

NONDISCRIMINATION ON THE BASIS OF SEX/SEXUAL HARASSMENT GRIEVANCE PROCEDURES

The Board has created informal and formal discrimination and harassment grievance procedures, providing for a prompt and equitable investigation and resolution of complaints of sex discrimination, including sexual misconduct. All students and District employees are encouraged to fully cooperate when asked to participate in an investigation.

Members of the school community and third parties are encouraged to promptly report incidents of sex discrimination or sexual harassment. Complaints may be filed with any District employee, or directly with the Title IX Coordinator. District employees are required to report these incidents to the Title IX Coordinator upon becoming aware of an incident, and failure to do so may result in disciplinary action.

Complaints of sex discrimination or sexual harassment should be filed as soon as possible after the alleged incident, as delays in filing complaints can make it difficult to investigate. Both the informal and formal grievance procedures are completed in a timely manner unless extenuating circumstances exist. Periodic updates are provided to the parties as appropriate during the investigation.

The Title IX Coordinator determines whether or not, by “a preponderance of the evidence,” the alleged victim’s allegations are true. “A preponderance of the evidence” means that evidence must show the alleged discrimination/sexual harassment was more likely than not to have occurred.

Pending the final outcome of an informal or formal investigation, the District institutes interim measures to protect the reporting and/or responding parties and informs him/her of available support services. Interim measures may include, but are not limited to: a District-enforced no contact order, modification of work or class schedules, academic modifications and/or counseling. These measures should ensure that both parties continue to have equal access to all district programs and activities and the safety of all parties is protected.

If the Title IX Coordinator or designee, the responding party or the reporting party, the Board designates an alternate investigator and retains final decision-making authority.

All matters involving sexual harassment complaints remain confidential to the extent possible.

Informal Procedure for Addressing Complaints

An informal grievance procedure can be used when the Title IX Coordinator deems it appropriate and/or when the parties involved (reporting party and responding party) agree that an informal process is appropriate and sufficient. The informal process is not used when the alleged discrimination or harassment may constitute sexual violence or any other criminal act.

The Title IX Coordinator gathers enough information during the informal process to understand and resolve the complaint. The Title IX Coordinator proposes an informal solution based on this

fact-gathering process, which may include, but not be limited to: requiring the responding party to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, and instituting protective mechanisms for the responding party.

Formal Procedure for Addressing Complaints

While the formal grievance procedure may serve as the first step toward the resolution of a charge of sex discrimination or sexual harassment, it also is available when the informal procedure fails to resolve the complaint.

Through the formal grievance procedure, the Title IX Coordinator attempts to resolve the complaint in the following way:

- 1) The Title IX Coordinator promptly communicates with the reporting party in order to obtain a clear understanding of that party's statement of the alleged facts. The statement is put in writing by the Title IX Coordinator and signed by the reporting party, where possible, as a testament to the statement's accuracy.
- 2) The Title IX Coordinator communicates with the responding party in order to obtain his/her response to the complaint. The response is put in writing by the Title IX Coordinator and signed by the charged responding party, where possible, as a testament to the statement's accuracy.
- 3) The Title IX Coordinator communicates with the parties and witnesses (if any) as are necessary to gather all of the relevant facts. The dates of any meetings and the facts gathered are all put in writing. The investigation is prompt and equitable, and allows both parties an equal opportunity to present witnesses and other evidence.
- 4) At the conclusion of the investigation, the Title IX Coordinator prepares a written report summarizing: the evidence gathered during the investigation and whether the allegations were substantiated; whether any Board policies or student or employee codes of conduct were violated; any recommendations for corrective action. The investigation report indicates if any measures must be instituted to protect the reporting party. Such measures may include, but are not limited to extending any interim measures taken during the investigation. The report also informs the reporting party of available support services, which at a minimum includes offering school counseling services if the reporting party is a student.

Notice of Outcome

Both the reporting party and the responding party are provided written notice of the outcome of the complaint. The outcome is final and binding.

If either party disagrees with the decision of the Title IX Coordinator, he/she may appeal to the Superintendent. After reviewing the record made by the Title IX Coordinator, the Superintendent may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent is final.

Disciplinary Action

Any disciplinary action is carried out in accordance with Board policies, student and employee codes of conduct, State and Federal law, and, when applicable, the negotiated agreement. When recommending discipline, the Title IX Coordinator considers the totality of the circumstances involved, including the ages and maturity levels of those involved. The Title IX Coordinator and the Superintendent determine if a recommendation for expulsion for a responding student or discharge for a responding employee should be made. If this recommendation is made and a hearing is required, the hearing shall be held in accordance with Board policy, State law and/or the negotiated agreement. Both the parties shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.

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