IX SEXUAL HARASSMENT:

DESCRIPTION OF ALLEGATION:

. This form may be supplemented with additional paper if needed.

NAME OF PERSON FILLING OUT THIS FORM (PLEASE PRINT):

SIGNATURE:

DATE:

PHONE:

EMAIL:

Nonresident Student Enrollment and Homeless/Immigration Status**IMMIGRANT STATUS**

The Principal/designee shall notify school staff that a student's right to enrollment does not depend on his/her or the parent/guardian's immigration status.

School personnel should not engage in any practice that would inhibit or discourage an unauthorized alien student or any other student from attending.

HOMELESS STUDENTS AND UNACCOMPANIED YOUTH

The term "homeless" shall refer to children and youths who lack a fixed, regular and adequate nighttime residence and includes those that are:

1. Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Abandoned in hospitals;
5. Residing in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and/or
7. Migratory children who are living in the previously described circumstances.

GUIDELINES FOR ENROLLMENT

1. In general, only minimal information, such as name and age, can be required to enroll any student in school.
2. Types of reliable proof of a student's identity and age may include, but are not be limited to:
 - Passport
 - Military identification or immigration card
 - Baptismal certificate
 - Copy of the record of baptism that has been notarized or duly certified and reflects the date of the student's birth
 - Any religious record authorized by a religious official
 - Recording of the student's name and birth in a family Bible or other religious text
 - Notarized statement from the parents or another relative or guardian as to the date of the student's birth
 - Prior school record indicating the date of the student's birth
 - Driver's license or learner's permit

Nonresident Student Enrollment and Homeless/Immigration Status**GUIDELINES FOR ENROLLMENT (CONTINUED)**

- Adoption record
 - Affidavit of identity and age
 - Any government document or court record reflecting the date of the student's birth
 - Oral proof when the native language of a parent or guardian is not a written language.
1. A student's exact date of birth (month, day and year) is not required for initial enrollment.
 2. When a student is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs and street outreach programs may offer proof of age and identity of a student for initial enrollment purposes.
 3. The District homeless student liaison shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain essential records that are not in existence and immediately place the student in appropriate programs.
 4. To the extent possible, the District homeless student liaison shall attempt to provide required notices to non-English speaking parents via written language understandable to the general public and in the native language or other mode of communication of the parent with documentation of the attempt. If the native language of the parent is not a written language, the liaison should take steps to ensure that the notice is translated orally or by other means so that the parent understands the content of the notice and that there is written evidence of the translation to the extent possible with documentation of the attempt.

Nonresident Students**ENROLLMENT:**

Nonresident pupils may be admitted to the District upon approval of the Superintendent or the Superintendent's designee. Nonresident pupils are defined as those in-district but out of attendance area or those from an outside school district. Upon approval, the nonresident students will be eligible to enroll in public schools located within the district that ~~have~~^{has} the capacity and shall be assigned to a school by the District after consideration of the family's preferences and distance from school. The names of all nonresident pupils who have requested a transfer and have been accepted will be reported to the Student Services Department.

Nonresident students who have been expelled or suspended from another school district or whose suspension or expulsion is pending shall not be permitted to enroll in the District's schools unless approved by the Superintendent or Superintendent's designee.

When the addition of a nonresident student would require the hiring of additional teachers and/or support staff in the classroom or unit where the student would be enrolled, the applicant will be provided the opportunity to enroll in another district school if available. Determination of this capacity requirement will be based upon applicable class size regulations, building capacity (95% or above as determined by the Kentucky Department of Education, and other state age and class restrictions.

Nonresident Student Enrollment and Homeless/Immigration Status**ENROLLMENT: (CONTINUED)**

Enrollment of nonresident pupils may not create a situation that exceeds the capacity of a school.

The district shall not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, sexual orientation, or disability in enrollment set forth in Office of Civil Rights Lay, Title VI, VII, IX ADA, and Section 504.

TRANSPORTATION

The District may not provide transportation outside of the district boundaries for nonresident students.

