

# **Dakota Valley School District Activities Handbook**



**Rules and Regulations  
2022- 2023**

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## **Introduction**

Student participation in extracurricular activities has been linked to improved attendance, higher academic achievement, and greater student self-confidence and self-esteem. Dakota Valley Schools provides students with the opportunity to participate in a comprehensive activities program that includes athletics, fine arts, and select clubs or organizations associated with academic areas.

Although the school district believes strongly in the value of student activities, participation in the activities program is a privilege, not a right. Students must obey the rules set out in this handbook and any additional rules created by their coach or activity sponsor. This handbook is advisory and does not create a "contract" with parents, students, or staff. The administration reserves the right to make decisions and make rule revisions at any time to implement the educational program and to assure the well-being of all students. The administration is responsible for interpreting the rules contained in the handbook. If a situation or circumstance arises that is not specifically covered in this handbook, the administration will make a decision based upon all applicable school district policies, and state and federal statutes and regulations.

**Please read this handbook carefully. Students and their parents are responsible for complying with all of the rules and procedures detailed in this booklet.**

**Parents must digitally acknowledge the acknowledgement and permission to participate form located within the Activities Online Registration process before their student will be permitted to participate in the activity programs of the district.**

The provisions in this handbook are subject to change at the sole discretion of the Board of Education. From time to time, you may receive updated information concerning changes in the handbook. These updates should be kept within the handbook so that it is up to date. If you have any questions regarding this handbook, please contact the Superintendent for assistance.

## **General Philosophy**

The Dakota Valley School interscholastic athletic program and extra-curricular activities are classroom activities which teach educational values such as desire, dedication, determination, discipline, respect, integrity, sacrifice, pride, dignity, responsibility, and leadership. In addition, the coaching staff believes that there are many rewards for those who participate in athletics. Athletics can contribute to emotional maturity,

health, happiness, cooperation, competition, character, physical skills, communication, and social competence. The development of poise, sportsmanship, and self-discipline shall be considered worthy and valuable outcomes of the programs.

Not every student is willing to make the sacrifice necessary to be a member of an athletic team or an extracurricular activity. Participants should also be good citizens willing to abide by prescribed rules and standards. Team membership carries with it a great deal of responsibility.

We believe that every student should have the chance to participate at a competitive level; therefore, a varied program has been developed.

<b>Fall</b>	<b>Winter</b>	<b>Spring</b>
Competitive Cheer	Boys' and Girls' Basketball	Baseball
Sideline Cheer (Football)	Sideline Cheer Basketball	Girls' Golf
Cross Country	Boys' and Girls' Wrestling	Girls' Softball
Competitive Dance	One-Act Play	Boys' and Girls' Track and Field
Football	Band & Choir	Band & Choir
Boys' Golf	Quiz Bowl	
Boys' and Girls' Soccer	Debate	
Volleyball		
Band & Choir		
Three-Act Play		

**Student-Led Organizations:** FBLA, HOSA, FCCLA, DV Green, Skills USA, HS and MS Student Council, National Honor Society, Jr. National Honor Society, HS Art Club, HS Journalism, HS Yearbook

## **NONDISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES**

The school district does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies:

Name: Bill Clements

Title: Activities Director

Address: 1150 Northshore Drive, North Sioux City, SD 57049

Telephone: 605-422-3820

E-mail: Bill.Clements@k12.sd.us

For further information on notice of nondiscrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area or call 1-800-421-3481.

For additional prohibited discrimination and related information, please review school district Policy 3053 – Nondiscrimination

## **SECTION ONE: GENERAL INFORMATION ABOUT THE ACTIVITIES PROGRAM**

### **Academic Eligibility**

To be eligible to participate in the school's activity programs, each student must meet South Dakota High School Activities Association (SDHSAA) and District requirements concerning scholastic eligibility (see Section Three of this Handbook). Participants must attend practices and participate in all conditioning during any period of ineligibility.

The school district will notify a participant whenever the participant is declared academically ineligible.

Students may not participate in any activity, performance or practice while serving an out-of-school short-term suspension, long-term suspension, or expulsion from school. Students serving in-school suspensions may still participate and practice.

### **Attendance at Practices and Contests**

- A.) Participants in an activity must be in attendance all day prior to practice, event or departure time for the event.
- B.) Participants who are absent for any other reason are ineligible on that day, unless it has been cleared in advance with the school administrator.
- C.) An unexcused absence from any class during the school day will make that person ineligible for that day.
- D.) If participation in an activity is cause for a student to be absent or tardy the day immediately following such activity, said student shall be ineligible for the next succeeding activity.

### **Closings**

Unless the administration determines that it is permissible for the activity to continue as scheduled, all activities will be canceled or postponed in the event that school has been called off for inclement weather or any other reason as determined by the administration.

