

NONDISCRIMINATION

The Pioneer Technology Center Board of Education is committed to a policy of nondiscrimination in relation to race, color, national origin, sex/gender (including harassment), age, religion, disability or veteran status. This policy will prevail in all matters concerning staff, events, students, the public, employment, admissions, financial aid, educational programs and services, facilities access, and individuals, companies, and firms with whom the board does business. Racial discrimination shall include racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward an employee, a student or a visitor.

The board directs the superintendent of schools to designate compliance coordinator(s)/officer(s) and to prepare necessary rules, regulations, and procedures to insure that all local, state, and federal laws, regulations, and guidelines are followed.

The following statement will be included in all course announcements, bulletins disseminated to all students, materials used for recruiting or describing programs and training, application or enrollment forms, brochures, and catalogs:

"Pioneer Technology Center does not discriminate on the basis of race, color, national origin, sex/gender, age, religion, disability or veteran status."

Inquiries concerning application of this policy may be referred to the designated Title IX/504/ADA compliance coordinator(s)/officer(s) at:

Pioneer Technology Center
2101 N. Ash
Ponca City, Oklahoma 74604
(866) 612-4782

REFERENCE: Policy GJ-P, Grievance Procedures for Filing, Processing and Resolving Discrimination complaints
Policy GJ-A, Sexual and Other Harassment
Oklahoma Constitution, Article 1, Section 6
Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Rehabilitation Act of 1973, §504
Education for All Handicapped Children Act of 1975
Immigration Reform and Control Act of 1986
Americans With Disabilities Act of 1990, 42 U.S.C. §12101
Individuals With Disabilities Education Act, 20 USC §1400, et seq.

SEXUAL HARASSMENT OF STUDENTS

The policy of this school district forbids discrimination against, or harassment of any student on the basis of sex. The Pioneer Technology Center Board of Education will not tolerate sexual harassment by any of its employees or students. This policy applies to all students and employees including non-employee volunteers whose work is subject to the control of school personnel. Policy GJ-B applies to sexual harassment of employees.

1. Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the school district conditioning the provision of an aid, benefit, or service of the school district on a student's participation in unwelcome sexual conduct. This is referred to as quid pro quo sexual harassment;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a student equal access to the school district's educational program or activity; or
 - c. Sexual assault, dating violence, domestic violence or stalking as defined by federal law.

For the purpose of this policy, examples of sexual harassment include, but are not limited to:

Verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personality characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.

Demeaning comments about a girl's ability to excel in a class historically considered a "boy's" subject, privately talking to a student about sexual matters, hugging or touching a student inappropriately may constitute sexual harassment.

Writing graffiti that names a student or otherwise identifies a student is potentially slanderous and constitutes sexual harassment. Graffiti of any kind will not be tolerated on school property. The superintendent is directed to cause any graffiti or unauthorized writings to be removed immediately. Use of e-mail, the internet, or technology may constitute sexual harassment as much as use of in-person, postal mail, handwritten or other communication.

Any of the aforementioned conduct that effectively deprives a student of equal access to educational opportunities or benefits provided by the school.

2. Specific Prohibitions
 - A. Administrators and Supervisors
 1. It is sexual harassment for an administrator, supervisor, support employee, or teacher to use his or her authority to solicit sexual favors or attention from students.
 2. Administrators, supervisors, support personnel, or teachers who either engage in sexual harassment of students or tolerate such conduct by other employees shall be subject to sanctions, as described below.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

3. The "off-duty" conduct of school personnel that has or will have a negative impact on the educational process of the school or constitutes an illegal or inappropriate relationship with a student may subject the employee to disciplinary action which could include termination of employment. Any romantic or sexual affiliation between school personnel and students, including students who have reached the age of majority (18), during school hours will have a negative impact on the educational process and shall constitute a violation of school policy. Such violations may result in suspension of the student and suspension or termination for the employee. Any sexual affiliation between teachers and students under the age of 20 constitutes a crime under Oklahoma law and will most likely result in the suspension of certification by the State of Oklahoma.