PROCESS OF ENROLLMENT

An annual enrollment application process shall be determined by the Superintendent or the Superintendent's designee. This process will occur between ~~November~~December 1 and ~~February~~March 30 of the year prior to the request. However, the nonresident application remains open year-round to accommodate those who may move into the area outside of the process window.

ATHLETIC PARTICIPATION

Movement of nonresident student-athletes from one district to another shall be addressed by KHSAA regulations.

STATUS OF NONRESIDENT STUDENTS

Nonresident pupils are expected to abide by all school rules, the District's Code of Conduct, as well as the District's policies and procedures and are subject to the disciplinary procedures as set forth therein.

During each school year, the Board may remove or dismiss a nonresident pupil for misconduct pursuant to KRS 158.150 following applicable due process procedures.

Nonresident pupils will be accepted until transition points – kindergarten, first grade, sixth grade, and ninth grade. However, at the end of each school year, the Superintendent or Superintendent's designee may remove or dismiss a nonresident student upon notice to the student's parent/guardian. Factors that may lead to removal or dismissal shall include:

- Poor attendance (10 or more days of unexcused absences or tardies)
- Behavior issues
- Poor academic performance (failure to demonstrate a desire to learn and/or failure to follow academic direction)
- Chronic disruption of the school environment by the student

Nonresident Student Enrollment and Homeless/Immigration Status**CHILDREN OF FULL-TIME DISTRICT EMPLOYEES**

Full-time employees shall have the option of enrolling their children in any District school as long as that school is below 95% of its capacity. If the school is above 95% capacity, then the employee may apply to the school where they are working or its feeder school (for convenience). Request for transfer of students of full-time employees of the district shall be considered by the Superintendent or Superintendent's designee and, if approved, accommodated before other transfer requests.

CHILDREN IN FOSTER CARE

The foster care liaison may also be the homeless education liaison. The foster care liaison's responsibilities shall be to ensure that:

1. The child in foster care remains in his or her school of origin, unless it is determined that remaining in the school of origin is not in that child's best interest;
2. If it is not in the child's best interest to stay in his or her school of origin, the child is immediately enrolled in the new school even if the child is unable to produce records normally required for enrollment; and
3. That the new (enrolling) school immediately contacts the school of origin to obtain relevant academic and other records.

Student Directory Information Notification

This form can be found online as a part of the Certification Statement.

Consistent with the Family Educational Rights and Privacy Act (FERPA), parents (or students 18 or older) may direct the District not to disclose directory information listed below. We are required to disclose a student's name, address, and telephone listing at the request of Armed Forces recruiters or institutions of higher education, unless a parent or student who has reached age 18, requests that this information *not* be disclosed. Information about the living situation of a homeless student is not considered directory information.

Date

Dear Parent/Eligible Student,

This letter informs you of your right to direct the District to withhold release of student directory information for _____. Following is a list of items that the District considers

Student's Name

student directory information. If you wish information to be withheld, please choose one (1) of the two (2) options below in both Sections I and II. Choose Option 1 if the District may not release any item of directory information; Option 2, if the District may release only selected items of information. Then check those items that may be released. Please be advised that parents cannot prevent the school from using directory information on District-issued ID cards or badges.

If we receive no response within thirty (30) days of the date of this letter, all student directory information will be subject to release without your consent. If you return this signed form on time, we will withhold the directory information consistent with your written directions, unless disclosure is otherwise required or permitted by law. Once there has been an opt-out of directory information disclosure, the District will continue to honor that opt-out until the parent or the eligible student rescinds it, even after the student is no longer in attendance.

