



Book	Policies and Regulations
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Prohibition Against Harassment, Discrimination, and Retaliation

Harassment or discrimination because of an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law is prohibited in this District. The District also prohibits retaliation against a person who files a complaint of discrimination or harassment or participates in an investigation of allegations of harassment or discrimination.

This Regulation governs and outlines the procedure for filing a complaint by students, employees, parents, and patrons of the District alleging harassment, discrimination, or related retaliation based on a protected classification under the laws identified in Policy 1300 (outside of Title IX). A complaint regarding sexual harassment or related retaliation of a student or employee under Title IX and that is alleged to have occurred on or after August 14, 2020, should be filed in accordance with the procedures outlined in Regulation 1301. A complaint regarding the identification, evaluation, educational program, or placement of a child with a disability under Section 504 of the Rehabilitation Act of 1973 should be filed in accordance with the procedures outlined in Regulation 2110.

DISTRICT'S COMPLIANCE OFFICERS

The following persons have been designated as the District's Compliance Officers to handle inquiries or complaints regarding the District's non-discrimination policies:

Ms. Pamela Glidewell
Executive Director of Human Resources
280 Interstate Drive
Wentzville, MO 63385
636-327-3800, ext. 20350
pamelaglidwell@wsdr4.org
Staff to Staff
Staff to Student

Dr. Laura Rowe-Holler
Executive Director of Student Services
280 Interstate Drive, Wentzville, MO 63385
636-327-3800
lauraroweholler@wsdr4.org
Student to Student
Student to Staff

Mr. Douglas Cuneio
Executive Director of Student Services
280 Interstate Drive, Wentzville, MO 63385
636-327-3800
dougascuneio@wsdr4.org
Student to Student
Student to Staff

The District has designated the Compliance Officers with the responsibility to identify, prevent, and remedy unlawful discrimination and harassment in the District. The Compliance Officers are in charge of assuring District compliance with this Policy and Regulation, Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; as well as other state and federal nondiscrimination laws. See

Regulation 1301 for the individual(s) designated by the District to be the Title IX Coordinator with the responsibility to identify, prevent, and remedy unlawful harassment and related retaliation in accordance with Title IX of the Education Amendments of 1972.

The Compliance Officers will:

1. Receive complaints of discrimination or harassment based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law.*
2. Oversee the investigative process.
3. Assess the training needs of District staff and students in connection with the dissemination, comprehension, and compliance with this Regulation.
4. Arrange for necessary training required for compliance with this Regulation.
5. Ensure that investigations are conducted by an impartial investigator.
6. In the event the complaint is about the Compliance Officer or Compliance Officer's immediate supervisor, the District will consider appointment of an outside investigator.

*If any complaint involves allegations against the Compliance Officer, the Complaint shall be filed directly with the Superintendent or President of the Board of Education.

DEFINITIONS

For the purpose of this Regulation, the following terms are defined:

- "Business day" means any day, typically from Monday through Friday, during which the District's central administrative offices are open for operation. The term does not include weekends or recognized federal, state, or District holidays. In the event of an unexpected closure, such as due to inclement weather or other emergencies, the day will not be considered a "business day" for the purposes of this Regulation.
- "Calendar day" means a day by the calendar irrespective of the activities taking place. It includes all days of the week (*i.e.*, from Monday to Sunday) and also includes public holidays, weekends, and non-business days.
- "Compliance Officer" means the District employee(s) designated by the Board of Education to coordinate the District's compliance with District policy, Missouri statutes, and federal laws regarding discrimination, harassment, and retaliation based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic or any other characteristic that is protected by law.
- "Disability" means a physical or mental impairment that substantially limits a major life activity.
- "Discrimination" means adverse conduct directed at an individual or group based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law. The encouragement, cooperation, coercing, or support of adverse conduct that is based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law is discrimination.
- "Harassment" means conduct, including but not limited to, intimidation, ridicule or insult, toward an individual or group because of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law and is so severe or pervasive that it:
 - Affects an individual's ability to work in, participate in, or benefit from an educational program or activity; and
 - Creates an intimidating, threatening, abusive hostile or offensive environment; or
 - Has the purpose or effect of substantially or unreasonably altering the work or educational environment.

