

Sexual Harassment Procedures

The Title IX Coordinator is responsible for publishing the Title IX Student Sexual Harassment policy on the District website and in the Student and Teacher Handbook. The Title IX Coordinator is also responsible for training employees and Board members about sexual harassment. Training materials will be posted on the District website.

District employees must report sexual misconduct once they are aware of it. All others, including students, may also report sexually harassing conduct. Reports may be made in person, email, in writing, or verbally to the Title IX Coordinator. Once the Title IX Coordinator receives a report of sexual harassment, the Title IX Coordinator will do the following:

1. **Notification:** Notify the respondent of the report or informal complaint of sexual harassment.
2. **Supportive measures:** Discuss supportive measures available to the victim and the respondent regardless of whether the victim files a formal complaint. Supportive measures would include but are not limited to counseling, course modification, schedule changes, increased monitoring or supervision. Supportive measures should be designed to restore or preserve equal access to education programs or activities without unduly burdening either party.
3. **Formal complaint:** Contact the victim to discuss the procedures for filing a formal complaint and whether the victim wants to file a formal complaint under this policy. If the victim does not wish to file a formal complaint, the Title IX Coordinator may sign the complaint in place of the victim.
4. **Safety and risk analysis:** Conduct a formal individualized safety and risk analysis which will determine if removal of the respondent is necessary to protect a student or another individual from immediate threat to physical health and safety.
5. **Removal:** If the risk assessment determines there is an immediate threat to physical health or safety, the respondent may then be removed on an emergency basis.
6. **Notice:** The respondent must then be provided with notice and opportunity to challenge the decision for emergency removal within three school days of the emergency removal.

After the Title IX Coordinator receives a formal complaint of sexual harassment, the Title IX Coordinator will provide written notice of the formal complaint to all known parties. The written notice must include:

1. Notice of the grievance process
2. Notice of the allegations
3. 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.

4. Notice of the parties rights to have a representative and to inspect and review evidence.
5. Notice of any provision of the *Code of Conduct* which prohibits knowingly making false statements or providing false information in the grievance process
6. Advising that if new allegations arise during the investigation, the parties will receive written notice of the new allegations in writing

Title IX Coordinator

Once the parties have received the Notice of Formal Complaint, the Title IX Coordinator must ensure that the grievance process treats both parties equitably and requires an objective evaluation of all of the evidence. If a conflict of interest exists, The Title IX Coordinator must assign the complaint to someone else.

A conflict of interest could be:

- The complainant is a family member
- The investigator's son is best friends with the respondent.

Grievance Process

If no conflict of interest exists, the Title IX Coordinator should determine if the complaint meets criteria for dismissal within 48 hours of receiving the complaint. A complaint should be dismissed when:

1. Presuming the allegations in the complaint are true, none of the allegations constitute sexual harassment; or
2. The complainant wants the complaint dismissed or withdraws the complaint; or
3. Respondent's enrollment or employment ends; or
4. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination of the complaint.

If the Title IX Coordinator determines the complaint should be dismissed, the parties should be notified in writing of the dismissal and the reason for the dismissal. Either party may appeal the dismissal in writing to the Title IX Coordinator within three school days or 10 calendar days, whichever is shorter.

If the Formal Complaint is simple and could be resolved through minor remediation, the Title IX Coordinator can attempt to resolve the complaint informally by meeting with both parties and their representatives. In the case where the complaint is resolved informally, both parties must receive written notification of the informal resolution. The informal resolution must occur no later than five days from the date of filing of the formal complaint.

11/22/2022

Investigation

If the formal complaint is not dismissed or resolved informally, then an investigator should be assigned and proceed with the investigation. The Title IX Coordinator may act as the Investigator. The investigation must ensure that the burden of proof and gathering of evidence rests with the District, not the parties. Both parties must have equal opportunity to present witnesses and evidence. The parties must not be restricted from discussing the allegations or presenting evidence to the Investigator. Both parties have the same right to be represented during an interview. Parties must receive written notice of the date, time, participants, location and purpose of any investigative interviews or other meetings. Such notice must permit sufficient time for the parties to prepare.