<i>Student Directory Information Listing</i>		
Section I		Section II
Release to Third Parties other than Armed Forces Recruiters and Institutions of Higher Education (Parent or student who has reached age 18 may sign below to direct the District to withhold information in this section.)		Armed Forces Recruiters & Institutions of Higher Education (Parent or student who has reached age 18 may sign below to direct the District to withhold information in this section.)
CHOOSE ONE OF THE OPTIONS BELOW: <input type="checkbox"/> Option 1: The District MAY NOT RELEASE ANY information listed below. <input type="checkbox"/> Option 2: The District MAY RELEASE ONLY the information checked below.		Choose one of the Options below: <input type="checkbox"/> Option 1: The District MAY NOT RELEASE ANY information listed below. <input type="checkbox"/> Option 2: The District MAY RELEASE ONLY the information below.
<i>If you choose Option 2, check the item(s) of information listed below that the District may release.</i>		
<input type="checkbox"/> Student's name <input type="checkbox"/> Student's address <input type="checkbox"/> Student's school email address <input type="checkbox"/> Student's telephone number <input type="checkbox"/> Student's date and place of birth <input type="checkbox"/> Student's major field of study <input type="checkbox"/> Information about the student's participation in officially recognized activities and sports	<input type="checkbox"/> Student's weight and height (if a member of an athletic team) <input type="checkbox"/> Student's dates of attendance <input type="checkbox"/> Degrees, honors and awards the student has received <input type="checkbox"/> Student's photograph/picture <input type="checkbox"/> Most recent educational institution attended by the student <input type="checkbox"/> Grade level	<ul style="list-style-type: none"> Student's name Student's address Student's telephone number (if listed)
NOTE: IF DIRECTED TO WITHHOLD A STUDENT'S NAME, GRADE LEVEL, OR PHOTOGRAPH, THAT INFORMATION WILL NOT BE INCLUDED IN ANY SCHOOL OR DISTRICT PUBLICATION RELEASED TO THE PUBLIC. A PARENT WISHING TO PERMIT SUCH INFORMATION ABOUT HIS/HER CHILD (NAME, PICTURE, ETC.) TO BE INCLUDED IN A SCHOOL OR DISTRICT PUBLICATION (YEARBOOK, SPORTS PROGRAM, ETC.) THAT IS SOLD FOR FUND-RAISING PURPOSES MUST PROVIDE WRITTEN CONSENT FOR SUCH PURPOSES.		

Parent/Student Signature

Date

Publication Consent Form

This form can be found online as a part of the Certification Statement.

PLEASE COMPLETE THIS FORM AND SUBMIT IT TO THE SCHOOL.

Dear Parent/Guardian:

At some time during the school year, school/District personnel or other District-authorized persons may videotape or photograph classroom activities or special projects in which your child participates during or after the school day for public awareness **or fund-raising** purposes.

This form covers permission for the District to record and use the recorded image, voice, or work of the student (photographed, filmed, taped, or digitally recorded) for public awareness purposes, including publication on the school and/or District's web site **and in school yearbooks**.

Please review this form carefully, sign and date the form, and submit the form to the school.

Once signed and dated, this form shall remain in effect for your child's enrollment in the District schools. However, at any time during the school year, you may amend this form only for future uses/preferences by notifying the Principal in writing of your request.

As the parent(s)/guardians(s) of _____, I/we give the
Student's Name

_____ School District permission to release my/our child's name,
District's Name

photograph, work, and/or audio/video reproduction for publication to the general public concerning school functions and activities, including academic and athletic activities.

Name of Parent(s)/Guardian(s) (Please print.) _____

Parent/Guardian's Signature

Date

NOTE: If the recorded image, voice, or work of a student is to be included in a publication as part of a commercial or for-profit fund-raising endeavor, affirmative authorization of the parent/guardian or eligible student must be obtained.

Telecommunication Device Forms Procedure

Any action under these discipline measures and penalties related to students with disabilities shall be in compliance with applicable federal Individuals with Disabilities Education Act (IDEA) and state law.

Actions under the policy that violate state law, as referenced, shall be reported to local law enforcement.

When on school property or at a school sponsored event off school property, students shall abide by the HCS District Telecommunications Device Policy (09.4261). Kentucky and Federal law noted within the policy shall be enforced. If any state or federal law is violated, the School Resource Officer (SRO) or local law enforcement agency will be notified.

If a student violates the policy by videoing, filming, or photographing others or if a student is in possession of any such video, film, photo of others and shares, posts, uploads, links etc. images that violate confidentiality/privacy rights or cause disruption to the educational environment, the following consequences may be issued in the current school year of which the incident occurs.

