

CIVIL RIGHTS, TITLE IX, SECTION 504

Allen Village School assures that it will comply with:

- (1) Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color or national origin in programs and activities receiving Federal financial assistance.
- (2) Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving Federal financial assistance.
- (3) Title IX of the Education Amendments of 1972 (Title IX) as amended, 20 U.S.C. 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities receiving Federal financial assistance. The provisions of Title IX apply to students with regard to educational opportunities and freedom from harassment, employees with regard to employment opportunities and freedom from harassment, and to individuals with whom the Board does business.
- (4) The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et. Seq., which prohibits discrimination on the basis of age in programs of activities receiving Federal financial assistance.
- (5) All Regulations, guidelines, and standards lawfully adopted under the above statutes by the United States Department of Education.

Individuals may direct complaints to:

Amy Washington @ 816.931. 0177 or Doc Netterville, Attorney, @ 816.472.5500 or the Office of Civil Rights @ 816.268.0550, U.S. Department of Education, Office of Civil Rights, 8930 Ward Pkwy, Suite 2037, Kansas City, MO 64111-3302 816.268.0550 or email OCR.KansasCity@ed.gov

Title IX Grievance Procedure

In accordance with Title IX of the Educational Amendment Act of 1972, The Allen Village School prohibits sex discrimination in it's educational programs as well as, extracurricular activities sponsored by the college.

An individual's sex cannot be considered as a basis for making decisions in areas include, but not limited to:

- Admission and promotion requirements
- Access to school enrollment or facilities
- Counseling and health services
- comparative athletic programs and activities
- other educational benefits/services

Note: An individual may use this grievance procedure to file a complaint alleging a violation of Title IX or any other Federal, State or Local Statute which applies to any form of discrimination.

Step 1: Filing A Complaint A grievance should be filed as soon as possible, but no later than 14 days after the alleged unlawful discriminatory practice. The complaint should be filed in writing by utilizing the Grievance Form. Supplemental sheets may be attached to provide additional detail regarding the alleged violation. The completed Grievance Form and any supplemental attachments should be filed with:

**Amy Washington
Grievance Coordinator
Allen Village School
706 West 42nd Street
Kansas City, Mo 64111
816 931 0177**

If the Title IX Coordinator is the person alleged to have discriminated, the complaint may be filed with The Allen Village School's General Counsel, Doc Netterville, IV. Mr. Netterville will appoint someone, other than himself and the Title IX Coordinator, to investigate the complaint. Mr. Netterville can be reached at : Netterville & Associates, 417 E. 6th Street, Kansas City, Mo. 64146; docnetterville2000@yahoo.com; 816 472 5500.

Step 2: Pre-Investigation Process Within 14 days of receiving the grievance form, the Grievance Coordinator or a designated representative will meet with the complainant. The purpose of the meeting is for the investigator to clarify details of the alleged violation, and to obtain names of witnesses and other relevant information deemed necessary to investigate and resolve the complaint. Complainants will be notified in writing of a meeting cannot occur within this timeframe.

Step 3: Investigation Process The Grievance Coordinator or designated representative will then interview the Individual(s) accused of discrimination, who at that time will have an opportunity to provide relevant information for the investigation and /or advise of witnesses to the violation in question. The investigation will be conducted to ensure the greatest degree of confidentiality of all parties involved. Further, all parties involved in the investigation will be advised of the expectation of confidentiality of the active investigation. It will be stressed that retaliation against the complaining party or witnesses is strictly prohibited. Proven retaliation by an employee will result in discipline, up to and including termination.

Step 4 Completion of Investigation Report

The Grievance Coordinator or designated representative should complete a written report within 30 days of receiving the complaint. The report will detail the facts and allegations made by the complainant, summarize the witness meetings, and make recommendations to resolve the complainant. However, due to the extensiveness or complexity of the issues of an investigation, more than 30 days may be needed to a complete and thorough and equitable investigation. In those cases, the complainant will be advised in writing that additional time is required.

