

Harassment/Discrimination Investigation and Appeals**(FOR INTERNAL ADMINISTRATIVE TRACKING PURPOSES ONLY)****EMPLOYEE COMPLAINANT** _____*Last Name**First Name**Middle Initial***WORK SITE** _____

The Supervisor shall appoint an investigator who is not an alleged party in the complaint to investigate allegations of harassment/discrimination. The investigator shall be trained in this area, and her/his duties shall be assigned by the Supervisor/designee or, for contractors, set out in a contract, as appropriate. If the Supervisor is the alleged party, the, or the Office of Career and Technical Education (OCTE) shall designate an outside investigator and, after presentation of the final investigative report, determine when and how it is to be released. All instances involving suspected child abuse or criminal conduct shall be reported as required by law.

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Investigator: _____ Date Complaint Form is Received: _____

INFORMAL PROCEDURE

If both parties agree, prior to a formal grievance process an administrator may facilitate a conversation between the complainant and the party alleged to have harassed or discriminated against the complainant. Both the complainant and the accused party may be accompanied by a person of their choice. If both parties feel that a resolution has been achieved, no further action need be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the Principal/immediate supervisor, along with a signed agreement, if one is reached. If any of the interested parties choose not to utilize the informal procedure, or feel that it has been unsuccessful, s/he may opt to proceed to the formal grievance procedure. However, any complaints directed at School employees or alleging criminal acts must be formally investigated and/or reported to state authorities as required by law.

Was this complaint resolved informally, as indicated by an agreement signed by both parties?

☐ Yes ☐ No Date: _____ Facilitator _____**FORMAL PROCEDURE**

Employees should make their complaint to their Principal/immediate supervisor, who shall immediately, without screening or beginning an investigation, inform the Supervisor of receipt of the complaint. Otherwise, the complaint can be filed directly with the OCTE or, in cases involving sexual harassment/discrimination, with the Title IX/Equity Coordinator. Employees who have knowledge of alleged or observed harassment/discrimination shall immediately notify the alleged victim's Principal, immediate supervisor.

The Supervisor shall designate an individual to investigate the complaint. If necessary, the investigator will seek assistance from School administrators. If a complaint cannot be resolved by an employee's first line or second line supervisor or designee, the grievance is elevated to the ombudsman for mediation. If the ombudsman is unable to mediate the grievance to the employee's satisfaction, the case would be forwarded to the Associate Commissioner of OCTE for final determination. The ombudsman clarifies agency rules, regulations, and personnel policies (780 KAR 3:130) to help employees navigate administrative procedures, and responds to inquiries, analyzes workplace situations, and develops fair options for resolving conflicts outside of formal adversarial proceedings. In some instances it may be necessary to involve legal counsel, when authorized by the Supervisor or by the OCTE if the Supervisor is the subject of the complaint.

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TIMELINE

The investigator shall provide the complainant and the accused with a copy of the School's Policy 03.162 or 03.262 and Notice to Individuals Complaining of Harassment/Discrimination and inform the complainant and the accused of required timelines that have been established for initiation and completion of an investigation.

Harassment/Discrimination Investigation and Appeals**CORRECTIVE ACTION**

If corrective action is needed, the investigator shall recommend to the Supervisor or to the Supervisor's designee if the alleged harasser is a classified employee, and, if so instructed by the Supervisor, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

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OCTE policy allows for appeal of the investigator's decision and the opportunity to address the complaint to a higher level of authority. An appeal must be made within ten (10) working days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? ☐ Yes ☐ No

If yes, to whom will the complaint be referred? _____ Date: _____

FIRST APPEAL LEVEL

EMPLOYEE COMPLAINANT _____	_____	_____
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
WORK SITE _____		

ALLEGED HARASSER/DISCRIMINATING PARTY: _____

Supervisor/designee who will consider appeal: _____

Date appeal and related data received by Supervisor/designee: _____

In some instances it may be necessary to involve legal counsel at the appeal level, when authorized by the Supervisor or by the OCTE if the Supervisor is the subject of the complaint.

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Supervisor or to the Supervisor's designee if the alleged harasser is a classified employee, and, if so instructed by the Supervisor, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

OCTE policy allows for appeal of the decision made at this level and the opportunity to address the complaint to the OCTE of Education. An appeal must be made within ten (10) working days of receipt of a response at this level.

Is this complaint to be referred/appealed to a higher level of authority? ☐ Yes ☐ No

If yes, to whom will the complaint be referred? _____ Date: _____

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Harassment/Discrimination Investigation and Appeals**SECOND APPEAL LEVEL****EMPLOYEE COMPLAINANT** _____*Last Name**First Name**Middle Initial***WORK SITE** _____**ALLEGED HARASSER/DISCRIMINATING PARTY:** _____

OCTE Chairperson: _____

Date appeal and related data received by the Chairperson on behalf of the OCTE: _____

CORRECTIVE ACTION

If corrective action is needed, the investigator shall recommend to the Supervisor, or to the Supervisor's designee if the alleged harasser is a classified employee, and, if so instructed by the Supervisor, the type of corrective action and methods to prevent reoccurrence of the harassment/discrimination.

USING THE DESIGNATED FORM (03.162 AP.23), A RESPONSE SHALL BE PRESENTED TO THE COMPLAINANT WITHIN TEN (10) WORKING DAYS OF COMPLETION OF THIS LEVEL OF INVESTIGATION.

GUIDELINES

1. The OCTE shall not hear grievances concerning personnel actions taken by the Supervisor/designee, unless the grievance is based on an alleged violation of constitutional, statutory, regulatory, or policy provisions.
2. In some instances it may be necessary to involve legal counsel, when authorized by the OCTE.
3. The Supervisor/designee shall implement corrective action as determined by the Supervisor or by the OCTE, as appropriate under law, after appeal rights have been exhausted. If the Supervisor is subject to corrective action, the OCTE shall implement the action.
4. The School is prohibited from disclosing personally identifiable information contained in student discipline records under the Federal Educational Rights and Privacy Act and corresponding state law.
5. Employee evaluation and private reprimand information generally is confidential and may require consent of the employee prior to release.

RELATED POLICIES:

09.2211; 09.227

RELATED PROCEDURES:

09.227 AP.1; 03.162 (all procedures)

Review/Revised:4/9/2024