For purposes of this Regulation, sexual harassment is defined below.

A student regardless of age cannot consent to behavior of a sexual nature with an adult irrespective of the circumstances.

- "Retaliation" means adverse conduct including, but not limited to, conduct of a coercive, intimidating, threatening, discriminatory, or harassing nature because of an individual's good faith complaint, participation in the investigation, testifying, or resolution of discriminatory or harassing conduct based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law.
- "Sexual Harassment" means unwelcome conduct of a sexual nature or based upon sex when: (a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or consequence is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or (b) the school or work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in the district's programs and activities or the conditions of employment.

- “Student” means an individual who is currently enrolled as a student of the District.

Illustrations and Examples of Prohibited Harassment

For the purpose of this Regulation the determination if conduct as unwelcome is a fact-intensive question that shall be considered on a case-by-case basis.

Examples of Sexual Harassment

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment.

Depending on the circumstances and application of the definitions immediately above in this Regulation, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- sexual advances;
- request for sexual favors;
- threatening an individual for not agreeing to submit to sexual advancement;
- sexually motivated touching of an individual’s intimate parts;
- coercing, forcing, or attempting to coerce or force the touching of an individual’s intimate parts;
- display of drawings, graffiti, cartoons, pictures, symbols or other written material of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- sexually provocative or explicit speech;
- communications about or rating an individual as to his/her body, sexual activity, or performance; and
- verbal abuse of a sexual nature.

Examples of Race, Color, Nation Origin, Ancestry, Religion, Disability, Age or Genetic Information Harassment

As defined in this Regulation, examples of conduct that may be considered harassment based on an individual’s race, color, national origin, ancestry, religion, disability, age, or genetic information, or any other characteristic that is protected by law include, but are not limited to:

- display of drawings, graffiti, cartoons, pictures, symbols or other written material;
- jokes;
- gestures;
- slurs, derogatory stereotypes or remarks, rumors, name-calling, insults, teasing, or taunting;
- threats or intimidating conduct;
- hostile action, physical aggression or violence; and
- damage or theft of property.

OBLIGATION TO REPORT

The District is steadfastly committed to providing an inclusive environment that is free from discrimination and harassment for all of its students and staff. Unless a concern is informally resolved, staff and students shall report all incidents of discrimination, harassment and retaliation to the Compliance Officer as set forth in this Regulation. When a formal complaint is filed with the Compliance Officer, the investigation and complaint process detailed below will be used, including a possible determination by the Compliance Officer that the incident has been appropriately addressed through the informal process. Reports of discrimination, harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

INTERIM MEASURES

The District will take action to protect a complainant or persons subjected to discrimination, harassment, or retaliation as necessary during the course of an investigation. Appropriate interim measures will be offered and may include, but are not limited to, the following:

- physical separation,
- contact limitations,
- reassignment,
- alternative work or assignments,
- altering class or bus seating assignments,
- additional supervision,
- counseling,
- training,
- warning,
- conferences,
- exclusion and employee suspension pending an investigation as permitted by the District’s policies and law.

Additional interim measures to prevent retaliation may include, but are not limited to, the following:

- notification of the retaliation prohibition,
- confirming the individual knows how to report retaliation, and
- follow-up contact.

EXTENSION OF TIMEFRAMES AND DEADLINES

All timeframes and deadlines may be extended by the District for good cause, including but not limited to Board-approved holiday breaks and building closures.

INVESTIGATION AND RESPONSE

The District will investigate allegations of harassment, discrimination, and/or retaliation and take appropriate steps reasonably calculated to resolve the situation, eliminate the misconduct, prevent its recurrence and as appropriate, remedy its effects. The District will take equitable and remedial action within its authority on complaints that come to the attention of the District, either formally or informally.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement and/or the Children's Division. Regardless of whether the misconduct is reported to law enforcement and/or the Children's Division, school staff will investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation.

Engaging in harassment, discrimination, and/or retaliation will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in District activities. Anyone else who engages in harassment, discrimination, and retaliation on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Employees and students should fully cooperate with investigation process.