### **Colors**

The Dakota Valley School colors are purple, black, and silver.

## **Communication**

Communication is essential for a strong parent/student/coach relationship. Many coaches utilize the Remind app or email distribution lists. Season schedules will also be handed out at the start of the season. At the minimum, you can expect communication from the coach/sponsor outlining the coach's philosophy, expectations of student-athlete's role on the team, locations and times of all practices and contests including updates throughout the season, team requirements including fees, special equipment, off-season conditioning and the expectation and time commitment of student-athletes.

## **Complaint Procedure**

To reduce conflicts in the school's activities program, students and/or their parents should use the district's formal complaint procedure to manage conflicts about the program. The complaint procedure is printed in the school's student handbook and may be found on the district's web site.

## **Concussions**

Student-athletes participate in baseline concussion testing every two years, in 7th, 9th, and 11th grade. The testing is conducted by our trainer on-site at Dakota Valley High School. Any student who has received a concussion may receive testing on a more frequent basis.

## **Dances**

School dances are part of the district's extracurricular activity program. Students who wish to participate in school dances must comply with the activity code. Students may be prohibited from participating in school dances as a consequence for violating school rules or these activity rules.

### **High School Dances**

All high school dances are restricted to Dakota Valley High School students and their guests. Any school organization wishing to sponsor a dance must obtain permission from the principal regarding date and times. Each dance must be sponsored by at least two faculty members and one additional adult couple. Once admitted to the dance, students must remain until the close of the dance. Students who leave the dance will not be readmitted.

### **Homecoming and Prom**

The Homecoming dance is open to students and guests of Dakota Valley High School.

The Junior/Senior Prom is open to students and guests of the Dakota Valley High School junior and senior classes. Guests must follow all rules that the

students must follow. Each student is responsible for his/her guest's conduct. Appropriate attire is required for these dances.

### **Electronic Communication**

The school board supports the use of technology by coaches, extracurricular sponsors, and other staff members to communicate with students for legitimate educational, extracurricular, and other school-related purposes. However, electronic communication between students and teachers, sponsors, and coaches shall be appropriate at all times and shall not violate any law, district policies, or the Regulations and Standards for Professional Ethics. Please see the Social Media Policy For School District Employees for further explanation.

### **Equipment**

Each participant in the athletic portion of the activities program will be issued a locker to store his/her personal belongings and school equipment that has been checked out.

School-owned clothing or equipment that is checked out to individual students remains the property of the school. The clothing or equipment is not to be used or worn by the student except for the intended use. Each piece of equipment or clothing is to be returned to the instructor or coach when the season or the use for such clothing or equipment is over. Each participant is responsible for all equipment checked out to him/her. All equipment must be checked in at the conclusion of the season. Students will be assessed the replacement cost for school equipment that has been checked out to him/her and is lost or stolen.

### **Fundraising**

All school-sponsored fundraising activities or solicitation of funds must be approved by a member of the school district administration. Fundraising for any activity must comply with the district's policies, including applicable provisions specifically pertaining to Booster Clubs and PTOs for non-school-sponsored fundraising. Use of the school mascot shall not be permitted unless approved by the Activities Director or Superintendent.

### **Hazing**

Students are strictly prohibited from participating in initiation or membership rites in connection with school sponsored activities when their conduct may reasonably be seen as demeaning or assaultive in nature. This prohibition applies even if those targeted give "consent" to such conduct. Students afforded the privilege of participating in athletics and other school sponsored activities are expected to take a leadership role, both by avoiding such conduct themselves and by reporting any such conduct by others to the Principal, Athletic Director or other designee. Students who participate in

this type of conduct, even as a bystander, or who become aware of it and fail to report it can expect to be excluded from athletics and other extracurricular activities. In addition, they may be subject to suspension and even expulsion from school.

The term "hazing" as used in this section shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

### **Individual Training Rules and Rules of Conduct**

Head coaches or sponsors may develop additional training rules or rules of conduct for their activity. Students are responsible for knowing these rules and complying with them. In addition, the following rules are in place:

Student conduct while using the training room:

- The training room is to care for and prevent athletic injuries.
- No athlete should enter the training room unless they are in need of care by the trainer.

Student conduct at practices and events:

- When entering and using the locker rooms.
  - Dress quickly and go to the practice area.
  - Place all valuables in your locker and lock it. You are responsible for your own valuables!
  - Cell phones & video recording devices are prohibited.
- When participating in scheduled practices
  - Remain out of the practice facility while other teams are using it.
  - Refrain from hanging on the baskets and backboards. Damage from unauthorized use may result in restitution by that student.
  - Refrain from using other equipment in the practice facility not specifically designed for the sport that you are in.
- When leaving the practice area
  - Athletes will leave the practice facility through the designated doors indicated by their coach
  - Athletes will bring all items to practice that they want to take home that night

Athletes whose sport is not in season should not be using school facilities to practice their particular sport, whether supervised or not, unless proper arrangements are established through the activities director and their coach.

