

**FILING A STATE OR FEDERAL DISCRIMINATION AND/OR  
HARASSMENT COMPLAINT**

Most employment-related discrimination or harassment complaints:

- Statute of limitations is 300 days (NDCC 14-02.4-19)  
Complaints should be filed with:  
North Dakota Department of Labor  
Human Rights Division  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone: (701) 328-2660 or 1-800-582-8032

Employee, student, or other person claiming to be aggrieved by a discriminatory practice with regard to public services or public accommodations:

- Statute of limitations is 180 days (NDCC 14-02.4-19)  
Complaints should be filed with:  
North Dakota Department of Labor  
Human Rights Division  
600 East Boulevard Ave, Dept. 406  
Bismarck, ND 58505-0340  
Phone: (701) 328-2660 or 1-800-582-8032

Student discrimination and/or harassment complaints related to programs and activities that receive federal financial assistance:

- Statute of limitations is 180 days for most claims (28 CFR 35.170 and 34 CFR 100.7). There may be an exception for Section 504 claims.  
Complaints should be filed with:  
U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
230 South Dearborn St., 37<sup>th</sup> Floor  
Chicago, IL 60604  
Phone: (312) 730-1560  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

**End of Manvel Public School Exhibit AAC-E1**

**Reviewed: 1/11/21**

**DISCRIMINATION AND/OR HARASSMENT COMPLAINT  
CONFIDENTIALITY ASSESSMENT**

**Date of complaint:** \_\_\_\_\_

**Summary of complaint:** \_\_\_\_\_

---

**When one or more of the following conditions exists, the District may be unable to honor a complainant's request for confidentiality. Check all that apply:**

- ☐ The complaint alleges acts of child abuse/neglect or criminal acts
- ☐ There have been other complaints or reports of harassment against the alleged harasser
- ☐ The accused has a right to receive information about the accuser and the allegations due to an investigator's recommendations that a formal proceeding commence (e.g., expulsion or discharge hearing)
- ☐ There is an increased risk of the alleged perpetrator committing additional acts of discrimination and/or harassment or other violence (e.g., the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence, the alleged perpetrator threatened further acts of discrimination and/or harassment or other violence against the student or others, and/or the discrimination and/or harassment was committed by multiple perpetrators)
- ☐ The alleged act was perpetrated with a weapon
- ☐ The age, language barriers, or disabled status of the individual subjected to the discrimination and/or harassment made him/her more susceptible to alleged incident(s)/act(s), considering factors such as the degree to which s/he was able to recognize that discriminatory and/or harassing conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection
- ☐ The school possesses no other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence)

**NOTES:** \_\_\_\_\_

---

If the District is unable to honor a complainant's request for confidentiality, the appropriate grievance coordinator (Title IX, 504/Title II, or Nondiscrimination) shall notify the complainant and provide him/her an opportunity to respond before proceeding with an investigation.

**End of Manvel School District #125 Exhibit.....AAC-E2 01/11/21**

## **DISCRIMINATION AND HARASSMENT TRAINING REQUIREMENTS FOR EMPLOYEES**

All District employees shall receive discrimination and harassment training. Employees should receive training in the following areas:

- ☐ Receiving and reporting discrimination and/or harassment complaints, including when to report (knew or should have known standard) and whom to report to;
- ☐ Information about how to prevent and identify discrimination and harassment, including sexual violence and same-sex sexual violence;
- ☐ The behaviors that may lead to or result in sexual violence;
- ☐ The attitudes of bystanders that may allow discriminatory and/or harassing conduct to continue;
- ☐ The potential for re-victimization by responders and its effect on students;
- ☐ The appropriate methods for responding to a student who may have experienced discrimination and/or harassment, including sexual violence. Training should include the use of nonjudgmental language;
- ☐ The impact of trauma on victims; and, as applicable, the person(s) to whom such misconduct must be reported;
- ☐ The importance of informing complainants of the reporting obligations of responsible employees;
- ☐ Complainants' option to request confidentiality;
- ☐ Available confidential advocacy, counseling, or other support services; and
- ☐ Complainants' right to file a Title IX complaint with the school and to report a crime to local law enforcement.

In addition, the Title IX Coordinator, investigator, decision-makers, and persons who facilitate the informal resolution procedure for alleged sexual harassment prohibited by Title IX, shall receive training. This training must include:

1. The definition of sexual harassment contained in Title IX and associated regulations;
2. How to identify conduct that may constitute sexual harassment;
3. The scope of the District's education program or activity so that the District may accurately identify situations that require a response under Title IX;
4. How to conduct an investigation and grievance process including appeals and informal resolution processes, as applicable;
5. How to make relevancy determinations, as applicable; and
6. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.