- 1st Offense - One (1) day of in-school removal, with services, parent notified, and loss of device for one (1) school day from start to end time of respective school
- 2nd Offense - Two (2) days of in-school removal, with services, parent notified, and loss of device for one (1) school week, from start to end time of respective school.
- 3rd Offense - One (1) day of out-of-school suspension, parent notified, and loss of device on school grounds for the remainder of the current school year.

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Student's Name				
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>		
Student's Address				
<i>City</i>		<i>State</i>	<i>Zip Code</i>	
Student's Age	Date of Birth	Student's Phone Number		
School	Grade	Homeroom/Classroom		
Name of Parent/Guardian		Daytime Phone #		

CONFIDENTIALITY

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HARASSMENT/DISCRIMINATION COMPLAINT (USE ADDITIONAL SHEETS IF NECESSARY.)

Date(s)/approximate time of the alleged incident(s):

Place alleged incident (s) occurred:

What type of harassment or discrimination was involved in the alleged incident?

- ☐ sexual
 ☐ racial
 ☐ on the basis of national origin
 ☐ on the basis of disability
☐ other type of harassment/discrimination? If other, specify:

Name of person you believe is guilty of harassment or discrimination:

Position (if employee): Grade (if student): Other (specify)

If the alleged behavior was directed toward another person, name that person:

Describe the alleged incident as clearly as possible, including such information as verbal statements (i.e. slurs, threats, other verbal or physical abuse or prohibited requests), what physical contact, if any was involved, what force, if any was used.

LIST ANY WITNESSES TO THESE EVENTS:

PLEASE ATTACH ANY EXHIBITS OR OTHER TANGIBLE EVIDENCE (I.E., NOTES).

WHAT RESULTS ARE YOU SEEKING BY FILING THIS FORM?

I agree that all information reported here is complete, accurate and true to the best of my knowledge and affirm that I honestly believe that the person named harassed or discriminated against me or another person.

<u>Signature of Student</u>	<u>Date</u>
<u>Signature of Parent/Guardian (not required)</u>	<u>Date</u>
<u>Received by</u>	<u>Date</u>

NOTE:

- Students/parents wishing to initiate a complaint concerning discrimination in the delivery of benefits or services in the District's school nutrition program should go to the link below or mail a written complaint to the U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington D.C. 20250-9410, or email, program.intake@usda.gov.

http://www.ascr.usda.gov/complaint_filing_cust.html

Title IX Sexual Harassment Grievance Procedures

THIS PROCEDURE APPLIES TO "TITLE IX SEXUAL HARASSMENT"
UNDER POLICIES 03.1621, 03.2621, AND 09.428111.

REPORTING

1. School employees who have reason to believe that a student has been subjected to Title IX Sexual Harassment are required to promptly make a report to the Title IX Coordinator (TIXC).

Shelee Clark, Title IX Coordinator
65 WA Jenkins Rd, Elizabethtown, KY 42701
270-769-8876

2. Students, parents/legal guardians or other individuals who believe a student has been sexually harassed may make a report to the TIXC.
3. If the individual making the report is the alleged victim ("Complainant" as defined in the Title IX Sexual Harassment regulation), or if the Complainant is identified by the individual making the report, the TIXC will meet with the Complainant to discuss supportive measures that may be appropriate in the particular circumstances and explain the process for filing a formal complaint.
4. The District cannot provide an informal resolution process for resolving a report unless a formal complaint is filed.
5. The Superintendent/designee shall be informed of all reports and formal complaints of sexual harassment.

FORMAL COMPLAINT

1. A Complainant and/or their parent/legal guardian may file a formal written complaint requesting investigation of alleged Title IX Sexual Harassment. The written complaint must include basic information concerning the allegation of sexual harassment (i.e., date, time, location, individual(s) who allegedly engaged in sexual harassment, description of allegation).

Students who need assistance in preparing a formal written complaint, may consult with the TIXC.