The investigation must proceed in a reasonably prompt and efficient manner ensuring that prior to the investigation being completed, both parties and representatives must have the same opportunity to review all evidence directly related to the allegations in the formal complaint.

Evidence

The review of evidence must be provided at least 10 days prior to completion of the final investigative report so the parties may submit a written response to the evidence, which the investigator must consider in writing the report.

Once all of the evidence has been gathered and the parties have submitted their written response to the evidence, then the Investigator will write an investigation report detailing the steps of the investigation, the evidence collected, and the parties' responses. Copies of the investigation report must be shared with both parties prior to any decision on responsibility being made. The parties shall have at least 10 school days to review the evidence and report, and to submit written responses prior to a decision of responsibility being made.

The investigation does not determine responsibility.

Determination of Responsibility

Once the parties have had the opportunity to consider the investigation report and submit responses in writing, the entire report, evidence, and any and all responses must be provided to the Decision Maker for a determination of responsibility. The Decision Maker cannot be the Title IX Coordinator or the Investigator.

After the Decision Maker has the evidence and report, the Decision Maker must permit both parties to provide written, relevant questions to be asked of another party or witness. Questions must be provided by the parties within five school days of receipt of the notification from the Decision Maker. The Decision Maker must respond to a party's questions within five school days of receipt. Both parties will then have an opportunity to ask follow up questions within five school days of receipt of the answers. Once all the questions have been asked and answered, the Decision Maker will issue a written determination within 10 school days addressing the individual

11/22/2022

allegations, procedural steps taken, findings of fact, application of the *Code of Conduct* to the facts, and a determination of responsibility for each allegation, including a rationale for that determination and any disciplinary sanctions. The decision should also state whether remedies to restore or preserve equal access to the educational program or activity will be provided.

At the time the written decision is provided to the parties, the Title IX Coordinator will also provide written notice of the right to appeal.

Appeals

Either party may appeal the decision of the Title IX Coordinator dismissing the formal complaint. Such appeal must be made within 10 school days of the final decision.

Either party may appeal the final decision of the Decision Maker within 10 school days of receipt of the decision. The appeal must be on the basis of one of the following:

- A procedural irregularity exists which may affect the outcome of the complaint.
- New evidence which was not reasonably available at the time of the determination could affect the outcome of the complaint.
- The Title IX Coordinator, Investigator or Decision Maker had a conflict of interest.
- The Title IX Coordinator dismissed the complaint before an investigation and the dismissal was inappropriate.

If a party wishes to appeal, they need to submit a written notice to the Title IX Coordinator and an explanation of their position within 10 school days from the final determination of responsibility. The appeal will be heard by an individual who is not the Title IX Coordinator, not the Investigator and not the Decision Maker. The person hearing the appeal must not have a conflict of interest with either party and must have received training regarding Title IX. Within 10 school days of receiving the request for appeal and the final written decision, the person hearing the appeal will issue a final decision on the appeal in writing to both parties.

Records

The Title IX Coordinator will be responsible for maintaining records to Title IX for seven years and ensuring confidentiality.

Retaliation

Retaliation by anyone against the complainant or anyone participating in the investigation is strictly prohibited.

All time frames listed in this procedure may be reasonably extended when necessary.

FORMAL COMPLAINT OF SEXUAL HARASSMENT

Name of Complainant: _____

Address: _____

Phone Number ()- _____ Email _____ Grade _____

Name of Victim _____

Name of Respondent _____

Location of incident/incidents: _____

Description of the Incident/Incidents: (Attach additional sheets if necessary)

Witnesses:

I understand that by signing this formal written complain form, I am making a formal complaint of sexual harassment and, as a result, an investigation and determination of responsibility will occur.