Additionally, the District may engage an outside investigator during any step of the informal or formal resolution processes. Under no circumstances will a subordinate investigate their supervisor.

Informal Process for Resolution

The District takes seriously the obligation to investigate complaints of discrimination, harassment, or retaliation and to take appropriate remedial measures when necessary. The District recognizes that the obligation to investigate and remedy may be accomplished through an informal process, depending on the circumstances.

Anyone may use informal procedures to report and resolve complaints of harassment, discrimination, and retaliation. If a staff member receives an informal complaint of harassment, discrimination, and/or retaliation and the complaint cannot be resolved informally, the staff member shall inform their relevant building administrator or supervisor. The administrator/supervisor may attempt to resolve the matter informally and should inform complainants of this Regulation.

Building administrators/supervisors shall provide information to the Compliance Officer on a regular basis about complaints reported and resolved through the informal process.

Informal complaints may become formal complaints at the request of the complainant, parent/guardian, or the District.

During the course of the informal complaint process, the District will take prompt and effective steps reasonably calculated to end the harassment, discrimination, and retaliation and to correct any effects on the complainant.

Informal remedies may include, but are not limited to:

- If the complainant so desires, an opportunity for the complainant to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- Developing a safety plan;
- Separating students; or
- Providing staff and/or student training.

The District will inform the complainant (and their parent/guardian when applicable) how to report any subsequent problems. Additionally, the District may conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems.

Formal Process for Resolution

I. Step One – Complaint to District

Any individual may commence the formal complaint process concerning allegations of harassment, discrimination, or retaliation by submitting a written complaint to the appropriate District designated Compliance Officer.

The District will ensure appropriate interim measures are instituted to safeguard the complainant or alleged victim throughout the investigation when deemed necessary.

Step One of the formal process for resolution will be conducted in accordance with the following:

1. Filing of Formal Complaint

- All formal complaints must be submitted in writing to the Compliance and detail the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, discrimination or retaliation.
- The Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve.
- The Compliance Officer may also conclude that the District needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.
- Formal complaints must be submitted to the Compliance Officer.
- Filing a charge or complaint of discrimination, harassment, or retaliation with an outside agency does not constitute a formal complaint or trigger an obligation to follow the formal complaint investigation procedures as contemplated under this Regulation.

2. Investigation of Complaint

- The Compliance Officer will receive and investigate all formal, written complaints of harassment, discrimination or retaliation or will investigate if information in the Officer's possession leads them to believe further investigation is required.
- The Compliance Officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest.
- Upon receipt of a complaint, the Compliance Officer will provide the complainant a copy of this Regulation.
- Investigations will be carried out in a manner that is adequate in scope, reliability and impartiality. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused party, will have an opportunity to identify witnesses and present relevant evidence. The District and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the Compliance Officer will compile a written report of the investigation. The report may include a recommendation of appropriate action to remedy the allegations included in the complaint. The Compliance Officer will forward the report and recommendations to the Superintendent. If the Superintendent is the subject of the complaint, the report and recommendations will be forwarded to the Board President.

3. Response to Complaint

- The Compliance Officer will respond in writing with a Letter of Outcome to the complainant and the accused party within thirty (30) calendar days of the Compliance Officer's receipt of the written complaint, unless otherwise agreed to by the complainant or if circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date.
- The Letter of Outcome will include:
 - a. a statement of the outcome of the investigation including whether a preponderance of the evidence establishes that harassment, discrimination, and/or retaliation occurred in violation of Policy 1300;
 - b. if violation of Policy 1300 is found to have occurred, the assurance that the District will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; and
 - c. notice of the right to appeal to the Superintendent and the necessary filing information.
- Any corrective measures deemed necessary will be instituted as promptly as reasonable.
- The District will inform the complainant (and their parent/guardian if the complainant is a student) how to report any subsequent problems. Additionally, where appropriate the District will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to respond and appropriately address continuing or new problems.

