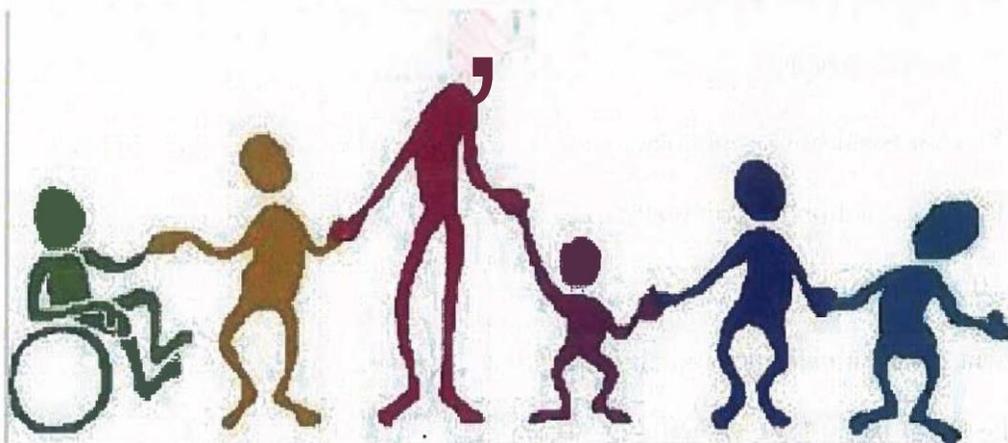


# *Hardin County Schools*

## **HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE**



**"It's About Kids"**

**Hardin County Schools  
Title IX Coordinator  
65 W.A. Jenkins Rd.  
Elizabethtown, Kentucky 42701  
270-769-8822  
Bryan.lewis@hardin.kyschools.us**

**HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE**  
**(Reference: Policies 03.162, 03.262, 09.42811)**

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Approved by Hardin County Board of Education

# **HARASSMENT/DISCRIMINATION COMPLAINT PROCEDURE**

**(Reference: Policies 03.162, 03.262, 09.42811)**

## **Section 1:**

The Hardin County School District shall provide a learning and working environment free from harassment/discrimination. The Hardin County School District is governed by federal, state, and HCS anti-harassment/discrimination laws and acts. To that end, these procedures provide a mechanism of redress for students, parents/guardians, and employees to identify barriers to a harassment/discrimination-free learning and working environment. The following complaint procedure is provided as an avenue for the expeditious processing of complaints toward the elimination of unlawful acts of harassment/discrimination. Counseling and "advocacy" will be offered to all impacted during the scope of the investigation, along with offering a change of class(es), change of school placement, etc.

## **Section 2: Scope**

These procedures shall govern all compliance proceedings for students, parents/guardians, third party individuals, and employees of HCS if they believe that an unlawful act of harassment/discrimination has occurred due to an individual's race, creed, color, national or ethnic origin, age, religion, sex, sexual orientation, gender identity, political affiliation, veteran status, or disability with regard to placement, treatment, admission, or access to learning or employment in HCS programs or activities.

Alleged retaliation, harassment, or intimidation due to an individual's filing of a complaint or participating in an investigation, proceeding, or hearing regarding a claim of harassment/discrimination shall be prohibited.

## **Section 3: Definitions**

*Allegation* means an incident(s) that the Complainant believes constitutes an unlawful form of harassment/discrimination.

*Complainant* is who is alleged to be the victim of conduct that could constitute sexual harassment/discrimination.

*Complaint* is an allegation of harassment/discrimination on the basis of race, creed, color, national or ethnic origin, age, religion, sex, political affiliation, veteran status, or disability, or alleged retaliation, harassment, or intimidation due to participation in an investigation, proceeding, or hearing regarding a claim of harassment/discrimination. Any student, parent, or employee may file a complaint.

*Day* means a calendar day.

*Decision Maker* means the person making the ruling on the complaint, independent of the Title IX investigator/coordinator.

*Discrimination* means making a distinction in treatment of people due to race, creed, color, national or ethnic origin, age, religion, sex, political affiliation, veteran status, or disability.

*Employee* means any person employed by the Hardin County Board of Education.

*Formal Complaint* means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment/discrimination against a respondent and requesting that the school investigate the allegation.