The written report will be submitted to The Allen Village's General Counsel and the complainant will be advised verbally at that time that the report has been submitted. General Counsel will forward the written report with any supplemental comments or data to the Principal. The Principal may 1) choose to follow the recommendations 2) attempt to resolve the complaint through a designated representative, or 3) request that General Counsel or other school official identify and implement other acceptable solutions.

a. Recommendation for Proven Violations

Recommended solutions for allegations of discrimination that are proven to be valid will be based on the severity of the offense, the frequency of the offense, and the duration of the prohibited conduct or practice. Other factors may include the extent to which the misconduct or practice, however minor or severe, may isolate or intimidate the person filing the complaint. Recommendations may involve corrective action, appropriate disciplinary action and /or employment action.

b. Recommendation for Unproven Violations

In cases where the investigation does not provide sufficient evidence to determine that a violation has occurred, the Grievance Coordinator or designated representative will provide correspondence advising the complainant of the investigation outcome and their appeal options.

Step 5A: Investigation Recommendations Acceptable to Complainant

If the proposed recommendations are acceptable to the complainant and the solutions are implemented the complainant is considered resolved. The Grievance Coordinator will follow – up with the complainant to ensure that no retaliation has occurred.

Step 5B: Appeal Process with The Allen Village School

If the complaint is not resolved to the satisfaction of the complainant or the party alleged to have discriminated, a written request may be submitted to the General Counsel or Grievance Coordinator requesting that the investigation be re-opened. The written request should:

- a) be submitted within 14 calendar days of receipt of Allen Village's decision
- b) include the reasons for requesting the re-opening of the investigation

Step 5C: Appeal Process with External Agencies

The complainant may also file a complaint of alleged discrimination with the Office of Civil Rights:

Office for Civil Rights
U.S. Department of Education
8930 Ward Parkway, Suite 2037
Kansas City, MO 64114-3302
email: OCR.KansasCity@ed.gov
816-268-0550

Harassment & Discrimination Policy

It is our goal at Allen Village School to provide an environment free from harassment or discrimination in any form or fashion. In the following pages you will read what our policy is and what we want you to do if you believe (staff member or student) you have been harassed or discriminated against in any form or fashion. The purpose of this policy is to let you know that we take your concerns in this area seriously and we will investigate your concerns.

It is the policy of the School to maintain a learning environment that is free from harassment or discrimination because of an individual's race, color, sex, national origin, ethnicity, disability, sexual orientation, or perceived sexual orientation. The School prohibits any and all forms of unlawful harassment and discrimination because or discrimination because of an individual's race, color, sex, national origin, ethnicity, disability, sexual orientation, or perceived sexual orientation.

It shall be a violation of School policy for any student, teacher, administrator, or other school personnel of this School to harass or unlawfully discriminate against a student through conduct of a sexual nature, or regarding race, color, sex, national origin, ethnicity, disability, sexual orientation, or perceived sexual orientation as defined by this Policy.

It shall also be a violation of School policy for any teacher, administrator, or other school personnel of this School to tolerate sexual harassment or harassment because of a student's race, color, sex, national origin, ethnicity, disability, sexual orientation, or perceived sexual orientation, as defined by this Policy, by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the School.

For purposes of this Policy, the term "school personnel" includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the School.

The school will act to promptly investigate all complaints, either formal or informal, verbal or written, of unlawful harassment or unlawful discrimination because of race, color, sex, national origin, ethnicity, disability, sexual orientation, or perceived sexual orientation; to promptly take appropriate action to protect individuals from further harassment or discrimination; and, if it determines that unlawful harassment or discrimination occurred, to promptly and appropriately discipline any student, teacher, administrator, or other school personnel who is found to have violated this Policy, and/or harassment/ discrimination.

NONDISCRIMINATION AND ANTI-HARASSMENT

Anti-Discrimination Law compliance

As a political subdivision, employer, recipient of federal funds and educational institution, the Board of Education is prohibited from, and hereby declares a policy against, engaging in unlawful discrimination, including harassment creating a hostile environment, on the basis of race, color, religion, sex, national origin, ancestry, disability, age, or use of leave protected by the Family and Medical Leave Act, in its programs, activities, and with regard to employment. The Board is an equal opportunity employer.