2. In accordance with the Title IX regulations, the TIXC must dismiss a formal complaint under this Title IX procedure if:
 - a) the conduct alleged in the formal complaint does not constitute sexual harassment as defined under the Title IX regulations and the Title IX Sexual Harassment policy; or
 - b) the conduct alleged did not occur within the scope of the District's education programs and activities, or
 - c) did not occur in the United States.
- 3.

Title IX Sexual Harassment Grievance Procedures**FORMAL COMPLAINT (CONTINUED)**

3. In accordance with the Title IX regulations, the TIXC may dismiss a formal complaint if:
 1. a Complainant withdraws the formal complaint, or withdraws particular allegations within the complaint;
 2. the Respondent is no longer employed by or enrolled in the District; or
 3. there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding the formal complaint. However, if the conduct potentially violates other policies or laws, it may be addressed through other applicable Board policy/procedure.
4. If a formal complaint is dismissed under this Title IX procedure, the TIXC will promptly and simultaneously send written notices to the parties explaining the reasons. The parties have the opportunity to appeal dismissals as outlined below.
5. In certain circumstances, the TIXC may file a formal complaint even when the alleged victim chooses not to. Examples could include instances where the Respondent (person alleged to have engaged in sexual harassment) has been found responsible for previous sexual harassment; a safety threat within the District, or other alleged serious violations where pursuit of a complaint is warranted.
6. If the conduct alleged in a formal complaint potentially violates other laws or Board policies, the District may address the conduct under another applicable Board policy/procedure.

EMERGENCY REMOVAL/SUSPENSION

The Superintendent may direct the removal of a student from education programs and activities on an emergency basis during the complaint procedure:

1. If there is a determination, following an individualized safety and risk analysis which may be performed as provided in District Policy 09.429 (Threat Assessment), that there is an immediate threat to the physical health or safety of an individual arising from the allegations of sexual harassment. Examples of such circumstances might include, but are not limited to, a continued threat of violence against a Complainant by a Respondent, or a Respondent's threat of self-harm due to the allegations.¹
- 2.

Title IX Sexual Harassment Grievance Procedures

EMERGENCY REMOVAL/SUSPENSION (CONTINUED)

2. The Respondent and parent/legal guardian will be provided notice of the emergency removal, and will be provided an opportunity to challenge the decision either before or following the removal (this is an opportunity to be heard, not a hearing) utilizing the procedure applicable to student suspensions per Policy 09.434 Suspension.
3. Any such decision shall be made in compliance with any applicable disability laws, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

LAW ENFORCEMENT COOPERATION

The district will comply with law enforcement requests for cooperation and such cooperation may require the District to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence and the District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

EMPLOYEE SUSPENSION WITH PAY

An employee may be suspended with pay during the complaint procedure as provided in Board policies.²

NOTICE TO PARTIES FOLLOWING A FORMAL COMPLAINT

1. The TIXC will provide to the parties written notice of the formal complaint and allegations of sexual harassment potentially constituting Title IX Sexual Harassment. The notice shall include:
 - Notice regarding the complaint procedure and the availability of an informal resolution process;
 - Sufficient details known at the time (including identities of parties, if known; the conduct alleged; and the date and location of the alleged incident[s], if known), allowing sufficient time to prepare before any initial interview (not less than ten [10] calendar days);
 - A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination of responsibility will be made at the conclusion of the grievance process;
 - The parties may inspect and review evidence directly related to the allegations of Title IX Sexual Harassment;
 - Notice that the parties may each have an advisor of their choice (who may be an attorney);
 - Notice that knowingly making false statements or submitting false information in bad faith during the complaint process is prohibited and may result in disciplinary action;

Title IX Sexual Harassment Grievance Procedures

NOTICE TO PARTIES FOLLOWING A FORMAL COMPLAINT (CONTINUED)

- Notice of the name of the investigator, with sufficient time (no less than three [3] calendar days) to raise concerns of conflict of interest or bias.
- 2. If additional allegations become known at a later time, notice of the additional allegations will be provided to the parties.
- 3. The TIXC will discuss supportive measures with each party and oversee implementation of such measures as appropriate.

COUNSELING SERVICES

All parties have the right to seek guidance or counseling from our local school counselors or Family Resource Youth Service Centers who contract with local agencies to provide health services including counseling. You may contact the Director of FRYSC/Health Liaison for Hardin County Schools for additional information.