*Individual with Disability* means **(1)** a person who has a physical or mental impairment that substantially limits one or more major life activities, **(2)** a person with a record of physical or mental impairment that substantially limits one or more major life activities\*, and **(3)** a person who is regarded as having a physical or mental impairment that substantially limits\*\* one or more major life activities.

\*Major life activities include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This list is not an exhaustive list of all major life activities. Instead, it is representative of the types of activities that are major life activities.

\*\*Substantially limits means unable to perform or significantly restricted in performing a major life activity that the average person in the general population can perform.

*Recipient* means the Hardin County Board of Education (recipient of federal funds).

*Respondent* means the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment/discrimination.

*Religion* means all aspects of religious observance, and practice, as well as belief, unless a Supervisor/Principal demonstrates that he/she is unable to reasonably accommodate an employee's or student's religious observance or practice without undue hardship on the HCS District.

*Sexual Harassment* means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct<sup>1</sup>; (2) Unwelcome conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

*Student* shall mean any individual enrolled in the Hardin County Schools.

*Supervisor* is defined as an employee's immediate Supervisor, School Principal, Director, or Superintendent.

*Supportive Measures* are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

**Section 4: Representation**

- a. The Complainant, Respondent or any individual or third party involved under these procedures are entitled to be accompanied, represented, and advised by a representative of their choice throughout all stages of the complaint process. Nothing contained therein shall be construed to require any representative to be an attorney at law nor as requiring the HCS District to pay for such representation. Respondents have the right to file a complaint with local law enforcement officials and are encouraged to do so by HCS.
- b. The HCS District likewise may be so represented.

**Section 5: 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 the investigation process.

**Section 6: Informal Resolution**

- a. Many problems can be solved by an informal meeting. Complainants are encouraged to discuss their complaints in a prompt manner. Employees with a complaint are encouraged to first discuss it with their Supervisor with the objective of resolving the matter promptly and informally. Students and parents/guardians with a complaint are encouraged to first discuss it with their Principal with the objective of resolving the matter promptly and informally.
- b. The Complainant and the Supervisor/Principal shall meet concerning the complaint with the objective of arriving at a mutually satisfactory resolution. At the conference, the Supervisor/Principal shall inform the Complainant of the Board policy on harassment/discrimination complaints. The Complainant should expect a decision at the end of the informal meeting(s), when possible, but no later than five (5) days.
- c. If the matter is not resolved informally to the satisfaction of the Complainant, then within five (5) days of the informal decision, the Complainant may file a formal written complaint and submit it to:

Bryan Lewis  
Title IX Coordinator  
Hardin County Schools

65 W.A. Jenkins Rd.  
Elizabethtown, Kentucky 42701  
**(270) 769-8822**  
**Bryan.lewis@hardin.kyschools.us**

Necessary forms for filing may be obtained from any Hardin County public school, from a Supervisor/Principal, from the Title IX Coordinator by calling 270-769-8822 during normal business hours.

- d. All persons submitting complaints shall be given or mailed a copy of these procedures.

### **Section 7: Formal Resolution**

a. The Complainant may file a written complaint with the Title IX Coordinator via in person, phone, written, or by electronic mail. If an informal resolution has been sought, the written complaint shall be filed within five (5) days of the disposition at the informal level. A complaint must contain a signed statement from the person claiming to be aggrieved. This statement must be sufficiently precise to identify the aggrieved individual and the department or school and, where applicable, the identity of any individuals against whom the allegations are made. The statement shall describe specifically the action(s) or practice(s) that forms the basis of the complaint. The complaint must also contain a telephone number and address where the Complainant or the representative can be contacted. Formal complaints must be submitted on the appropriate Harassment/Discrimination Complaint form (Form B-employee, Form C-student). All parties, during the course of the investigation, may present witnesses and other forms of evidence(s) germane to the investigation and shall be submitted to the Title IX Coordinator.

