DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

Any employee, student and/or the parent/guardian of any student who believe they have been subject to discrimination or harassment on the basis of race, color, national origin, sex, age, disability, religion, or other class protected by law which in any way adversely affects their employment, access to, participation in, ability to benefit from, admissions, membership, or otherwise results in inequality in any school-sponsored organizations, clubs, facilities, activities, or programs, is encouraged to utilize the due process procedure set forth below as a mechanism to resolve his/her complaint.

COMPLIANCE OFFICER:
Sheridan County School District No. 2 designates the Superintendent and/or designee at 201 N. Connor St. Suite 100, Sheridan, WY 82801, phone 307-674-7405, as the District's Civil Rights Compliance Officer for all civil rights issues, inclusive of disability not covered by the Section 504 Due Process Procedures (ACE-P). The Civil Rights Compliance Officer shall have responsibility to coordinate efforts to comply with and carry out responsibilities under Title II, Title VII, and all other civil rights and discrimination laws, both state and federal. The Compliance Officer shall have responsibility to investigate any complaint communicated to the Compliance Officer alleging noncompliance or alleging any actions that would be prohibited by Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, all civil rights laws, including both state and federal laws, in any way governing discrimination and/or harassment based upon a protected class. The District may designate a different person to carry out the duties of the 504 Compliance Officer.

SECTION 504:
With regard to any complaint involving identification, evaluation, or placement of a student involving Section 504, the student and his/her parent/guardian is entitled to receive notice of student and parental rights regarding Section 504. The hearing procedures relating to identification, evaluation, and/or placement under Section 504 can be found in the procedures entitled 504 Due Process Procedures (ACE-P). Any person wishing to file a complaint regarding 504 Due Process Procedures is directed to contact the Superintendent, Section

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504/ADA Coordinator, 201 N. Connor St., Suite 100, Sheridan, WY, 82801.

SEXUAL HARASSMENT:
The procedures for handling complaints regarding sexual harassment are set forth in policy ACA.

RECORDS:
With regard to any claim involving harassment or discrimination, the employee, student, or parent/guardian of a student alleging discrimination shall be given the opportunity to examine all relevant records that are not privileged. Documents submitted or utilized in this procedure shall be retained for not less than two (2) years.

NONRETALIATION:
No unlawful retaliation (reprisal) of any kind shall be taken against any person participating in this grievance procedure, either as a complainant, respondent, or witness.

PROCEDURES:
Any employee, student, or parent/guardian of a student who believes that he/she has been discriminated against in violation of Policy AC or any state or federal nondiscrimination law (referred to herein as the "Complainant") may proceed as follows:

Level One
The Complainant shall first contact the student's teacher or employee's immediate supervisor in an effort to resolve the concerns as expeditiously as possible. If this does not resolve the concern, the Complainant shall discuss the matter with the principal of the building, or director of the department in which the Complainant is attending or primarily works. The principal or director shall, within 21 calendar days, investigate the matter and provide a written decision to the complainant and respondent regarding the concerns.

Level Two
If the Complainant is not satisfied with the decision of the principal or director, the Complainant may, within 7 calendar

days of receipt of the decision, file a formal written complaint (referred to herein as the "Complaint") with the Compliance Officer for the school district. The Complaint shall include all documents and information supporting the Complainant's position, the names of all witnesses concerning the matter, and the name of any attorney or other representative that will appear on behalf of the Complainant. The written complaint shall also specify the Complainant's desire to proceed forward with (A) an informal hearing procedure as described below, or (B) a formal hearing procedure as described below.

A. **Informal Hearing Procedure.** The informal hearing procedure, if elected by the Complainant, is as follows:

1. Within 14 calendar days of receipt of the Complaint, the Compliance Officer shall provide a copy of the Complaint to the party alleged to have engaged in discrimination/harassment ("Respondent") and interview the Complainant, Respondent, and any witnesses believed to have relevant information to the matter, as well as any other persons the Compliance Officer deems appropriate to interview.

2. Within 30 calendar days after receipt of the Complaint, the Compliance Officer will give both the Complainant and Respondent an opportunity to present their positions in the presence of each other and with the assistance of a representative, including legal counsel (provided the party provides written notice in advance), as they deem appropriate.

3. Within 45 calendar days after receipt of the Complaint, the Compliance Officer shall provide the Complainant and Respondent with a written decision together with a directive for resolving the matter if the complaint has been substantiated. The resolution may include any disciplinary procedure against the student, up to and including expulsion, and may include any disciplinary procedure against a staff member, up to and including termination. If the Complainant elects to utilize an informal hearing procedure, the Complainant shall be deemed as waiving the formal hearing procedure.