Overview of discrimination/harassment

A. Hostile environment-“harassment”: Harassment, including sexual harassment and racial harassment, is one theory of establishing that a person has been illegally discriminated against. Behavior whereby the school or work environment becomes permeated with intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of a student' participation in the district's programs and activities, or of an employee's employment, can amount to prohibited discrimination. Any intimidation, ridicule, or insult that is based on race, color, religion, sex, national origin, ancestry, disability, age, or use of leave protected by the Family and Medical Leave Act is to be reported to the nondiscrimination compliance coordinator. In addition, unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature can contribute to rendering an environment hostile, and thereby discriminator, on the basis of sex. A person's age and the relationship between the parties are factors that can make conduct unwelcome even in the absence of an obvious negative reaction by the victim. The harasser and the victim need not be of a different sex, race, etc.

B. “Quid pro quo”: This is another form of behavior that can amount to discrimination on the basis of sex. This occurs when an employee's supervisor makes job benefits of refraining from adverse action conditional upon submission to unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature. Similarly, “quid pro quo” harassment also occurs when an employee of the district, in real or apparent authority over a student, conditions the student's participation in the district's programs or bases educational decisions upon submission to unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal, or physical conduct of a sexual nature. It is extremely important that any person who knows of or experiences such “quid pro quo” behavior, whether or not the threatened action or promised favor was

carried out, to immediately notify the district's nondiscrimination compliance coordinator.

C. **If harassment is occurring**, there may be a variety of witnesses to discrete actions that may not of themselves seem of particular gravity. Also, victims may be unwilling to report or, because of their youth, may not understand the prohibited nature of some conduct. Only a central repository of all such reports from the entire district community can allow the compliance coordinator to effectively detect and remedy potentially illegal discriminatory harassment before its severity or pervasiveness causes the district to fail in its compliance obligations. What constitutes discrimination by harassment depends on the facts of each situation, and therefore doubt as to whether to report to the compliance coordinator should be resolved in favor of reporting, so that the compliance coordinator has more, rather than less, information about a situation.

The following document is a presentation that all 3 – 8th graders will receive in the early part of the school year to alert students and parents about the position the school holds on students safety in regards to harassment and bullying.

Allen Village School
Harassment and Bullying Presentation

As many of you know I am the attorney for Allen Village School who conducts the Disciplinary Hearings. I am here because Mrs. Washington and her staff have some grave concerns over the behavior of some of you. Our concerns are two-fold. One is in the area of sexual harassment/sexual misconduct and the other is in the area of language or actions that can be construed as threatening. Both are unacceptable and sufficient to result in you being referred to me as the Hearing Officer and potential long-term suspension or expulsion and the notification of law enforcement.

1. **Sexual Harassment**: Sexual harassment is the unwelcome use of words directed at another person. The purpose of these words are to humiliate or demean a person. In order for there to be sexual harassment, the words must be heard and unwelcomed by the listener. **Sexual misconduct** is similar to sexual harassment. The purpose is the same, and that is to demean and/or humiliate. We are not concerned with what the listener heard; we are concerned with the speaker. Both are wrong and unacceptable and will not be tolerated at this school. We live in a world that demeans women and men. We live in a world that glorifies sex and makes boys and girls sexual objects. In your homes you are free to speak any way that is acceptable to your parents. **In this school you will show respect for yourself and for others. Boys and girls are human beings, they are not sexual objects.** If you as a student have been harassed or have been the subject of sexual language, you need to immediately tell a teacher or an administrator at this school.