b. The Title IX Coordinator shall conduct a complete and fair investigation of the complaint in a timely manner. Once the Title IX Coordinator receives the complaint, the investigation will commence as soon as circumstances allow, but no later than five (5) days of the receipt of the original complaint. Evidence collected during the investigation will be provided to both parties, thereafter, parties will have ten (10) days to submit a meaningful written response to the Title IX Coordinator. A written/investigative report of all findings of the investigation shall be completed and provided to both parties. Parties will then have ten (10) days for review and to provide a written response to the Title IX Coordinator. After receiving any written responses to the investigative report from the parties, the Decision Maker will make a determination of the complaint based on the preponderance of the evidence, and provide written determination to both parties, unless additional time is necessary due to the matter being investigated by a law enforcement or governmental agency. The Superintendent/designee may take supportive measures to protect complainants during the investigation, to include: commiserate school setting, new class schedule, "no contact" order placed on the individual(s) accused of alleged harassment/discrimination. Corrective action is not required, an explanation shall be included in the report. Should the investigation continue beyond sixty (60) calendar days, the Title IX Coordinator will notify the Complainant of the anticipated date that the investigation will be completed. Once the investigation is completed, a written notice of the investigation will be provided to all parties. Live hearings will not be offered.

#### Notifications:

Within twenty-four (24) hours of receiving a serious allegation of harassment/discrimination, personnel shall attempt to notify parents of both student victims and students who have been accused of harassment/discrimination.

#### Section 8: Dismissal of Complaints

The Title IX Coordinator shall dismiss a complaint or a portion of a complaint:

1. That fails to state a claim under Section 2 or does not constitute sexual harassment as defined in § 106.30 even if proved;
2. If the conduct did not occur in the recipient's education program or activity, or if the conduct did not occur against a person in the United States;
3. If at the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient;
4. That fails to comply with the applicable time limits contained in Sections 6 and 7, unless the Title IX Coordinator determines that due to extenuating circumstances, the time limit should be extended;
5. That is the basis of a pending civil action in a Federal or State Court, or an action filed with the Human Rights Commission/Equal Employment Opportunity Commission in which the Complainant is a party, or that was the basis of a civil action decided by a Federal or State Court or the Human Rights Commission/Equal Employment Opportunity Commission, in which the Complainant was a party;
6. That is moot or alleges that a proposal to take an action or other preliminary step is discriminatory;
7. If the Complainant cannot be located, provided that reasonable efforts have been made to locate the Complainant and the Complainant has not responded within 15 days to a notice of proposed dismissal sent to his/her last known address;
8. If the Title IX Coordinator has provided the Complainant with a request to provide relevant information or otherwise proceed with the complaint, and the Complainant has failed to respond to the request or the Complainant's response does not address the request.

#### Section 9: Investigation of Complaints

a. The following procedures apply:

1. The Complainant/Respondent may present witnesses and other inculpatory and exculpatory evidence, such documentary and testimonial evidence as the Title IX Coordinator deems necessary. Statements of witnesses may be required to be made under oath or affirmation. The burden of collecting evidence and proving a violation of policy is the responsibility of HCS, not either party.

2. The Title IX Coordinator will assign investigators to begin the investigation. Both the Complainant and Respondent will be provided the evidence to review and shall have ten (10) days to provide a written response before the investigative report is completed. Both parties will be provided the investigate report to review and shall have ten (10) days to provide written response before a determination is made by the Decision Maker. The Respondent is not responsible for the alleged conduct until a determination is made.

b. The Title IX Coordinator has authority to investigate written harassment/ discrimination complaints. The Superintendent may designate other investigators as warranted. If possible, the Title IX Coordinator will facilitate the resolution of the complaint at any stage in the proceedings. If the Complainant and Respondent cannot agree on resolution, the Decision Maker will prepare a written report of the investigation, which will include the following:

1. A clear statement of the allegations of the complaint and remedy sought by the Complainant.

2. A statement of the facts as contended by the Respondent and any other witnesses.

3. A statement of the facts as found by the investigator and identification of evidence to support each fact.

4. A list of all witnesses interviewed and documents reviewed during the investigation.

5. A narrative describing any attempts to resolve the complaint.

6. A conclusionary statement as to whether the allegations in the complaint are meritorious.

7. Recommendations to rectify the situation.

## Section 10: Appeal of Decisions

### Appeal of the Decision Maker's Decision

1. Within five (5) days after receipt of the Decision Maker's written report, the Complainant or Respondent may appeal a determination regarding responsibility to the appeal officer by filing a written appeal (see Attachment D). An appeal may take place on the following bases: Procedural irregularity that affected the outcome of the matter; new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome; the Title IX Coordinator, investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; other additional bases, as long as applied to the parties, equitably.
2. The appeal officer shall review the previously presented information and administrative decisions and conduct any necessary meetings and investigations in order to render a fair and impartial decision.
3. The appeal officer shall issue a written decision within five (5) days after receipt of the appeal from the Decision Maker's decision. The appeal officer's decision shall be final. Copies of the final decision shall be sent to all appropriate parties. All forms of discrimination/harassment will be subject to suspension, alternative school placement, or a due process hearing before the Hardin County Board of Education for expulsion.