Athletes will not be allowed to consume or store supplements in school facilities. This includes but is not limited to dietary, nutritional or performance enhancing supplements. Violations may include loss of privileges to training facilities.

Athletes will be allowed to transfer from one sport to another sport during the same season. However, this will only be allowed until the first competition date. No transfer will be allowed after the first competition date.

Athletes will be sure to do the following when they learn that it is necessary to quit a sport:

- A. Notify the coach of this decision.
- B. Turn in all gear that has been issued.\*

**\*NOTE:** This is to be completed at the very earliest convenience, preferably the day of or day after quitting. We urge you to remain out for a sport once you have started, but realize that sometimes it becomes necessary to drop due to situations beyond your control. To just disappear from a team, without taking care of the above responsibilities, will be recorded and considered for a future sport.

### **Injuries**

Participants who suffer any type of injury while involved in extracurricular activities must notify the coach or sponsor immediately. The coach, athletic trainer, or sponsor will then evaluate the injury and, if necessary, notify the participant's parents or seek immediate medical treatment.

If at any time during participation a doctor removes an athlete from participation because of an illness or injury, the athlete must have a written release from a doctor before participating again. The written release must be given to the coach, athletic trainer, or sponsor of the activity. The release requirement will be satisfied if the initial doctor's order specifies the duration of the student's restriction from participation and/or competition.

### **Insurance**

The school district does not provide medical or other insurance coverage for students who participate in athletic contests or other activities. It is the parents' responsibility to provide adequate insurance to cover any medical expenses that may be incurred while the student is participating in athletics or other activities.

The school district makes an accident insurance plan available for purchase by participants and their families through an authorized insurance agent. Information about policies which families may purchase will be available prior to each sports season and at fall registration.

### **Lettering Requirements**

Lettering requirements vary by activity and are set by the coaching staff.

### **Mascot**

The official emblem for boys' and girls' athletic teams is the Panther. The mascot cannot be used for non-school-sponsored purposes unless approved by the Activities Director or Superintendent.

### **Open Gym**

- The general philosophy of the Dakota Valley School Board is that Open Gym Time is reserved for the students of the Dakota Valley School District, under the direct supervision of school district personnel, coaches, or approved volunteers.
- All SDHSAA rules must be adhered to at all times.
- During the off-season, at the discretion of the Head Coach, graduates of the Dakota Valley School District may be invited back to participate in the Open Gyms. Head Coaches should make every effort to limit the number of graduated students participating as to not to take playing time and court time away from the current Dakota Valley student athletes.
- Students who graduated from schools other than Dakota Valley may not participate in the Open Gyms unless prior approval is granted by the HS Administration.

### **Practices**

The individual head coach or sponsor, in cooperation with the high school principal, will schedule all starting times of practices. All participants are expected to be ready at the time set by the coach or sponsor.

On Wednesday evenings, all activity participants are out of the facility by 6:00 p.m.

There are no scheduled practices on Sunday unless approved by Administration.

To be eligible to practice, a participant must satisfy the following requirements:

1. Complete the Activity Online Registration, which includes the physical, all release information, emergency contact information, HIPPA form, concussion information and personal insurance information in addition to other required items.
2. Provide hard copy of the annual health physical to be kept on file at school

## **Social Media Guidelines**

The Dakota Valley Athletic Department recognizes and supports the student-athletes' rights to freedom of speech, expression, and association, including the use of social networks. In this context, however, each student-athlete must remember that playing and competing for The Dakota Valley Schools is a privilege. As a student-athlete, you represent the Dakota Valley Schools and the communities of Dakota Valley and you are expected to portray yourself, your team, and the School District in a positive manner at all times.

Below you will find the social networking guidelines which provide the following rules for social networking site usage:

Everything you post is public information – any text or photo placed online is completely out of your control the moment it is placed online – even if you limit access to your site. Information (including pictures, videos, and comments) may be accessible even after you remove it. Once you post a photo or comment on a social networking site, that photo or comment becomes the property of the site and may be searchable even after you remove it.