Notice of this policy and grievance procedure, including how to file or report sexual harassment and how the district will respond shall be provided to applicants for admission and employment, students, parents or legal guardians, and unions or professional organizations holding agreements with the school district.

4. Reporting Allegations of Sexual Harassment

- A. It is the express policy of the board of education to encourage student victims of sexual harassment to come forward with such claims.

1. Students who feel that administrators, supervisors, support personnel, teachers, or other students are subjecting them to sexual harassment are encouraged to report these conditions, or have their parents report these conditions, to the appropriate administrator or teacher. If the student's immediate administrator or teacher is the alleged offending person, the report will be made to the next higher level of administration or supervision or to any responsible adult person. The employee to whom the report was made will provide notice of the report to the Title IX coordinator. The Title IX coordinator should then provide the appropriate paperwork to the student or parent/guardian so that the student (complainant) may file a formal complaint with the Title IX coordinator by mail, e-mail or as directed by the Title IX coordinator.

2. Every attempt will be made to maintain confidentiality; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.

- B. Upon notice from an employee that a student or parent/guardian has reported possible sexual harassment, the Title IX coordinator will promptly contact the student (alleged victim) to discuss the availability of supportive measures, consider the student's wishes with regard to supportive measures, and explain the process that will be involved with a formal complaint.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

5. Grievance Procedure.

- A. Equitable Treatment. Both the alleged victim (complainant) and the alleged respondent (respondent) will be treated equitably by the school district.
- B. Objective Evaluation of Evidence. All evidence both inculpatory and exculpatory will be evaluated objectively. Credibility determinations will not be made based upon the party's status as complainant, respondent, or witness.
- C. Conflict of Interest. Any person serving as the Title IX coordinator, investigator, decision-maker, or any person designated to facilitate the process shall not have a conflict of interest against complainants and respondents generally or against the particular complainant and respondent.
- D. Presumption. There will be a presumption that the respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process.
- E. Timeliness. The grievance process will proceed in a timely manner. Any delay in the process for good cause such as law enforcement involvement, absence of a party, witness or advisor, translation, or accommodation needs will be documented, and written notice provided to both parties explaining the reason for the delay.
- F. Possible outcomes. A description or listing of possible disciplinary outcomes and remedies that may be implemented following a determination of responsibility must be provided to both parties.
- G. Standard of Review. The school district will utilize a preponderance of the evidence standard to determine responsibility. *** The standard selected by the school district will need to be the same standard that is applied to all formal complaints including those against employees.
- H. Privileged Information. The school district will not require, allow or use evidence or questions that constitute or seek legally privileged information, unless the privilege is waived.

6. Written Notice. Upon receipt of a formal complaint, the school district will provide written notice to all known parties in sufficient time to give the respondent time to prepare a response before an initial interview. The written notice must include:

- A. Notice of the grievance process, including any informal resolution process;
- B. Notice of the allegations, including sufficient details to allow the respondent to prepare a response;
- C. A statement that the respondent is presumed not responsible for the conduct and that responsibility will be determined at the conclusion of the grievance process;
- D. Notice of the parties' right to have an advisor and to inspect and review evidence. The advisor may but is not required to be an attorney.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

- E. Notice of any provision in the student discipline code that prohibits knowingly making false statements or providing false information in the grievance process.

If in the course of an investigation, the school district obtains additional information about the respondent or complainant that was not included in the original written notice, notice of the additional allegations must be provided in writing to both parties.

7. Investigation of the Allegations. The school district will designate an investigator to conduct a thorough investigation of allegations. Contact information for the investigator will be provided to both the complainant and the respondent.