### Section 11: Interpretation of Policy/Procedure

In the event there is any inconsistency between this policy/procedure and the Department of Education's Title IX Final Rule (2020), it is the intent of the Hardin County Schools that the policy/procedure be consistent with the Final Rule.

## Form A: Harassment/Discrimination Complaint Checklist

The following checklist should be followed for the filing of a complaint alleging harassment/discrimination, using the Hardin County Schools' harassment/discrimination complaint procedure. This checklist is provided to facilitate understanding of the complaint process.

### Informal Resolution (Not Mandatory -May Begin with Formal Resolution Below)

1. Discuss the complaint with Supervisor/Principal, with the purpose of resolving the issue.
2. Should the informal resolution be unsatisfactory in resolving the issue, then within five (5) days of the informal resolution process, file a formal written complaint with:

**Bryan Lewis**

Title IX Coordinator

Hardin County Schools

65 W.A. Jenkins Rd.

Elizabethtown, KY

42701

(270) 769-8822 or [bryan.lewis@hardin.kyschools.us](mailto:bryan.lewis@hardin.kyschools.us)

Necessary forms for filing may be obtained from any Hardin County public school, from a Supervisor/Principal, or from the Title IX Coordinator.

### Formal Resolution

1. Complainant should submit a formal written complaint on the Harassment/Discrimination Complaint Form (Form B-employee, Form C-student)
2. The Title IX Coordinator shall be empowered to investigate all written complaints and take all necessary action to avoid delay and maintain order in the proceedings.
3. The Title IX Coordinator may hold a conference to resolve the issue(s).
4. The Title IX Coordinator may interview witnesses as part of the fact-finding process.
5. The Title IX Coordinator may facilitate the resolution of the complaint at any stage of the proceedings.
6. The Title IX Coordinator will send a written finding to the Complainant and the Respondent.

### Employee Harassment/Discrimination Complaint

*This form provides the opportunity for an employee to report alleged incidents of harassment/discrimination and to secure an equitable, prompt, and appropriate resolution.*

Mail or deliver this form to:  
Title IX Coordinator  
65 W.A. Jenkins Rd.  
Elizabethtown, Kentucky 42701

To be completed by Title IX Coordinator: Date Received: _____ Case Number : _____
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#### Employee Information

Name: _____	Home Telephone No.: _____
Home Address: _____	(Number and Street) _____ (City) _____ (State) _____ (ZIP) _____
Work Location: _____	Position Held: _____
Work Address: _____	_____
Supervisor: _____	Work Telephone No.: _____

#### Type of Alleged Harassment/Discrimination

Please check:

Race \_\_\_\_\_ Creed \_\_\_\_\_ Color \_\_\_\_\_ National/Ehnic Origin \_\_\_\_\_ Age \_\_\_\_\_  
Religion \_\_\_\_\_ Sex \_\_\_\_\_ Political Affiliation \_\_\_\_\_ Veteran Status \_\_\_\_\_ Disability \_\_\_\_\_

State of Complaint (Use additional sheet(s) if necessary)

Identify the harassment/discrimination that you allege has occurred. Be complete, and use full names/titles, dates, exact location(s), and specific occurrence(s), if appropriate.

\_\_\_\_\_  
\_\_\_\_\_

Date(s) harassment/discrimination occurred: Earliest: \_\_\_\_\_ Latest: \_\_\_\_\_

Previous steps taken to STOP the harassment/discrimination:

\_\_\_\_\_  
\_\_\_\_\_

Was the Informal Resolution process used prior to filing this Complaint? \_\_\_Yes \_\_\_No

What results are you seeking by filing this complaint?