- What you post may affect your future. Many employers and college admissions officers review social networking sites as part of their overall evaluation of an applicant. Carefully consider how you want people to perceive you before you give them a chance to misinterpret your information (including pictures, videos, comments, and posters).
- Similar to comments made in person, the Dakota Valley Athletic Department will not tolerate disrespectful comments and behavior online, such as:
- Derogatory language or remarks that may harm teammates or coaches; other Dakota Valley student athletes, teachers, coaches, or administration; and student-athletes, coaches, or representatives of other schools, including comments that may disrespect opponents.
- Incriminating photos or statements depicting violence; hazing; sexual harassment; full or partial nudity; inappropriate gestures; vandalism, stalking; underage drinking, selling, possessing, or using controlled substances; or any other inappropriate behaviors.
- Creating a serious danger to the safety of another person or making a credible threat of serious physical or emotional injury to another person.

- Indicating knowledge of an unreported school or team violation—regardless if the violation was unintentional or intentional.

Through social media, you are now monitored by more individuals than ever before, including community members, fans, opposing teams and members of the media. Everything you do in these forums should positively represent the DV on your jersey and your name on the team roster. Improper postings to social media that violate Dakota Valley’s guidelines may be handled in the following manner:

- Extra conditioning as deemed appropriate by the coach and/or administration.
- Suspension from practices, games, or activities as deemed appropriate by the coaches and/or administration.
- Dismissal from the team.
- Other consequences that are deemed appropriate after consulting with coaches and/or administration.

### **Student Manager, Helpers, or Statisticians**

Students wishing to serve as student volunteers for extracurricular activities must gain the permission of the activity coach or sponsor. Student volunteers must comply with all of the rules and procedures contained in this handbook.

### **Sunday and Wednesday Night Activities**

In order to provide students sufficient time away from school for family-related activities, the school will endeavor not to schedule activities on Wednesday evenings or on Sundays. Practices will be organized so that all participants are showered, dressed, and/or leave the facilities by 6:00 p.m. on Wednesday nights. An exception to this guideline would be when a team, group of students, or an individual may be required to participate in or travel to an activity sponsored by the conference, district, or state on a Wednesday night.

The school does not allow Sunday practice sessions without the approval of Administration.

### **Transportation**

All participants are expected to ride to and from away activities by means of approved school transportation.

A participant may ride home with his or her parent/guardian only if the parent/guardian personally contacts the sponsor at the activity. A participant may ride home with an adult if the participant’s parent/guardian has personally contacted the Activities Director prior to the activity and the adult personally contacts the sponsor at the activity prior to leaving with the student. Parents are discouraged from requesting to take their children home

after an away contest or performance. Travel to and from an event provides time for the students to further develop a strong team concept.

### **Weight Room**

The weight room has been developed to help each athlete, student, or staff member maintain a level of physical fitness. No student may use the weight room or equipment without proper supervision. The school will develop a schedule for use of the weight room by athletes during the school year and during the summer months.

The weight room is a high demand area within the school facilities. Scheduling of the facility is managed by the strength coach and Activities Director.

## **SECTION TWO: AVAILABLE ACTIVITIES**

### **Athletic Teams - SDHSAA Sanctioned**

Basketball (boys and girls)  
Cross County  
Football  
Golf  
Track (boys and girls)  
Soccer (boys and girls)  
Softball  
Volleyball  
Wrestling (boys and girls)

### **Athletic Teams - SDHSAA Non-Sanctioned**

Baseball

### **Art Club**

Membership is open to those students who are or who have been enrolled in Art classes at DVHS.

### **Band**

The school district sponsors marching band, pep band, and jazz band in addition to concert band. Participants must be enrolled in band class in order to be eligible to participate in these groups.

### **Competitive and Sideline Cheer**

Participants are selected by the sponsor(s) or judges appointed by the sponsor. Sideline cheer squad will be scheduled to cheer at all home events and selected away events. Competitive cheer squad will be scheduled to compete at selected competitions throughout the fall season.

### **Debate Team**

Students compete in 12 different categories of competition. These include debate, current events speaking, and several theater-type acting events.

### **Drama**

Participation in drama is open to all students interested in any aspect of theater and offers varying levels of involvement. The drama department produces two plays at the HS level - a three-act play in the fall and a one-act play in the winter. Regional and state competition is available for the one-act play. The MS produces one, one-act play in the spring.

### **Family Career and Community Leadership of America (FCCLA)**

FCCLA is an integral part of the Family and Consumer Sciences department. Members should have taken or presently be taking a family and consumer sciences class. Program emphasis for FCCLA is on leadership development, family cooperation and communication, community service and peer education.

### **Future Business Leaders of America (FBLA)**

FBLA is an integral part of the vocational business department and membership is limited to those students with at least one semester of work in the business education field. One of the primary objectives of FBLA is developing leadership and responsibility.

### **National Honor Society**

The National Honor Society is a national organization that recognizes student character, scholarship, leadership, and service to the school.