- A. The burden of proof and of gathering evidence remains on the school district.
- B. An equal opportunity will be provided to both parties to present witnesses and evidence during the investigation.
- C. Neither the complainant or respondent will be prohibited from discussing the allegations or gathering and presenting evidence to the investigator.
- D. Both parties will have the opportunity to have others present during interviews or related proceedings. This may include an advisor who may but is not required to be an attorney.
- E. Written notice of the date, time, participants, purpose and location of any investigate interview, hearing, or other meeting shall be provided to the party who is invited or expected to attend.
- F. Both parties and their advisors, if any, will be provided an opportunity to review all evidence that is directly related to the allegations in the formal complaint. This would include any evidence on which the school district does not intend to rely and any exculpatory or inculpatory evidence from any source. Such evidence must be provided prior to the completion of the final investigation report and in time to give the parties at least ten (10) days to prepare a written response, which the investigator must consider prior to completing the investigation report.
- G. A written investigation report will be provided that summarizes the relevant evidence. This report will be provided to the parties and their advisors, if any, for their review and written response at least ten (10) days before a hearing or determination of responsibility.

8. Hearing. The Title IX coordinator will determine whether a live hearing is necessary on a case-by-case basis if both parties request or consent to such a hearing (the live hearing component is optional for secondary students and mandated for post-secondary students). Regardless of whether a live hearing is held, or a written hearing is conducted, each party will have ten (10) days from the receipt of the investigation report to submit written, relevant questions that the party wants asked of another party or witness. Both parties will be provided with the answers and follow up questions. Federal law determines when questions regarding a complainant's prior sexual behavior or sexual predisposition are considered relevant in a hearing provided by a school district.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

9. Determination of Responsibility. A decisionmaker, the Executive Director, Full Time Programs, who is not the Title IX coordinator or the investigator, will apply a preponderance of the evidence standard to determine responsibility, and will issue a written determination of responsibility that:

- A. Identifies the allegations that potentially constitute sexual harassment;
- B. Describes the school district's procedural steps taken from the receipt of the complaint to the determination;
- C. Includes findings of fact to support the determination;
- D. Includes conclusions regarding applicants of the discipline code to the facts;
- E. Includes a statement of, and rationale for, the result as to each allegation, including a determination of responsibility, any disciplinary sanctions, and whether remedies to restore or preserve equal access to the school's educational programs or activities will be provided to the complainant; and
- F. The procedures and permissible basis for appeals.

10. Appeals. Within ten (10) days of a determination of responsibility, dismissal of a complaint or any allegations therein either party may appeal for one of the following reasons:

- A. A procedural error affected the outcome.
- B. New evidence that was not reasonably available at the time of the determination and could affect the outcome;
- C. Conflicts of interest on the part of the Title IX coordinator(s), investigator or decision maker that affected the outcome.

If an appeal is made, the school district will provide written notice to both parties of the appeal. Both parties will be provided an equal opportunity to submit a written statement in support of or challenging the determination within ten (10) days of the written notice to both parties of the appeal being filed. The appeal will be heard by an appeal decision maker, the Executive Director, Business and Industry Services, who is not the Title IX coordinator, the investigator or the original decisionmaker. The appeal decisionmaker cannot have a conflict of interest or bias against complainants and respondents generally or the particular complainant and respondent. The appeal decisionmaker will receive training as mandated by law. The decision of the appeal decisionmaker will be final and nonappealable. The written decision of the appeal decisionmaker will be provided within ten (10) days of the deadline for written statements supporting or challenging the initial determination. The written decision will be provided simultaneously to both parties.

11. Recordkeeping. The school district will keep records related to reports of alleged sexual harassment for a minimum of seven (7) years. Records maintained will include investigation records, disciplinary sanctions, remedies, appeals, and records of any action taken including supportive measures. Records will document in each instance that the school district's response was not indifferent and that measures were taken to restore or preserve equal access to educational programs or activities. If the school does not offer supportive measures in response to a report, the records should document why the response was not clearly unreasonable under the known circumstance.

SEXUAL HARASSMENT OF STUDENTS (Cont.)

The district will also post the training materials used to train Title IX coordinators, investigators, and decisionmakers on the district website at: pioneertech.edu . These materials will also be available to the public.