**End of Manvel School District #125.....Exhibit AAC-E3 07/11/21**

**REASONABLE ACCOMMODATION REQUEST PHYSICIAN FORM**

Dear Physician:

A request for a reasonable accommodation has been made by our employee, **[Employee's Name]**. To determine whether or not this request should be granted and how best to respond to this request, the **Manvel School District** is requesting that you complete the following form.

**ADA Qualifying Disability**

An employee has a disability if s/he has an impairment that substantially limits one or more major life activities or a record of such impairment.

1. Does the employee have a physical or mental impairment? (Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.)

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, specify the impairment:

2. Does the impairment substantially limit one or more major life activities or bodily functions?

Yes\_\_\_\_\_ No\_\_\_\_\_

Check all that apply:

---

Caring for oneself\_\_\_\_\_

Performing manual tasks\_\_\_\_\_

Hearing\_\_\_\_\_

Seeing\_\_\_\_\_ [1]

Eating\_\_\_\_\_

Sleeping\_\_\_\_\_

Walking\_\_\_\_\_

Standing\_\_\_\_\_

Lifting\_\_\_\_\_

Bending\_\_\_\_

Speaking\_\_\_\_

Breathing\_\_\_\_

Learning\_\_\_\_

Reading\_\_\_\_

Concentrating\_\_\_\_

Communicating\_\_\_\_

Working\_\_\_\_

Operation of a major bodily  
function\_\_\_\_<sup>[2]</sup>

---

Thinking\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

---

Describe how the major life activity or operation of major bodily function is affected (do not take into account mitigating measures such as medication):

**Determination of Reasonable Accommodation** (*Answer only if the employee has a disability meeting the definition above*)

1. Please review the attached job description. Is the employee able to perform the essential job functions of this position with or without reasonable accommodation?

Yes\_\_\_\_\_ No\_\_\_\_\_

If yes, please continue to the next question. If no, please list which job functions s/he is unable to perform and how long the employee will be unable to perform these job duties.

Functions unable to perform:

\_\_\_\_\_ # of weeks    \_\_\_\_\_ # of months    \_\_\_\_\_ permanently

2. What adjustments to the work environment or position responsibilities would enable the employee to perform the essential functions of that position?



3. The employee's typical schedule is **[list days and hours]**. What, if any, adjustments need to be made to the employee's work schedule to enable the employee to perform the essential job functions?

4. How would your suggestions improve the employee's job performance?

5. How long will the employee need the reasonable accommodation? If unable to provide a date, when will he or she be medically reevaluated?

Any additional comments or suggestions:

---

Physician Name (Please Print)

---

Signature of physician completing form

---

Date

---

[1] Do not check if this can be corrected through eye glasses or contact lenses

[2] Includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions

**NOTICE OF TITLE IX SEXUAL HARASSMENT COMPLAINT**

This is a notice that a formal complaint containing allegations of sexual harassment has been filed with the **Manvel Public School District**. This notice is being provided to the complainant and the respondent in accordance with section 106.45(b)(2)(i)(B) of the Title IX sexual harassment regulations. The purpose of this written notice is to help ensure that the nature and scope of the investigation, and the district's procedures, are clearly understood by all parties at the commencement of the investigation.

Complainant Name: \_\_\_\_\_  
Last First M.I.

Respondent Name: \_\_\_\_\_  
Last First M.I.

Date(s) of alleged incident(s): \_\_\_\_\_

Time of alleged incident(s) (if known): \_\_\_\_\_

Location of alleged incident(s): \_\_\_\_\_

Details of the conduct that potentially constitutes sexual harassment:

---

---

---

---

---

The following are a list of supportive measures available to the complainant and respondent prior, during, or after the filing of a formal complaint alleging sexual harassment:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

The following are a list of disciplinary actions the District may impose against the respondent following a determination of responsibility:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## EXHIBIT

Descriptor Code: AAC-E5

The following are a list of remedies the District may provide to the complainant following a determination of responsibility:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Please be advised of the following:**