II. Step Two – Appeal to Superintendent Notice of Appeal

Any complainant, victim, or accused party may appeal the outcome of the formal complaint process in Regulation 1300 to the Superintendent. The following process will be observed at Step Two:

1. Filing Written Notice of Appeal

- The complainant, the victim (if other than the victim files the complaint), or accused party may appeal to the Superintendent by filing a written notice of appeal with the Superintendent within ten (10) calendar days following receipt of the Letter of Outcome in Step One.
- The Superintendent may, at their discretion, designate another person (other than the Compliance Officer involved in Step One) to review the matter when appropriate.
- If the Superintendent is the subject of the complaint, the appealing party will not be required to appeal to the Superintendent and will instead proceed directly to Step Three.
- Upon receipt of a written notice of appeal, the Superintendent or designee will provide a copy to the Compliance Officer.

2. Superintendent's Review.

- If there is an appeal, the Superintendent or designee will conduct an impartial review of the findings and decision appealed. As part of that impartial review, the Superintendent or designee will ensure that the procedures during Step One of the process were consistent with the requirements established in this Regulation 1300 and may undertake any action that he or she determines is reasonably necessary to render an independent determination, including but not limited to, the following:
 - Examining the complaint, the Compliance Officer's written report of the investigation and recommendations, evidence gathered during the investigation, and the Compliance Officer's Letter of Outcome.
 - Seeking additional evidence.

3. Superintendent's Decision

- The Superintendent or designee will provide a written notice of determination to all interested parties including the complainant, the victim, and the accused party within ten (10) business days following the filing of the notice of appeal.
- The ten (10) business day time period for issuing a written notice of determination may be extended with the consent of the appealing party or extended by the Superintendent as needed if circumstances surrounding the appeal necessitate additional time.
- If someone other than the Superintendent conducts the appeal, the Superintendent will review and sign the notice of determination, unless the Superintendent is the subject of the complaint.
- The Superintendent or designee will issue a copy of the written notice of determination to the Compliance Officer.

III. Step Three – Appeal to Board of Education

The Superintendent's written notice of determination may be appealed by any complainant, victim, or accused party to the Board of Education. Any such appeal will follow the following process:

1. Filing Written Notice of Appeal

- The complainant, victim, or the accused party may appeal the Superintendent's written notice of determination to the Board of Education by filing a written notice of appeal with the Secretary of the Board within ten (10) calendar days following receipt of such notice of determination.
- On receipt of the written appeal, the Board Secretary shall place the appeal on the agenda of the Board's next regularly scheduled meeting for the Board's consideration unless:
 - a. the appealing party and the Superintendent agree otherwise;
 - b. the written appeal is filed seven or less days before the next regularly scheduled meeting; or
 - c. good cause exists.

2. Board of Education Review

- The manner and way in which the Board hears the appeal is at the discretion of the Board.
- The Board will make a decision based on its review of the complaint, the Compliance Officer's written report of the investigation and recommendations, evidence gathered during the investigation, the Compliance Officer's Letter of Outcome, any appeals to the Superintendent, and the Superintendent's written notice of determination.
- The Board may permit the complainant, victim, or accused party the opportunity to provide comments or information that it deems relevant and material.

3. Board of Education Decision

- Unless otherwise agreed to by the appealing party, the Board will issue written notice of its determination within thirty (30) business days following the date of the Board meeting at which it considered the appeal.
- Within five (5) business days from the date it issues its determination, the Board will provide a copy of its written notice of determination to the complainant, the victim, and accused party.
- The Board Secretary will send the Compliance Officer and the Superintendent or their designees a copy of the Board's written notice of determination.
- The Board's determination is final.

RETALIATION

The District prohibits retaliation against a person who files a complaint of discrimination or harassment, and further prohibits retaliation against a person who participates in related proceedings or investigations.

Notwithstanding this provision, employees or students found to have intentionally made false or materially misleading allegations of suspected discrimination, harassment and/or related retaliation under this Regulation may be disciplined, up to and including dismissal or expulsion.

CONFIDENTIALITY

The District will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses to the extent possible, consistent with applicable law, the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. However, pursuant to the District's discretion, information may be disclosed, if necessary, to aid in the

investigation, resolution, or appeal of the complaint.