12. Retaliation. The board of education prohibits retaliation by the school district or any employees of the school district against any person for the purpose of interfering with Title IX rights or because the person has participated or refused to participate in any manner in a proceeding under Title IX regulations. Complaints of retaliation will be addressed under the district’s grievance process, policy GJ-P.

Charging a person with a discipline violation or code of conduct violation based on a person’s knowingly making a materially false statement in bad faith in an investigation is not retaliation.

REFERENCE: Title VII of the Civil Rights Act of 1964

42 U.S.C. §2000e-2

29 C.F.R. §1604.1, et seq.

U.S. Department of Education of Education, OCR, Title IX Regulations Addressing Sexual Harassment.

Policy GJ-P, Grievance Procedure for Filing, Processing and Resolving Discrimination complaints

Policy FO, Student Conduct, Behavior and Discipline

Policy GJ-B, Sexual Harassment – Employee

Form GJ-A1, Sexual Harassment Incident Report Form

Form GJ-A2, Sexual Harassment Written Notice to Known Parties

Form GJ-A3, Sexual Harassment Written Report

SEXUAL HARASSMENT - EMPLOYEE

The policy of this school district forbids discrimination against any employee or applicant for employment on the basis of sex. The Pioneer Technology Center Board of Education will not tolerate sexual harassment by any of its employees. This policy also applies to non-employee volunteers whose work is subject to the control of school personnel. Policy GJ-A applies to sexual harassment of students.

General Prohibitions

1. Unwelcome Conduct of a Sexual Nature
 - A. Conduct of a sexual nature may include verbal or physical sexual advances, including subtle pressure for sexual activity; touching, pinching, patting, or brushing against; comments regarding physical or personal characteristics of a sexual nature; and sexually-oriented "kidding" "teasing," double meanings, and jokes.
 - B. Verbal or physical conduct of a sexual nature may constitute sexual harassment when the allegedly harassed employee has indicated, by his or her conduct, that it is unwelcome.

2. Sexual Harassment

For the purpose of this policy, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment if:

- A. Submission to the conduct is made either an explicit or implicit condition of employment;
- B. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- C. The conduct substantially interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

Specific Prohibitions

1. Administrators and Supervisors
 - A. It is sexual harassment for an administrator or supervisor to use his or her authority to solicit sexual favors or attention from subordinates when the subordinate's failure to submit will result in adverse treatment, or when the subordinate's acquiescence will result in preferential treatment.
 - B. Administrators and supervisors who either engage in sexual harassment or tolerate such conduct by other employees shall be subject to sanctions, as described below.
2. Non-administrative and Non-supervisory Employees
 - A. It is sexual harassment for a non-administrative and non-supervisory employee to subject another such employee to any unwelcome conduct of a sexual nature. Employees who engage in such conduct shall be subject to sanctions as described below.

3. Specific Prohibitions

- A. It is sexual harassment for an administrator, supervisor, support employee, teacher, or non-employee volunteer to use his or her authority to solicit sexual favors or attention from students.
- B. Administrators, supervisors, support personnel, or teachers who either engage in sexual harassment of students or tolerate such conduct by other employees shall be subject to sanctions, as described below.

Report, Investigation, and Sanctions

- 1. It is the express policy of the board of education to encourage victims of sexual harassment to come forward with such claims. This may be done through the Employee Grievance policy GJ-P.
 - A. Employees who feel that administrators or supervisors are conditioning promotions, increases in wages, continuation of employment, or other terms or conditions of employment upon sexual favors, are encouraged to report these conditions to the appropriate administrator. If the employee's direct administrator or supervisor is the alleged offending person, the report will be made to the next higher level of administration or supervision, unless it is the superintendent who is the alleged offender. In which case, the complaint shall be referred to the board president.
 - B. Employees are also urged to report any unwelcome conduct of a sexual nature by supervisors or fellow employees if such conduct interferes with the individual's work performance or creates a hostile or offensive working environment.
 - C. Confidentiality will be maintained; however, absolute confidentiality cannot be guaranteed because of due process concerns that arise in sexual harassment investigations. No reprisals or retaliation will be allowed to occur as a result of the good faith reporting of charges of sexual harassment.
- 2. In determining whether alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. The superintendent has the responsibility of investigating and resolving complaints of sexual harassment.
- 3. Any employee found to have engaged in sexual harassment shall be subject to sanctions, including, but not limited to warning, suspension, or termination subject to applicable procedural and due process requirements. Non-employee volunteers will be dismissed.