\_\_\_\_\_

Have you filed a complaint with any other government agency? \_\_\_Yes \_\_\_No

If yes, specify: Federal Court State Court HRCIEEOC Other: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Student Harassment/Discrimination Complaint

*This form provides the opportunity for a student or parent to report alleged incidents of harassment/discrimination and to secure an equitable, prompt, and appropriate resolution.*

Mail or deliver this form to:  
**Title IX Coordinator**  
 65 W.A. Jenkins Rd.  
 Elizabethtown, Kentucky 42701

To be completed by Title IX Coordinator:  
 Date Received: \_\_\_\_\_  
 Case Number : \_\_\_\_\_

<b>Student Information</b>	<b>Student's I.D. No.:</b> _____
Name: _____ <small style="display: block; text-align: center;">(Last) (First) (Middle Initial)</small>	
<b>Home Address:</b> _____ <small style="display: block; text-align: center;">(Number and Street) (City) (State) (ZIP)</small>	
Age: _____	Date of Birth: _____ Telephone No.: _____
School: _____	Grade: _____ Homeroom/Classroom: _____
Name of Parent/Guardian: _____	Daytime Telephone No.: _____

### Type of Alleged Harassment/Discrimination

Please check:

Race \_\_\_\_\_ Creed \_\_\_\_\_ Color \_\_\_\_\_ National/Ehnic Origin \_\_\_\_\_ Age \_\_\_\_\_  
 Religion \_\_\_\_\_ Sex \_\_\_\_\_ Political Affiliation \_\_\_\_\_ Veteran Status \_\_\_\_\_ Disability \_\_\_\_\_

State of Complaint (Use additional sheet(s) if necessary)

Identify the harassment/discrimination that you allege has occurred. Be complete, and use full names/titles, dates, exact location(s), and specific occurrence(s), if appropriate.

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Date(s) harassment/discrimination occurred: Earliest: \_\_\_\_\_ Latest: \_\_\_\_\_

Previous steps taken to STOP the harassment/discrimination:

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Was the Informal Resolution process used prior to filing this Complaint? \_\_\_ Yes \_\_\_ No

What results are you seeking by filing this complaint?

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Have you filed a complaint with any other government agency? \_\_\_ Yes \_\_\_ No

If yes, specify: Federal Court State Court HRCIEEOC Other: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Harassment/Discrimination Complaint Appeal** Form D

*This form provides the opportunity to submit a written appeal to the appeals officer regarding the Decision Maker's determination as outline in Section 10 of the HCS Harassment/Complaint Procedure within five working days.*

Mail or deliver this form to:  
**Title IX Coordinator**  
65 W.A. Jenkins Rd.  
Elizabethtown, Kentucky 42701

To be completed by Title IX Coordinator:  Date Received: _____ Case Number : _____
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Appeal Information: _____ Employee _____ Student/Parent/Guardian
Name _____ <small>(Last) (First) (Middle Initial)</small>
Home Address: _____
Home Telephone No.: _____ Daytime Telephone No.: _____
Name of Student (if <b>applicable</b> ): -----

Statement of Appeal (Use additional sheet(s) if necessary)

Specify: \_\_\_\_\_ New Evidence      \_\_\_ Procedural Issue

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**Signature:** ----- **Date:** \_\_\_\_\_  
*Attach all documents related to this appeal*

All parties have the right or wish to seek guidance or counseling from our local school counselors, or Family Resource Youth Service Centers (FRYSC) who contract with our local agencies to include Communicare, Lincoln Trail Behavioral Health, and other health related agencies and services. You may contact:

Janay Sutton  
Director for FRYSC/Health Liaison  
Hardin County Schools  
(270 769-8824

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Related agencies that offer assistance include:

United States Department of Education  
Office for Civil Rights  
The Wanamaker Building, Suite 515  
100 Penn Square East  
Philadelphia, PA 19107-3323

Kentucky Department of Education  
Title VI, Civil Rights (Rebecca Ogden) 564-3716x4315  
Title IX, Gender Equity (Rebecca Ogden) 564-3716x4315

Kentucky State Child Abuse Hot Line 1-800-752-6200  
Kentucky State Police 270-766-5078  
National Center for Missing and Exploited Children 1-800-843-5678  
Center for Women and Families 877-803-7577  
Advocacy and Support Center 270-234-9236  
Bluegrass Rape Crisis Center 800-656-4637