1. The District has adopted the grievance process set forth in board regulation AAC- BR2, a copy of which is being provided;
2. The District must recognize a presumption of non-responsibility on the part of the respondent as to the allegations of sexual harassment until a determination of responsibility is made at the conclusion of the grievance process set forth in board regulation AAC-BR2, a copy of which is being provided along herewith;
3. The complainant and the respondent each have the right to the assistance of an adult advisor of their choice, including who may be, but is not required to be, an attorney, throughout the grievance process;
4. The complainant, respondent, and their advisor are prohibited from knowingly making a materially false statement or providing materially false information in connection with the allegations of sexual harassment set forth in the formal complaint. Any party who violates this prohibition will be subject to discipline in accordance with the district's code of conduct policies;
5. The District may offer the parties an informal resolution procedure to resolve the allegations set forth in the formal complaint. This procedure may only be used when a formal complaint is filed containing allegations of sexual harassment, when the Title IX Coordinator deems it appropriate under the circumstances, and the complainant and respondent voluntarily consent to participate in writing. This procedure may not be used when the complainant is a student and the respondent is a district employee. Participation in the informal resolution procedure may not be a condition of enrollment or employment, or enjoyment of any other right. Both the complainant and the respondent have the right to Either party may terminate or withdraw from the informal resolution procedure and resume the formal resolution procedure at any time prior to agreeing to a resolution;
6. The District is required to conduct a fair and impartial investigation of the allegations of sexual harassment set forth in any formal complaint;
7. The parties have the right to advance written notice of the date, time, location, participants, and purpose of all investigative interviews;

8. The parties have the right to review all evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. The parties also have the right to submit a written response to the evidence prior to the conclusion of the investigation;
9. The parties of the right to submit, to the designated decision-maker, written, relevant questions that a party wants asked of any party or witness, be provided the answers, and have opportunity to submit additional, limited follow-up questions;
10. The District will apply the **preponderance of the evidence** standard for use in all formal complaints of sexual harassment, including formal complaints against students and formal complaints against employees. Additional information regarding this standard is contained within board regulation AAC-BR2, a copy of which is attached;
11. The complainant or the respondent may appeal the determination of responsibility, including any disciplinary sanction instituted as a result of the determination of responsibility. The complainant and the respondent may also appeal any dismissal, whether discretionary or mandatory, of a formal complaint or allegation contained in a formal complaint. The bases of appeal and the appeal procedure are described in detail in the AAC-BRs regulation, a copy of which is attached; and
12. The parties shall not discuss or disseminate the allegations set forth in the formal complaint, or information gathered in the course of an investigation, in a manner that constitutes retaliation or unlawful tortious conduct.

In the event allegations in the formal complaint change or additional potential violations are discovered, the Title IX Coordinator will promptly provide written notice of the changes or additional potential violations to the complainant and the respondent.

\_\_\_\_\_  
Title IX Coordinator Date

Date \_\_\_\_\_

By my signature below, I acknowledge that I have received this written notice of the sexual harassment allegations.

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

**WEBSITE POSTING FOR TITLE IX COMPLIANCE**

In accordance with Title IX and its implementing regulations, 34 C.F.R. Part 106.8, **Manvel School District #125** prohibits discrimination on the basis of sex, including sexual harassment, in any district education program or activity. Additionally, the District is committed to providing a work and student environment that is free of sexual harassment, and shall not tolerate sexual harassment by any employee, student, parent, or third party. The District shall provide for the prompt and equitable resolution of all sexual harassment, discrimination and retaliation grievances by and against staff, students, parents, and third parties, as described in board policy. Inquiries about the application of Title IX and its regulations may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The District has designated the following employee as the Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including, but not limited to, sexual harassment, sexual assault, dating violence, domestic violence, stalking, and gender-based harassment:

**Title IX Coordinator:** Mrs. Melissa Hiltner

**Office Address:** 801 Oldham Ave. Manvel, ND 58256

**Telephone Number:** (701) 696-2212

**Email Address:** melissa.hiltner@manvelk8.com

Any person may report sex discrimination, including sexual harassment, whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment. Should you feel that you have been sexually harassed or have witnessed a person being sexually harassed, please submit your complaint to the Title IX Coordinator via telephone, e-mail, mail, or in person.

Upon receiving a report of sexual harassment, the Title IX Coordinator or designee shall promptly respond in accordance with board policy AAC, Nondiscrimination and Anti-Harassment Policy and grievance procedure AAC-BR2, Title IX Sexual Harassment Grievance Procedure. To view an electronic copy of the district's Nondiscrimination and Anti-Harassment Policy, AAC, including the Title IX Sexual Harassment Grievance Procedure, AAC-BR2, go to:

**EXHIBIT**

Descriptor Code: AAC-E6

<https://www.manvel.k12.nd.us/site/handlers/filedownload.ashx?moduleinstanceid=3294&dataid=4095&FileName=AAC-BR2%208-12.pdf>

**Title IX Training Materials**

All materials used to train Title IX personnel are available by going to <https://www.manvel.k12.nd.us/domain/3135> These materials are also available for inspection upon request by contacting the **Title IX Coordinator, Mrs. Hiltner.**

End of Manvel School District 125.....Exhibit AAC-E6 [01/11/21]