

TITLE IX SEXUAL HARASSMENT POLICY FOR STUDENTS

The Board of Education requires the relationship between students, employees, officers, volunteers, business invitees and district contractor employees to be based upon mutual respect and professionalism. All adults are expected to exercise good judgment and maintain professional boundaries when interacting with students and each other, in all education programs and activities, both on and off school property.

It is the policy of this district to prohibit sexual harassment involving students in the schools, at school activities and at District-sponsored events. To that end, all officers, supervisory personnel, employees, and students of the District shall be given a copy of this policy, and training regarding its terms, procedures, protections and penalties.

Definitions

Sexual harassment is defined as discrimination against a person on the basis of sex and is prohibited by both federal and state law.

Under federal regulations, sexual harassment is defined as conduct on the basis of sex that is one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (*quid pro quo*, which is sexual harassment *per se*); and/or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; and/or
3. Sexual assault, dating violence, domestic violence, or stalking, which is sexual harassment *per se*.

Jurisdiction

Complaints of sexual harassment will be processed as Title IX complaints where the alleged conduct occurs in a location over which the District exercises substantial control over both the alleged harasser and the context in which the alleged harassment occurred.

Notice of Sexual Harassment

The District shall post on its website a notice of nondiscrimination which explains how reports of sexual harassment may be made by any person through mail, telephone or email to a Title IX Coordinator. The District shall be deemed to be on notice of sexual harassment when any District employee has actual knowledge of the allegations. Once the District is on

notice of allegations of sexual harassment there shall be a reasonably prompt and equitable response in light of the presenting circumstances.

Procedure

Any student who believes that he/she has been subjected to sexual harassment by an officer, employee, student, business invitee, volunteer, or visitor is encouraged to address the matter with any District Title IX Coordinator* who shall promptly conduct an intake interview in order to determine whether the matter should be referred to a formal Title IX grievance process. The Title IX Coordinator will also explain the following possible options for resolution, where appropriate:

1. Registering an informal complaint, verbally or in writing;
2. Registering a formal complaint, verbally or in writing;
3. Engaging in an informal resolution process, such as mediation, to arrive at a resolution of the matter; and/or
4. Placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

Only a Complainant or a legal parent/guardian acting on behalf of a minor child may file a formal complaint based upon the individual having been the alleged victim of conduct that could be found to constitute sexual harassment. In order for a complaint to be acted upon, the Complainant must be enrolled in the District and participating in, or seeking to participate in, the activity or program at the time the complaint is presented.

The Title IX Coordinator is authorized to proceed with any reported allegations as if they had been filed as an informal complaint or a formal complaint, at his/her discretion. The Title IX Coordinator will provide an initial review of all reports of alleged sexual harassment for a determination as to whether, if proven, the alleged conduct would constitute a Title IX violation, and may file a formal complaint on behalf of the Complainant at his/her discretion. All formal Title IX complaints shall be processed in accordance with federal regulations, which require a mandatory grievance process and permit informal resolution upon consent of the parties, except where the accused (Respondent) is an employee and the target is a student. The grievance process is set forth in the regulations issued pursuant to this policy.

The Title IX Coordinator will ensure that appropriate supportive measures (including but not limited to counseling, safety plans, no contact orders, modification of schedules) are provided and assure due process as described in the regulations. The Title IX Coordinator will also explain that the parties (Complainants and Respondents) and any third-party witnesses may not be subjected to retaliation or retribution, and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal Complaints

When the District has knowledge of an alleged act of sexual harassment or when a Complainant does not file a formal Title IX complaint, or files an informal complaint (not alleging a violation of Title IX) there will be a prompt review by a Title IX Coordinator, who shall issue a written report to the Superintendent of Schools, within ten (10) days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy if corrective action is warranted. Such further action may include referring the matter to a Title IX investigator as if it had been filed as a formal complaint.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by a Title IX Coordinator, who shall personally, or by reference to a trained designee on the Board of Education's approved list of Title IX formal complaint investigators ("Investigator"), conduct a full and fair investigation of the complaint, in accordance with applicable regulations. Disciplinary action or other punitive remedies against a Respondent shall not be imposed until the investigation is complete, although enforcement of the Code of Conduct or discipline for other misconduct may be effectuated, even if arising from the same facts and circumstances that gave rise to the sexual harassment complaint, so long as no retaliatory basis for such discipline may be imputed. The burden of proof in determining a finding of sexual harassment is upon the District and requires a preponderance of credible and relevant evidence to establish a violation.

The Complainant and the Respondent shall be advised, in writing, of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and corrective measures have been implemented; or
3. That disciplinary action will be taken or, where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

Alternates

The Board of Education shall appoint more than one Title IX Coordinator and several designated Title IX Investigators. A Complainant will have a choice of which Title IX Coordinator to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board may stand in the Superintendent's place for review or may engage independent counsel.

Decision Maker

At the conclusion of the investigatory process, a report shall be conveyed by the Investigator to the school's Decision Maker, a central office administrator as designated by the Board of Education. The Decision Maker shall review the report and any rebuttals by the parties, determine the relevance of presented evidence, and make findings of fact and a determination whether there has been a violation of this policy, applying the preponderance of credible evidence standard. The Decision Maker shall prepare a report stating these findings and the basis thereof, and any determination as to appropriate remedies. The Investigator shall furnish all parties with such report, in accordance with regulations.

Appeal of Formal Complaints

An appeal of the Decision Maker's determination may be brought to the District's appellate authority, the Superintendent of Schools. The appeal must be submitted in writing within thirty (30) calendar days of the determination, based upon the following:

1. A procedural irregularity affecting the outcome;
2. New evidence that was reasonably not available at the time of the determination becomes available and could affect the outcome; or
3. A conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision Maker affected the outcome.

A party may appeal the Title IX Coordinator's dismissal of a complaint or any allegation therein within thirty (30) calendar days of such dismissal by written submission to the Superintendent.

Confidentiality

The District's Title IX Coordinators, Investigators, the Superintendent of Schools, and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying a complaint and the proceedings as well as the outcome of any mediated agreement and action taken, other than formal discipline. The Respondent, however, must be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the Complainant and the Respondent shall be given written notice of the findings where a formal complaint has been filed.

Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided consistent with applicable contracts, law and regulations, as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action, consistent with the Code of Conduct and applicable laws and regulations.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the Complainant.

***District Title IX Officers**

Name [Optional to have name]

Title

Address

Phone Number

E-mail address:

Name [Optional to have name]

Title

Address

Phone Number

E-mail address:

1st Reading – November 18, 2020