Janay Sutton, Director of FRYSC/Health Services
65 WA Jenkins Rd, Elizabethtown, KY
270-769-8824

INFORMAL RESOLUTION PROCESS

After a formal complaint has been filed, and if the TIXC believes the circumstances are appropriate, the TIXC may offer the parties the opportunity to participate in an informal resolution process to resolve the complaint without completing the investigation and determination process. Informal resolutions cannot be used to resolve a formal complaint where a student is the Complainant and the Respondent is an employee.

Informal resolutions can take many forms, depending on the particular case. Examples include, but are not limited to, facilitated discussions between the parties; restorative justice; acknowledgment of responsibility by a Respondent; apologies; disciplinary actions against a Respondent or a requirement to engage in specific services; or supportive measures. Both parties must voluntarily agree in writing to participate in an informal resolution process, and either party can withdraw from the process at any time. The Superintendent/designee must agree to the terms of any informal resolution reached between the parties. If an informal resolution agreement is reached, it must be signed by both parties and the District. Any such signed agreement is final and binding according to its terms.

If an informal resolution process does not resolve the formal complaint, nothing from the informal resolution process may be considered as evidence in the subsequent investigation or determination. The parties will be advised that engagement in the informal resolution process is grounds for extension of the investigation timeline.

INVESTIGATION

1. The complaint will be investigated by a trained internal or external individual(s) designated by the ~~TIXC Superintendent~~, who should consult with District legal counsel concerning the handling and investigation of the complaint.
2. The Investigator or Investigative Team may consult with the TIXC as agreed during the investigation process.

Title IX Sexual Harassment Grievance Procedures**INVESTIGATION (CONTINUED)**

3. If the complaint is against an employee of the District, rights conferred under an applicable collective bargaining agreement shall be applied, to the extent they do not conflict with the Title IX regulatory requirements.
4. The Investigator/Investigative Team will:
 - a. Meet with each party after they have received appropriate notice of any meeting and its purpose, with sufficient time to prepare.
 - b. Allow parties to have their advisor at all meetings related to the complaint, although advisors may not speak on behalf of a party or interfere with the process.
 - c. Allow parties a reasonable opportunity to identify witnesses and submit favorable and unfavorable evidence.
 - d. Interview witnesses and conduct such other activities that will assist in ascertaining facts (site visits, review of documents, etc.).
 - e. Consider evidence that is relevant and directly related to the allegations in the formal complaint.
 - f. During the course of the investigation, provide both parties with an equal opportunity to inspect and review any evidence that is obtained in the investigation that is directly related to the allegations in the formal complaint (including evidence which the District does not intend to rely upon in reaching a determination of responsibility), and favorable and unfavorable evidence.
 - g. Prior to completion of the investigation report, provide each party and advisor (if any) the evidence subject to inspection and review, and provide the parties with ten (10) calendar days to submit a written response. Access to such evidence may be provided via file sharing software that does not permit copying or downloading. The Investigator/Investigative Team shall advise the parties that evidence is not to be publicly disseminated.
 - h. Consider the parties' written responses to the evidence prior to completing the investigation report.
 - i. Create an investigative report that fairly summarizes relevant evidence including the Investigator's recommendation on whether or not the evidence supports a finding that the Respondent engaged in conduct constituting Title IX Sexual Harassment. The ~~TIXCInvestigator~~ shall send the report to the parties and advisors (if any) for their review and written responses which must be filed with the ~~TIXCInvestigator~~ within ten (10) calendar days of their receipt of the report.
 - j. After receipt of the parties' written responses (if any), forward the investigation report and party responses to the assigned Decision Maker. The Decision Maker shall immediately inform the parties of the date of his or her receipt of the report and of the deadline for submission of questions as provided below.

Title IX Sexual Harassment Grievance Procedures**INVESTIGATION (CONTINUED)**

- k. The Investigator's report shall be non-binding on the Decision Maker.
- 5. The investigation shall be concluded within forty (40) calendar days from the date of the TIXC Notice to the Parties Following a Formal Complaint as referenced above, but reasonable extension of time for good cause shall be allowed.