Complainant

Date

Received by: _____
Title IX Coordinator

Date

TITLE IX CHECKLIST

(TO BE COMPLETED BY THE TITLE IX COORDINATOR)

Supportive measures discussed: _____

Complainant's preferences for supportive measures:

Action taken on supportive measures: _____

Copy of Title IX policy given: _____

Copy of procedures given: _____

Investigator assigned: _____

Decision Maker assigned: _____

Notice of Formal Complaint given to both parties: _____

Supportive measures offered respondent: _____

Action taken on supportive measures: _____

Physical Health and safety risk assessment conducted? _____ Yes _____ No

If no, why not: _____

Actions taken as a result of the risk assessment, if any:

[TO BE GIVEN ONCE A FORMAL COMPLAINT IS RECEIVED]

NOTICE OF FORMAL COMPLAINT OF SEXUAL HARASSMENT UNDER TITLE IX

The Title IX Coordinator has received a formal complaint of sexual harassment to which you are a party. The complaint will now proceed to the investigation process. During that process, you have the following rights:

- You have the right to be treated equitably during the investigation and decision making process.
- You have the right to representation in all aspects of the Title IX process.
- You have the right to appeal if the complaint is dismissed or if you are unhappy with the outcome of the grievance process.
- You have the right to be free from retaliation as a result of the complaint and participation in the investigation process.
- You have the right to submit written questions to the Decision Maker and have written responses.
- You have the right to an Investigator, Decision Maker and Title IX Coordinator who does not have a conflict of interest.
- You have a right after the investigation is complete, to review the investigation report and all evidence prior to a decision of responsibility by the Decision Maker.
- All available evidence will be evaluated objectively throughout the process.
- The Title IX Coordinator, Investigator and the Decision Maker will not have a conflict of interest against either party.
- The District may attempt informal resolution of the complaint if all parties are open to it.
- A presumption that the respondent is not responsible for the alleged conduct.
- Timeframes for the process that are reasonably prompt.
- Disciplinary outcomes may consist of but are not limited to reassignment, suspension, termination, counseling, training and additional supervision.
- The evidence standard used to evaluate the complaint is the preponderance *of the evidence*.
- Entitled to supportive measures including but not limited to counseling, reassignment, leave, additional supervision, and training. The Title IX Coordinator will contact you directly to discuss available supportive measures.
- Evidentiary questions which seek privileged information are prohibited unless the party waives the privilege.

- At the end of the investigation and at least 10 school days before the investigation report is finalized, you have the right to review all evidence and respond in writing.
- If you are untruthful during the investigation process, the following *Code of Conduct* Provisions may be applicable: **[Insert Code of Conduct provisions]**
- If new allegations arise during the investigation, you have a right to receive notice of them in writing.

The allegations of the complaint are:

[List individual allegations constituting sexual harassment]

If you are the respondent to the complaint (*the person accused of sexual harassment*) you have a right to respond to these allegations in writing within 10 school days and prior to any initial interview.

A copy of the District's Grievance Procedures and Title IX policy have been attached for your review.

[ADD CONTACT INFORMATION FOR TITLE IX COORDINATOR]

NOTICE OF DECISION

[TO BE PROVIDED WITH DECISION]

You are a party to a Title IX complaint. Attached is the final Decision which contains findings of fact and determination of responsibility for the alleged conduct. Additional supportive measures or disciplinary measures may be included.

Appeal from the decision may be granted for the following reasons:

- A procedural irregularity affected the outcome
- New evidence is now available which was not previously available but could affect the outcome
- The Title IX Coordinator, Investigator or Decision Maker had a conflict of interest
- The complaint was dismissed by the Title IX Coordinator prior to investigation and you believe the dismissal was contrary to Title IX

You may appeal the complaint by submitting a written statement challenging the decision. The written statement must be provided within 10 school days. If you are in support of the outcome of the complaint, you may submit a written statement supporting the outcome and arguing against appeal. The District will select a qualified individual to decide the appeal.

The person deciding the appeal will not have a conflict of interest against either party. Further, the person hearing the appeal will review the entire record including your statements about the decision. The person hearing the appeal will make a final decision on the complaint within 10 school days of receiving the appeal.