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Independent Review of Harassment Complaints

What is an independent review?

In student harassment complaints, the complainant and/or the parents of the complainant are sometimes dissatisfied with the outcome.

Independent review also provides school districts with the opportunity to get an outside opinion on how well they are handling harassment complaints.

The independent reviewer's job is not to conduct a second investigation. Rather, the independent reviewer is an objective third party who reviews the sufficiency of the school's response to a complaint of harassment while protecting the confidentiality of student information.

The independent reviewer is not an advocate for either the parent/student or the school district. If anything, the independent reviewer is an advocate for the effectiveness of the harassment complaint process.

Under what circumstances may I request an independent review?

Either the person who makes a harassment complaint who has received a final determination, or the school district, may request an independent review of a school district response to a harassment complaint.¹

Independent review is *only* available for student harassment complaints; this process is not available for employee harassment complaints, bullying complaints, or complaints regarding other misconduct.

Requests for an independent review should go to the school superintendent. Parents must make their requests in writing. The school district is responsible for the cost of the independent review.

What does an independent reviewer do?

The independent reviewer will review records and interview the complainant and school officials. As the independent reviewer deems appropriate, he/she may also interview others. Once finished with the review, the independent reviewer will advise the complainant and the school district as to the sufficiency of the school's investigation, findings and steps taken to correct any harassment found to have occurred. The independent reviewer will also advise the complainant of other options available if the complainant is still dissatisfied.

¹ A student accused of harassment and dissatisfied with the complaint resolution should refer to the appeal provisions of the school district's discipline policy and procedures. A staff member accused of harassment should refer to the appeal provisions of the applicable statutes, collective bargaining agreements, and the school district's employee policy and procedures.

How are independent reviewers selected?

The Vermont Agency of Education Secretary and the Vermont Human Rights Commission developed a list of independent reviewers who were chosen based on their objectivity, knowledge of harassment issues, and relevant experience. Your superintendent selects an independent reviewer from this list to assign your case.

What about confidentiality?

There are state and federal laws designed to protect the confidentiality of student records. The independent review must be carried out so that both the school district and the independent reviewer follow these laws. As the school district maintains the records on all of its students and staff, the independent reviewer may use personally identifiable information about students when he/she advises the school district. When the independent reviewer advises the complainant, he/she may provide information about the sufficiency of the school's investigation and response, *but may not disclose information about any students other than the complainant.* (An exception is if an authorized school official requested a waiver of confidentiality rights and the involved student, or student's parents, agreed to such a waiver.)

Was the independent review process helpful?

As the independent review wraps up, you will be asked to complete an evaluation form and return it to the Vermont Agency of Education. We appreciate your time and thoughtfulness in completing the evaluation – it's our way to know how you felt about your independent reviewer's performance and/or whether the information provided was helpful.

What other options are available to persons dissatisfied with the school district's response to a harassment complaint?

- Request mediation or other alternative dispute resolution from the school district.
- Consult with a private attorney.
- Consult with the Vermont Agency of Education at (802) 479-1030.
- Contact the Vermont Human Rights Commission or the Office of Civil Rights of the U.S. Department of Education at the following addresses:

Vermont Human Rights Commission
135 State Street
Montpelier, VT 05633-6301
(800) 416-2010 or (802) 828-2480 (voice or tty)

Director, Compliance Division Area II
Office of Civil Rights
U.S. Department of Education, Region I
John W. McCormack Post Office & Courthouse, Rm. 222
Post Office Square
Boston, MA 02109
(617) 223-9667