You do not need to be afraid that you will get into trouble. You need to tell your parents immediately. If a teacher or an administrator has sexually harassed you or sexually demeaned you, you need to tell Mrs. Washington or call me and tell your parent. **YOU WILL NOT GET IN TROUBLE.**

2. **Bullying:** Bullying is when another person makes you do something that you do not want to do or makes you feel in a manner that you would not normally feel. Bullying means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyber bullying, electronic or written communications. That is pretty vague but here is the simple rule. You should treat people in the manner that you want them to treat you. If you have been bullied by another person, in any form, you should tell an adult and **make sure that you or your parent tell someone at school such as a teacher or an administrator.**

3. **Words or Acts of Violence:** Let me make it simple. In this school you cannot use any words or actions that are considered threatening to another person in any form or fashion, including cyberbullying, electronic or written communications. It is that simple. It is a crime, and we will treat it as one. You cannot say, "I am going to kill you," "I am going to shoot you," "I am going to hurt you," "I am going to beat you up." If you threaten people in this school, you are going to be referred to the hearing officer. If you threaten to shoot someone, kill someone, or hurt someone, we are going to call the police. When you come to this school, you will be safe. While you are at this school, we are going to do the very best to ensure that you have a safe place in which to learn. If you have been threatened by another person at this school, you must tell a teacher, or an administrator. Remember, you will not get in trouble. However, you will get in trouble if we find out that you knew that someone was getting threatened and you did not do anything about it.

I want to thank you for your time. Each of you knows that I cannot begin to address every situation. Let me make it very simple for you. In this school we treat people as people. We do not treat them as things, or objects, or commodities. In this school we do not threaten people. It is not a joke and it will not be treated as a joke. **I WANT TO BE VERY CLEAR THAT NEITHER SEXUAL HARASSMENT, SEXUAL MISCONDUCT, OR USING WORDS, ACTIONS, CYBERBULLYING, ELECTRONIC OR WRITTEN COMMUNICATIONS THAT THREATEN PEOPLE WILL BE TREATED AS FUNNY.**

Thank you for your time. If you or your parents have any questions you are welcome to contact me. My number is (913) 262 4500. If I am not there, please leave a message. Thank you again for your commitment to your school.

**Paul S. Franco
Attorney at Law**

Parents: This is a copy of a presentation that was made by Mr. Paul Franco, School Hearing Officer and Attorney. The presentation was given to our Elementary and Junior Academy on _____. Please sign that you have been notified that your child has received this presentation. If a student was absent or entered the school later than _____ please read and discuss with your child and note that we take these behaviors very seriously.

Student Name

Parent Name

Date

**Parent/student rights in identification, evaluation and placement for
IDEA and Section 504**

The following is a description of the rights granted by federal law to students with disabilities. The intent of the law is to keep you fully informed concerning decisions about your child and to inform you of your rights if you disagree with any of these decisions.

You have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination because of his/her disabling condition;
2. Have the school district advise you of your rights under federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free appropriate public education. This includes the right to be educated with non-disabled students to the maximum extent appropriate. It also includes; the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school related activities;
5. Have your child educated in facilities and receive services comparable to those provided non-disabled students;
6. Have your child receive special education and related services if he/she is found to be eligible under the Individuals with Disabilities Education Act;
7. Have evaluation, educational and placement decisions made based upon a variety of information sources, and by persons who know the student, the evaluation data and placement options;

8. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
9. Have your child be given an equal opportunity to participate in nonacademic and extracurricular activities offered by the district;
10. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
11. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
12. A response from the school district reasonable requests for explanations and interpretations of your child's records;
13. Request amendments of your child's educational records if there is reasonable cause to believe that they are inaccurate, misleading or otherwise in violation of the privacy rights of your child. If the school district refuses this request for the amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
14. Request an impartial due process hearing through the district's grievance procedure related to decisions or actions regarding your child's identification, evaluation, educational program or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing request must be made to the ADA/504 coordinator.

***The person in this district who is responsible for assuring that the district complies with Section 504 and IDEA is Amy Washington, Director of Special Services. Her telephone number is (816) 931-0177.**

Grievance Procedure

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Recommendations may involve corrective action, appropriate disciplinary action and /or employment action.

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