B. **Formal Hearing Procedure.** The formal hearing procedure, if elected by the Complainant, is as follows:

1. Within 5 calendar days of receipt of the Complaint, the Compliance Officer shall provide a copy of the Complaint to

the party alleged to have engaged in discrimination/harassment ("Respondent").

2. Within 10 calendar days of receipt of the Complaint, a meeting will be held between the Complainant and the Respondent for the purpose of selecting a mutually agreeable hearing date to be held within 45 calendar days of that meeting.

3. At least 15 calendar days prior to the hearing, the parties shall exchange documents, exhibits, and a list of proposed witnesses. Unless otherwise authorized by the Compliance Officer, a party shall not be entitled to utilize any documents, exhibits, or witnesses at the hearing that are not timely disclosed. The hearing shall be held and conducted generally in compliance with the Wyoming Administrative Procedures Act. The hearing shall be recorded in such a manner that it can be transcribed, if necessary. The Complainant shall have the burden of proof. The Complainant shall first present his/her evidence, after which the Respondent shall present his/her evidence in defense thereof. The Complainant shall then be permitted to reply. Both parties will have an opportunity to give an opening statement, to present evidence and call witnesses, cross-examine opposing witnesses, and present a closing statement. The Compliance Officer may request that the parties provide proposed findings of fact and conclusions of law. The Compliance Officer may at any time he/she deems appropriate, engage the assistance of an attorney to assist in conducting the hearing.

4. Within 20 calendar days following completion of the hearing, the Compliance Officer shall provide the Complainant and Respondent with a written decision together with a directive for resolving the matter if the complaint has been substantiated. The resolution may include any disciplinary procedure against the student, up to and including expulsion, and may include any disciplinary procedure against a staff member, up to and including termination.

Conflict

If at any point in the above-described Level One or Level Two procedures, the allegations of discrimination/harassment concern the individual who is tasked with resolving the matter, the Superintendent or Board Chair shall designate another school

district administrator to address the matter. (For example, if the allegations of discrimination/harassment are made against the building principal, then the Superintendent shall designate another school district administrator to provide the determination described in Level One)

Level Three – Appeal to Board of Trustees
Either the Complainant or the Respondent shall have the right to appeal the decision of the Compliance Officer to the Board of Trustees of the school district by filing with the Board of Trustees a notice of appeal within 7 calendar days after receipt of the written decision of the Compliance Officer under Level Two. A copy of the notice of appeal shall also be provided to the Compliance Officer and the other party. For the purpose of determining receipt, the parties will be deemed to have received the written decision from the Compliance Officer three (3) days after the decision is placed in the mail.

Within 14 calendar days following delivery of the notice of appeal to the Board, the appealing party shall file with the Board of Trustees a written memorandum explaining the basis of the appeal and the reason the appealing party is asking the Board of Trustees to reverse the decision of the Compliance Officer. A copy of this memorandum shall be provided to the other party to the complaint within 4 calendar days, who shall then have 14 calendar days from receipt to file a responsive memorandum. At its sole discretion, the Board of Trustees may request the parties appear and present oral argument and/or additional written submissions or, alternatively, may decide the matter on the basis of the evidence presented to the Compliance Officer.

The Board shall render a decision on the appeal within 45 calendar days after the Respondent's memorandum is due.

Level Four - Appeal to District Court:
The decision of the Board may be appealed to the appropriate District Court within and for the State of Wyoming as provided for in the Wyoming Rules of Appellate Procedure.

Limitations:

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Any student, and/or the parent/guardian of any student or employee, who believes the student or employee has been discriminated against or harassed based upon their protected classification, must initiate the process described above within sixty (60) calendar days after the student or employee knew or should have known of the act or condition on which the complaint is based. In the case of a continuing discrimination or harassment, Level One must be initiated within sixty (60) calendar days of the last incident of harassment or discrimination. The complaint shall be considered as having been waived if the hearing process has not been initiated within the required time frame or if other deadlines set forth herein are not followed.

Agency Contacts:
Persons with complaints involving harassment and/or discrimination may also contact the Wyoming Department of Education, Office for Civil Rights Coordinator, 2nd Floor, Hathaway Building, Cheyenne, WY 82002-0050 or 307-777-6198 or the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Blvd., Denver, CO 80204-3582 or 303-844-3417 or the Wyoming Department of Employment at 1510 E. Pershing Blvd., Room 150, Cheyenne, WY 82002, 307-777-7261.

Policy Reference:

AC	Nondiscrimination
ACE-P	Section 504 Due Process Procedures
AII/JII	Grievance Procedure and Report Form

First Reading: 10-6-25
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