DETERMINATION OF RESPONSIBILITY

The Superintendent shall assign a trained Decision Maker to arrive at a determination of responsibility. The Decision Maker cannot be the Investigator, Informal Resolution Facilitator, or the TIXC.

- 1. The Decision Maker shall have authority to preside over the pre-decision process in a manner that allows the Complainant and Respondent an equal opportunity to participate, including setting reasonable equally applicable limits on the number of questions and excluding questions on relevancy grounds or that seek privileged or confidential medical treatment information. The Decision Maker shall provide the parties with the opportunity to submit written, relevant questions that the party wants asked of another party or witness within five (5) calendar days of when the Decision Maker received the investigation report and party responses.

The Decision Maker shall provide a written explanation to a party proposing questions if the Decision Maker excludes a question on grounds that it is not relevant.

- 2. Each party shall be provided the opportunity to review the responses of another party and/or witness, and to ask limited written follow-up questions within five (5) calendar days of receiving the answers.
- 3. Each party will receive a copy of the responses to any follow-up questions.
- 4. The Decision Maker shall review the investigation report, the parties' responses and other relevant materials, applying the preponderance of the evidence standard ("more likely than not").
- 5. The Decision Maker shall issue a written determination, which shall include the following:
 - a) Identification of all the allegations potentially constituting Title IX Sexual Harassment;
 - b) A description of the procedural steps taken from receipt of the formal complaint through the determination;
 - c) A determination regarding responsibility as to each allegation and findings of fact supporting the determinations;
 - d) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the District's programs and activities will be provided to the Complainant. In order to preserve confidentiality, remedies provided to the Complainant are not to be described in the determination report;

Title IX Sexual Harassment Grievance Procedures

DETERMINATION OF RESPONSIBILITY (CONTINUED)

- e) If applicable, a statement that disciplinary sanctions may require additional hearings or proceedings under separate law and policy: e.g. student expulsion; classified or certified employee public reprimand, suspension without pay, termination; or student alternative education program placement proceedings;
 - f) The District's appeal procedure and permissible bases for the parties to appeal the determination.
6. The written determination shall be provided to the parties simultaneously. The determination concerning responsibility becomes final either on the date that the District provides the parties with the written determination of the results of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely.
 7. The implementation of measures or sanctions shall be made subject to and in compliance with applicable disability laws included the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
 8. The determination shall be issued with thirty (30) calendar days of the Decision Maker's receipt of the Investigator's report and recommendation, but reasonable extension of time for good cause shall be allowed.

REMEDIES, DISCIPLINE AND OTHER ACTIONS

Range of Remedies to Allow Equal Access to Complainant

1. Remedies are measures used to ensure that the Complainant has equal access to the District's education programs and activities following the Decision Maker's determination. Such remedies may include supportive measures, and may include other appropriate measures, depending upon the determination and the needs of the Complainant. The TIXC is responsible for implementing remedies and providing needed assistance to the Complainant. The District will take steps to prevent the recurrence of harassment and to correct its discriminatory effects on the victim(s) and others, if appropriate.

2. Range of Disciplinary Sanctions (Students)

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that students are responsible for one or more violations involving sexual harassment: In or out of school suspension; expulsion; assignment to alternative education programs; requirement to engage in education or counseling program; disqualification or modification of privileges to participate in sports or extracurricular programs; unilateral no-contact orders, school assignment alteration, or schedule changes; prohibitions or limitations on presence on school property or at school-related events; and other disciplinary sanctions and interventions set forth in the Code of Acceptable Behavior and Discipline.

- 3.

Title IX Sexual Harassment Grievance Procedures

REMEDIES, DISCIPLINE AND OTHER ACTIONS (CONTINUED)

3. Range of Disciplinary Sanctions (Employees)

The following is a non-exhaustive range of disciplinary sanctions that may be imposed when there is a determination that employees are responsible for one or more violations involving sexual harassment: Requirement to engage in education or counseling program; unilateral no-contact orders, school assignment alteration; prohibitions or limitations on presence on school property or at school-related events; private reprimand; public reprimand; suspension without pay; termination.