REFERENCE: Title VII of the Civil Rights Act of 1964

29 CFR §1604.1, et seq.

34 CFR Part 106

20 USC §§1681-1688

29 USC §794

42 USC §§2000d-2000d-7

42 USC §§2000e-2000e-17

42 USC §2000e-2

Policy GJ, Nondiscrimination

Policy GJ-A, Sexual Harassment of Students

**Policy GJ-P, Grievance Procedure for Filing, Processing and Resolving Discrimination
Complaints**

Form GJ-P1, Discrimination Complaint Form

EQUAL EDUCATION OPPORTUNITIES

It is the policy of the Pioneer Technology Center Board of Education that the right of a student to participate fully in classroom instruction shall not be abridged or impaired because of age, sex, race, religion, national origin, handicap, pregnancy, parenthood, marriage, or for any other reason not related to individual capability.

The right of a student to participate in extracurricular activities shall be dependent only upon the maintenance of minimum academic standards established by the board and the student's individual ability in the extracurricular activity.

The administration shall insure that no student suffer discrimination by any school employee or any other student in curricular, cocurricular, or extracurricular activities of the school district.

REFERENCE: Title 6, Civil Rights Act of 1964; Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972: Executive Order 11246, as amended by Executive Order 11375: Title 9, Education Amendments of 1972 (Public Laws 92-318)

**GRIEVANCE PROCEDURE FOR FILING, PROCESSING
AND RESOLVING DISCRIMINATION COMPLAINTS**

Both the alleged victim (complainant) and the alleged respondent (respondent) will be treated equitably by the school district.

1. Definitions

- A. Discrimination Complaints: A written complaint alleging any policy, procedure or practice which discriminates on the basis of race, color, national origin, sex, (including sexual harassment), religion, disability or veteran status.
- B. Complainant: Any person enrolled in or employed by PTC who submits a complaint alleging discrimination based on race, color, national origin, sex/gender, (including sexual harassment), age, religion, disability or veteran status. Complaints related to student sexual harassment will be investigated following PTC policy GJ-A. For purpose of any complaint alleging a violation of Section 504, in addition to those identified as possible complainants in this paragraph, members of the public may also be potential complainants. For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.
- C. Title IX, ADA, Title VI and VII and 504 Compliance Officer(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973 and any other state and federal laws addressing equal educational opportunity. The Compliance Officer(s) under Title IX, ADA, Title VI and VII and 504 is responsible for processing complaints and serves as moderator and recorder during hearings. The Compliance Officer(s) of each statutory scheme may be the same person or different persons.
- D. Respondent: The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
- E. Day: Day means a working day when PTC's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

2. Pre-Filing Procedures

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the Executive Director, Full Time Programs, or Instructional Director or the District's Title IX, ADA, Title VI and VII or 504 Compliance Officer(s), as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

**GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING
DISCRIMINATION COMPLAINTS (Cont.)**

3. Filing and Processing Discrimination Complaints

A. The Complainant submits a written complaint to the Compliance Officer(s), as applicable, stating the basis, nature and date of the alleged discrimination, the names of persons responsible (where known) and requested action. If the applicable Compliance Officer(s) is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the Superintendent for assignment. If neither the Superintendent or Compliance Officer(s) is an appropriate person to receive the grievance it may be submitted to the President or a member of the Board of Education. Complaints must be submitted within 30 days of alleged violation or date Complainant has become knowledgeable of alleged violation. Complaint forms are available from the offices of the District's Title IX, ADA, Title VI and VII and 504 Compliance Officer(s).