### **Student Council**

The purpose of student government is to arouse the spirit of loyalty toward the school, to promote good citizenship, to sponsor school activities, to extend the spirit of good fellowship throughout the student body, to foster a spirit of cooperation between the students and faculty, and to seek to develop a spirit of cooperation, good will, and better understanding with other schools. The organization, operation, and scope of the student government shall be administered by a HS Administrator.

### **Spanish Club**

The Spanish Club is designed to give students an opportunity to develop their knowledge of different Spanish speaking cultures. Members of the club are also interested in becoming involved with the Spanish speaking community in the area.

### **Student Publications**

The yearbook is published by the Journalism class along with the help of its teacher. The annual is financed partially by funds raised from the sale of the books.

The school paper is "Panther Pride." It is published once per quarter by the journalism classes and their teacher. It is financed in part by advertising.

## **SECTION THREE: SOUTH DAKOTA HIGH SCHOOL ACTIVITIES ASSOCIATION RULES**

*The SDHSAA requires eligibility checks once per semester. However, Dakota Valley School District and the Activities Department holds our students to higher standards for academic achievement. Therefore, Dakota Valley conducts eligibility checks per SDHSAA at semester but also at mid-quarter and end of quarter to ensure that our students remain on-track for graduation. The following requirements are in place:*

In addition, students enrolled in six/seven classes who are failing two (2) or more courses or students enrolled in four/five classes are failing one course (1) when progress reports, quarter or semester grades are compiled will be ineligible until the following grading period. (approximately every 4 to 5 weeks).

### **Eligibility**

In order to represent a high school in interscholastic athletic competition, a student must abide by eligibility rules of the South Dakota High School Activities Association. Eligibility requirements are established by the SDHSAA in its Constitution and its Bylaws and Approved Rulings. These documents can be found online at <https://www.sdhsaa.com/Portals/0/PDFs/Handbook/Athletics/3-ConstitutionByLaws.pdf?ver=2016-07-21-131149-890>. A summary of the major rules is given below. Contact the principal, activities director or the activity sponsor or coach for an explanation of the complete rule.

- **Age.** The student must be under 20 years of age at the time of participation. Age to be determined by birth date.
- **Enrollment.** The student must have enrolled not later than the sixteenth school day of the current semester.
- **Eight Semester Rule.** A student shall be eligible for four first semesters and four second semesters of interscholastic competition while enrolled in grades 9-12. For the purpose of this subsection, enrollment and attendance in school or participation in one or more contests shall count as a semester of eligibility. Once a student enrolls as a ninth grader, all semesters must be consecutive unless waived as per Article VII, Section 3 (I), page 10 of the SDHSAA Constitution.

### **Academic Eligibility.**

- **Preceding Semester.** The student, unless they are entering high school for the first time, shall have successfully earned a minimum of two (2) units of credit which are used in the issuance of a diploma, for the preceding or for the most recent semester/trimester of attendance

in any accredited high school. For the purposes of this subsection, enrollment and attendance in school or participation in one or more contests shall constitute a semester/trimester in determining eligibility. However, the Board of Directors or the Executive Director shall have the authority to waive the attendance rule when and if a student withdraws from school as a result of an injury or illness and does not return to any school for the remainder of the semester/trimester and the student does not receive any high school course credits.

NOTE: Failure to earn two (2) units of credit the previous semester/trimester causes the student to become ineligible the entire following semester/trimester. NOTE: Only credits accepted by the school for graduation may be used in determining whether a student successfully earned two (2) units of credit. Source: Minutes of the January 10-11, 2001 Board of Directors Meeting.

- **Current Semester.** The student shall (a) be enrolled in an accredited high school and attend courses for which a minimum of two (2) units of credit may be earned towards the issuance of a diploma, (b) be receiving alternative instruction as set forth in SDCL § 13-27-3 or (c) any student in grades ten, eleven, or twelve may apply to an institution of higher education or a postsecondary vocational education institution as a special student in a course or courses offered at the institution of higher education or postsecondary vocational education institution. Correspondence/college courses approved in advance by the high school principal for which credits earned are used in the issuance of a high school diploma may count towards the two (2) units of credit eligibility requirement. (Refer to SDCL § 13-28-37)
- **Project Grades.** A student's grades which are dependent upon completion of a project such as a vocational education project after the close of the academic school year shall be determined by the grade averages of record assuming satisfactory completion of the project.
- **Credit recovery.** Students who have been declared ineligible because of academic deficiencies from the previous semester/trimester may earn scholastic/academic eligibility by taking an academic course(s) via the options approved by the SD Department of Education. Examples include, but not limited to, on-line courses, in-district credit recovery courses, alternative education settings, digital courses, etc. The principal must monitor the successful completion of the course(s) and reinstate eligibility only after the successful completion of 2 units of credit as per Chapter I, Part IV, Section 1, Subsection D., page 14 of the Bylaws.
- **Beginning and Ending of a Semester.** For the purpose of this subsection, the first semester shall be considered as ending at midnight on the day before the second semester begins and the second semester shall be considered as starting on the first day classes are held in said

semester. The actual ending of the first/second semester or school year, rather than the date of graduation exercises or diploma date, controls the determination when eligibility terminates.