RECORDS

Any records pertaining to disciplinary actions taken against employees and students for violations of Board Policy and Regulation 1300 will be preserved and disclosed in the same way as other disciplinary records. The District will also retain all documents generated during the investigation of a complaint, which include but are not limited to, materials evaluated in reaching conclusions. This retention will be conducted in compliance with the guidelines set forth by the Missouri Secretary of State's retention manuals.

Retention of Letters of Outcome and Appeal Determinations

In addition to the District's retention of records generated during the investigation of a complaint, as stated above, the District will store and maintain copies of the Letters of Outcome and appeal determinations in the education records and personnel files of students and employees, respectively, who were involved in the formal process for resolution in Regulation 1300, whether as a complainant, victim, or accused party.

Retention of Elementary and Primary School Records

Parents or guardians of any student who had a Letter of Outcome or appeal determination placed in their file while the student was in elementary or primary school — whether as a complainant, victim, or accused party in the formal process to resolve discrimination, harassment, or related retaliation under Regulation 1300 — may request the removal of any such letter or appeal determination following their student's transition to middle school.

Students who were accused of and found to have engaged in acts of discrimination, harassment, or related retaliation while in elementary or primary school may be eligible to have the Letter of Outcome and any appeal determination removed from their education record, provided they meet the following conditions:

- a. Completion of Measures. The student must have successfully completed any educational, restorative, or rehabilitative measures imposed as a result of the substantiated finding of prohibited conduct following the completion of the formal procedures.
- b. Absence of Recurring Incidents. The student must not have been accused or found to have engaged in any additional acts of discrimination, harassment, or related retaliation since the incident for which the Letter of Outcome and any appeal determinations were issued.

To initiate the removal of the Outcome Letter and any appeal determination, a written request must be submitted by the parent or guardian to the District's Superintendent any time after the student enters middle school and before the student reaches the age of majority in the State of Missouri. Eligible students may initiate the request too. Once submitted, the request will be reviewed and, if approved, the Letter of Outcome and any appeal determinations will be removed from the student's education records but will continue to be separately maintained by the District in accordance with its obligations established by law.

CONSEQUENCES AND REMEDIES

The District will take prompt, effective and appropriate action to address substantiated discrimination, harassment or retaliation, prevent its recurrence and remedy its effects.

Consequences

Consequences for violations of this Policy and Regulation may have educational, restorative, rehabilitative and/or punitive components.

Conduct constituting harassment, discrimination or retaliation as defined in this Regulation will be subject to discipline including, but not limited to, written warning or reprimand, conference, required training, "no contact" order, reassignment, probation, suspension or termination for employees, suspension or expulsion for students, or exclusion from District property.

In the event that the evidence suggests that the conduct at issue is also a crime in violation of a Missouri criminal statute, the District Compliance Officer shall report the conduct to the appropriate law enforcement agency charged with responsibility for handling such crimes.

As required by and in compliance with law and District policy, a report will be made to the Missouri Children's Division if there is reasonable cause to suspect abuse or neglect of a child.

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

Remedies

The District will consider remedies for the victim as appropriate including, but are not limited to, providing additional resources such as counseling, moving or reassignment of the perpetrator, or allowing the victim to retake or withdraw from a class.

An allegation of discrimination, harassment and/or related retaliation complaint may not necessarily stop, delay or affect pending personnel actions. This includes, but is not limited to, performance evaluations or disciplinary actions related to a reporter who is not performing at acceptable levels or standards or who has violated district policies or regulations.

TRAINING & PUBLICATION OF POLICY

The District will train its employees on this Policy and Regulation. The training will include the requirements of nondiscrimination and the appropriate responses to discrimination, harassment, and retaliation. The District will notify its employees to report complaints of discrimination, harassment or retaliation in accordance with this Policy. This training will be provided to employees on an annual basis, and at such other times as the Superintendent, in consultation with the District's Compliance Officer, determines is necessary or appropriate.

Additionally, the District will provide additional training to the District Compliance Officer on identifying, investigating, and reporting on acts that may constitute discrimination, harassment or retaliation. District students will be notified regarding this Policy. This Policy will be posted on the District's website and available in Central Office.