APPEALS

The Superintendent may serve as the Appellate Decision Maker and shall assign or arrange for the services of a trained Appellate Decision Maker if s/he does not serve in that role. The Appellate Decision Maker cannot be the Initial Decision Maker, Informal Resolution Facilitator, Investigator, or TIXC.

The Appellate Decision Maker shall have authority to preside over the appeal process in a manner that allows Complainant and Respondent an equal opportunity to participate, including setting reasonable page limits, enforcing timelines, and limiting review on the record to allowable grounds.

The parties (Complainant and Respondent) have the opportunity to appeal a responsibility determination and dismissals of formal complaints. Appeals will be considered only on the following grounds:

1. A procedural irregularity that affected the outcome;
2. New evidence that was not reasonably available as of the date of the determination regarding responsibility or dismissal of the formal complaint, that could affect the outcome; or
3. The TIXC, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that affected the outcome.

APPEAL STEPS

1. An appeal must be filed in writing within five (5) calendar days of the receipt of the determination decision. Appeals after that deadline will not be considered. The written appeal must state the grounds and arguments for reversal or modification of the determination.
2. Appeals must be filed with the Superintendent, who will submit the appeal to the Appellate Decision Maker or engage in further appellate steps if the Superintendent is the Appellate Decision Maker. Parties initiating an appeal or seeking reversal or modification of a responsibility determination must explain the impact of any asserted error on the outcome and, in the case of new evidence, are to explain why such evidence was not available, summarize the evidence and explain how the party contends such evidence would have affected the outcome.
- 3.

Title IX Sexual Harassment Grievance Procedures**APPEALS (CONTINUED)**

3. The Appellate Decision Maker shall notify the other party in writing of the appeal and include copies of the document setting forth the grounds and arguments in support of the appeal. The other party shall have the option to file with the Appellate Decision Maker written arguments in response to the opposing party's appeal within five (5) calendar days of receipt of the appeal document. An untimely response will not be considered.
4. The Appellate Decision Maker shall conduct an impartial review of the appeal including consideration of arguments of the parties and the written record and may consult with District legal counsel in the decision-making process.
5. The Appellate Decision Maker shall issue a written decision describing the result of the appeal and rationale for the result and provide notice of the written decision simultaneously to the parties. The Decision may: affirm the determination, reverse the determination, or modify the determination in whole or in part.
6. The Title IX grievance determination of responsibility is final when there is no timely appeal or on the date when the Appellate Decision Maker sends his or her decision to the parties. A determination that conduct is not Title IX Sexual Harassment does not prevent the imposition of sanctions consistent with other law or policy where the conduct is determined to be in violation of such other law or policy.

RECORDS

Records in connection with sexual harassment reports and the complaint process shall be maintained for a minimum of seven (7) years.

REFERENCES:

¹KRS 158.4410; KRS 158.150; KRS 158.153
704 KAR 19:002
Individuals with Disabilities Education Act
Section 504 of the Rehabilitation Act
The Americans with Disabilities Act

RELATED POLICIES:

²03.173; 03.27
09.429; 09.434

RELATED PROCEDURES:

03.1621 AP.2; 03.2621 AP.2; 09.428111 (all procedures)

Title IX Sexual Harassment Reporting Form

COMPLAINANT _____	_____	_____	_____
	<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
STUDENT'S SCHOOL _____	GRADE _____	HOMEROOM/CLASSROOM _____	
EMPLOYEE'S WORK SITE _____			

INFORMATION CONCERNING SEXUAL HARASSMENT

DATE: _____ TIME: _____ ☐ AM ☐ PM LOCATION: _____

INDIVIDUAL(S) WHO ALLEGEDLY ENGAGED IN TITLE IX SEXUAL HARASSMENT:

DESCRIPTION OF ALLEGATION: _____

NAME OF PERSON FILLING OUT THIS FORM (PLEASE PRINT): _____

SIGNATURE: _____ **DATE:** _____