## **State Event Guidelines**

### **Eligible Participants:**

- Team Qualifying Participants – Students who are currently on the active varsity roster during the region tournament contests will be eligible to travel with the team and participate in the state tournament. This includes players, and cheerleaders.
- Individually Qualifying Participants – Students who qualify for the state tournament based upon head-to-head competition, or attaining a qualifying standard are eligible to travel to and participate in the state tournament. Cheerleaders who have been on the active varsity roster during the entire season will also be permitted to travel to the state tournament on the school provided transportation.
- Non-Participating Support Personnel – No more than five (5) total student managers, statisticians and/or video personnel may travel with the qualifying team. At the conclusion of the regular season, and prior to the start of the SDHSAA sponsored tournament the Head Coach/Sponsor of the activity must identify to the Activities Director the names of the student managers, student statisticians, and video personnel who will travel with the team throughout the tournament. Under special circumstances, the coach may request (through the Athletic Director) additional personnel to travel with the team.

### **Transportation:**

- The Activities Director (or designee) will secure transportation for the qualifying teams and will determine the departure time from school.
- Student personnel and sponsors are expected to travel to the tournament and return to the school district in school provided vehicles. (see exception below).
- Exceptions - A student may return from the tournament with their parents only, provided the parent makes a written request prior to the team's departure from school. At the conclusion of the tournament, the parent must appear in person to the Head Coach (or designee) prior to the student being released to the parent.

**Meals:**

- The school district will provide all student personnel with a per meal allowance of \$ 6.00 per meal as the students travel to the tournament, and for all meals until the students return to the school district.
- Coaches and Sponsors meals will be reimbursed at the state-rate (approved at the July School Board meeting).

**Hotel Accommodations:**

- The Activities Director will make all necessary hotel accommodations for the team or individuals who qualify. As much as possible, four (4) student personnel will share a room with two double beds. Coaches' accommodations will be in rooms separate from the students rooms, but in as close proximity as possible to the student rooms in order to adequately supervise the students.
- The team or qualifying students will return to the school district immediately after the conclusion of the state tournament, or sooner unless the event is held in a venue that is more than 175 miles from the Dakota Valley School District.
- Exceptions to item "b." above may be approved by the Superintendent or designee. Coaches/Sponsors of the activity must submit their request in writing to the Superintendent.

**Complimentary Tickets:**

- The number of complimentary tickets issued to the school district by the SDHSAA for state tournaments will be distributed by the school district's activities director in the following order until the tickets are dispersed.
  - High School Administration
  - Staff Members supervising student spectators
  - Superintendent
  - Coaches Spouse
  - Board Members (if available – in order of longevity on the board) Dakota Valley students participating in the All-State Choir, All-State Band, and the State One-Act Play are governed by the covenants of Section 2, Section 3, and Section 4 of this policy.

## SECTION FOUR: STUDENT CODE OF CONDUCT

This code is designed to provide a consistent, positive, and safe environment for the students in the Dakota Valley School District. This code applies to all students and covers all school activities, whether home or away, such as but not limited to athletics, dance, drill team, cheerleading, student council, band, choir, orchestra, debate and speech, (if the same are not related to courses for credit) and any other extra-curricular activity, including Homecoming and Prom activities. The graduation ceremony is defined as a culminating academic activity and is not considered a school activity. Therefore, the attendance or participation at graduation is not covered by the student conduct code.

All violations of this code must be reported to the principal or his/her designee, and in the case where the student is involved in athletics, the athletic director shall also be informed of the incident. All students must sign this form (part of student handbook), in order to participate in any of the activities listed above.

All violations which occur on school property have additional penalties which are found in the Dakota Valley Student Handbook.

### **A. Prohibited student conduct (on or off school property) is as follows:**

1.) The sale, distribution, use or possession of any mind-altering chemicals, including a controlled substance or marijuana.

(Violations & penalties will be pursuant to state law, which are in addition to the violations and penalties outlined in this code.)

**\*\*\* Note that the State of South Dakota has a specific law (13-32-9)** that states that students involved with the legal system for drug related offenses will be ineligible to participate for one calendar year, which may be reduced to thirty (30) calendar days for completing an assessment and treatment program. The student is also ineligible for a minimum of two SDHSAA sanctioned events upon completion of the reduced suspension period. The one-year suspension for a 2<sup>nd</sup> offense may be reduced to sixty (60) calendar days if the student completes an accredited intensive prevention or treatment program. If the suspension for a second offense is reduced, the student is also ineligible for a minimum of six SDHSAA sanctioned events upon completion of the reduced suspension period. A student is ineligible for the remainder of his or her high school career for a third offense.