B. The Compliance Officer(s) conducts an investigation within 10 days of receiving the complaint, to the extent reasonably possible, which may include but not be limited to, interviewing the Complainant, any witnesses, review of documents and interviewing the Respondent. The Compliance Officer(s) will, among other actions, ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Complainant's requested action; and (c) outline alternatives.

As to complaints of discrimination by students and school employees, the Compliance Officer(s) will disclose the complaint, the identity of the Complainant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the grievance and only when the disclosure is required or permitted by law. If a complainant wishes to remain anonymous, the Compliance Officer(s) will advise him or her that such confidentiality may limit PTC's ability to fully respond to the complaint. If a Complainant asks to remain anonymous, the Compliance Officer(s) will still proceed with its investigation.

C. The Respondent will submit a written answer within 10 days to the applicable Compliance Officer(s).

D. Within 5 days after receiving Respondent's answer, the applicable Compliance Officer(s) will refer the written complaint and Respondent's written answer to the Superintendent or his/her designee for a hearing. If any person charged with decision making responsibility at any level of this grievance procedure is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Compliance Officer(s) will schedule the hearing with the Complainant, the Respondent and Superintendent (or designee). The hearing will be conducted within 10 days after the Compliance Officer(s) receives Respondent's answer.

E. At the hearing, the Superintendent (or designee) will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Compliance Officer(s) will make arrangements to audiotape any oral evidence presented.

F. Within 5 days after the hearing, the Superintendent will issue a written decision to the Complainant, Respondent and applicable Compliance Officer(s).

**GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING
DISCRIMINATION COMPLAINTS (Cont.)**

- G. If the Complainant or Respondent is not satisfied with the decision, he or she must notify the applicable Compliance Officer(s), in writing, within 5 days and request an appeal to the Board of Education. The written appeal shall contain a specific statement of the basis for the appeal.
- H. The applicable Compliance Officer(s) will notify the Board of Education, in writing, within 5 days after receiving the appeal. The Clerk will place the appeal on a board agenda within 30 days from the date of notification to the Board of Education.
- I. The Board will act as an appellate body by reviewing the decisions and the oral and written evidence presented and making a decision. At the Board meeting, the Board may ask for oral or written evidence from the parties and any other individual it deems relevant. The Clerk will make arrangements to audiotape any oral evidence presented. Within 5 days of the meeting, the Board will issue a final decision in writing to all parties involved.

4. General Provisions

- A. Extension of time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the complaint is resolved shall be no more than 120 days.
- B. Access to Regulations: Upon request, PTC shall provide copies of any district policies prohibiting discrimination on the basis of race, color, national origin, religion, sex/gender, age, religion, disability or veteran status.
- C. Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of PTC. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for no less than four years after complaint resolution.
- D. Representation: The Complainant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.
- E. Retaliation: No reprisals or retaliation will be allowed to occur as the result of the good faith reporting of a discrimination complaint.
- F. Basis of Decision: At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities, incidents, or behavior.
- G. Standard of Review. The school district will utilize a preponderance of the evidence standard to determine responsibility. *** The standard selected by the school district will need to be the same standard that is applied to all formal complaints including those against employees.
- H. Section 504 Due Process Procedures: For information concerning due process procedures under Section 504, the Complainant should contact the 504 Compliance Officer(s).

**REFERENCE: Policy GJ, Nondiscrimination
Policy GJ-A, Sexual Harassment of Students
Policy GJ-B, Sexual Harassment - Employee
Form GJ-P1, Discrimination Complaint Form**

**Oklahoma Constitution, Article 1, Section 6
Title 6, Title 7, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by Executive Order 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Rehabilitation Act of 1973, §504
Education for All Handicapped Children Act of 1975
Immigration Reform and Control Act of 1986
Americans With Disabilities Act of 1990, 42 U.S.C. §12101
Individuals with Disabilities Education Act, 20 USC §1400, et seq.**