2.) The sale, distribution, use or possession of alcohol.

- 3.) The use or possession of tobacco of any kind, including smoking or chewing tobacco, or devices or smokeless products which resemble the smoking of tobacco or any nicotine producing product.
- 4.) Disobedience of public laws resulting in adjudication or finding of guilt of any criminally related activities.

If a student violates # 2, 3, or 4 of the above prohibited conduct, the following penalties will be assessed. It is the intent and specific policy of the Dakota Valley School District that violations will be cumulative during the student's seventh and eighth grade years. At the commencement of the student's ninth grade year, all students will be considered to have no violations but all violations thereafter, grades 9-12, will be cumulative. In extraordinary circumstances, the Dakota Valley School District may implement discipline that does not strictly follow the below steps. Penalties for violation of the code are as follows:

NOTE: The reduction in suspension is not an option for any of the violations if the student had contact with law enforcement officials anytime during the violation.

**First Violation** - The student will be suspended and will not be allowed to attend or participate in any school or after school activity or extra-curricular activities for a period of fourteen (14) calendar days. However, the student must participate in any extra-curricular activity practices during the fourteen (14) day suspension. If the student voluntarily admits the violation, and reports the violation to the administration of his/her school, the school, in its sole discretion, may reduce the suspension to seven (7) calendar days, and the imposition of fifteen (15) hours community or school service which must be completed prior to participating or attending any school activity.

**Second Violation** - The student will be suspended and will not be allowed to attend or participate in any school or after school activity or extra-curricular activities for a period of sixty (60) calendar days. If the student voluntarily admits the violation, and reports the violation to the administration of his/her school, the school, in its sole discretion, may reduce the suspension to thirty (30) calendar days, and the imposition of thirty (30) hours community or school service which must be completed prior to participating or attending any school activity.

**Third Violation** The student will be suspended and not allowed to attend or participate in any school or after school activities or extracurricular activities for twelve (12) months. If the student at their own expense completes an evaluation and completes a treatment program, the penalty will be reduced to ninety (90) days.

**Fourth Violation and all subsequent violations** - the student will be suspended and not allowed to attend or participate in any school or after school activities or extracurricular activities for twelve (12) months.

**Violation of the suspension** – if a student violates any of the above suspensions, consequences will be determined by the building administrator and activities director. Being banned from all school events (including Homecoming, Prom, and the Graduation Ceremony as examples) would be considered as a consequence.

\* All calendar day penalties define a day as ending at 11:59 pm. Example: a 7-day penalty means that the student is ineligible to participate or attend school activities until 11:59 pm of the seventh day.

### **B. Appeal Process**

*During the appeal process, the student will be ineligible.* If an appeal of the administrative decision is desired, the process is as follows:

- A.) The Administration must meet with the student. If the parent(s) desire, the parent (s) may also meet with the Administration.
- B.) In the event the student or parent/guardian believes that the action taken by the Administration is inappropriate, they may appeal the Administration's decision in the following manner:
  1. An advisory three (3) member panel of impartial school staff members shall review the case. Two (2) members of the review panel shall be appointed by the school principal. One (1) of these two (2) staff members may be chosen by the student, if so desired. The third (3rd) panel member will be designated by the superintendent of schools from the central administration staff.
  2. The student and his/her parent(s)/guardian(s) shall be notified when and where the review panel will meet, and they shall be allowed to appear before the review panel.
  3. The review panel shall consider the circumstances and evidence and make its findings and recommendations in writing, to the student and parent(s)/guardian(s), and to the school principal. Responsibility for the decision of the appeal rests solely with the principal of the school.

4. Following the decision, the student and parent(s)/guardian(s) shall have three (3) school days to file an appeal with the superintendent. The appeal shall be heard at the earliest feasible opportunity, but no later than seven (7) days following the filing of the appeal.
5. If the appeal conducted by the superintendent is not acceptable, then an appeal may be made to the board of education at the next regularly scheduled board meeting, in closed session.

**C. Good Behavior Clause:**

If a student is found to be in violation of this code, he/she may be rewarded for subsequent good behavior. If the student maintains good behavior and is not in violation of this code for eighteen (18) months, then the student will move back one level. An example would be that a student violates the code and is on their first violation in October of their 9<sup>th</sup> grade year. If the student exhibits good behavior and does not violate the policy again until December of their 11<sup>th</sup> grade year, the second violation will have occurred after 18 months of good behavior so the penalty for the second violation will be reduced to that of a first violation.

This code applies to all students, regardless of whether or not they have signed a receipt form. For students wishing to participate in any school sponsored activities (as opposed to attending as a spectator), the student and parent will be required to sign and return this form prior to participating in that activity.

**D. Credible Witness:**

Judgment as to whether a student has violated this code will be based upon an arrest, citation, or notification from Law Enforcement, self-admission, or court proceedings. Credible witness is defined as school staff, law enforcement, or parents of the violator. Additional witnesses may enter evidence to be considered if they are willing to submit information in a signed statement.

**E. Dates of Enforcement:**

This code is in effect upon the first day of practice and/or the first day of school, whichever arrives first. The code remains in effect until the last school-sanctioned event in the summer.

## **Title IX Policy and Grievance Procedures**

It is the policy of the school district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the school district's programs or activities. The district is required by Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106 to not discriminate in such a manner.

### **1. Title IX Coordinator**

1.1. **Designation.** The district will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this policy, who will be referred to as the "**Title IX Coordinator.**" The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. 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). This report may be made by any means, including but not limited to, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

2. **Definitions.** As used in this policy, the following terms are defined as follows:

2.1. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

2.2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2.3. **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a

respondent and requesting that the district investigate the allegation of sexual harassment. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including subsections 5.1.3–5.1.4 and 34 C.F.R. § 106.45(b)(1)(iii).

2.4. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2.5. **Consent** for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. District officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

2.6. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

- 2.6.1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
- 2.6.2. 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;

2.6.3. **Sexual assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.2. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

- 2.6.3.2.1. **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
  - 2.6.3.2.2. **Statutory Rape**—Non-Forcible sexual intercourse by a person at least nineteen years of age with a person who is under sixteen years of age
- 2.6.4. **Dating violence**, as defined in 34 U.S.C. § 12291(a)(10), which means violence committed by a person—
  - 2.6.4.1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - 2.6.4.2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - 2.6.4.2.1. The length of the relationship.
    - 2.6.4.2.2. The type of relationship.
    - 2.6.4.2.3. The frequency of interaction between the persons involved in the relationship.
- 2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a)(8), which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.
- 2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a)(30), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - 2.6.6.1. fear for his or her safety or the safety of others; or
  - 2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **3. Discrimination Not Involving Sexual Harassment.**

3.1. **General Prohibition.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

3.2. **Specific Prohibitions.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, in providing any aid, benefit, or service to a student, the district will not on the basis of sex:

- 3.2.1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- 3.2.2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- 3.2.3. Deny any person any such aid, benefit, or service;

- 3.2.4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- 3.2.5. Apply any rule concerning the domicile or residence of a student or applicant;
- 3.2.6. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- 3.2.7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

3.3. **Complaint Procedure.** All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or relate to an allegation of sexual harassment as defined in subsection 2.6 above—shall be addressed pursuant to the district’s general complaint procedure.

#### 4. **Response to Sexual Harassment**

4.1. **Reporting Sexual Harassment.** Any person who witnesses an act of unlawful sexual harassment is encouraged to report it to the District’s Title IX Coordinator. No person will be retaliated against based on any report of suspected sexual harassment or retaliation. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator as soon as reasonably practicable, but in no case later than the end of the following school day.

4.2. **General Response to Sexual Harassment.** When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this policy “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district’s response will treat complainants and respondents equitably by offering supportive measures as defined in subsection 2.7 above to a complainant, and by

following the grievance process described in section 5 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

**4.3. Emergency Removal.** Nothing in this policy precludes the district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

**4.4. Administrative Leave.** Nothing in this policy precludes the district from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with section 5 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

**4.5. General Response Not Conditioned on Formal Complaint.** With or without a formal complaint, the district will comply with the obligations and procedures described in this section 4.

## **5. Grievance Process for Formal Complaints of Sexual Harassment.**

### **5.1. General Requirements.**

**5.1.1. Equitable Treatment.** The district will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described in this section 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to

restore or preserve equal access to the district’s education program or activity. Remedies may include the same individualized services described in subsection 2.7 as “supportive measures”; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

5.1.2. **Objective Evaluation.** This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person’s status as a complainant, respondent, or witness.

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.1.4. **Training.** The district will ensure that all individuals or entities described in this Training section 5.1.4 receive training as provided below. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

5.1.4.1. **All District Employees and Board Members.** All district employees and board members will be trained on how to identify and report sexual harassment.

5.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any person designated by the district to facilitate an informal resolution process receive training on:

5.1.4.2.1. The definition of sexual harassment in subsection 2.6;

5.1.4.2.2. The scope of the district’s education program or activity;

5.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and

informal resolution processes, as applicable;  
and

5.1.4.2.4. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.

5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in subsection 5.6.

5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.

5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.

5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.

5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## 5.2. **Notice of Allegations.**

5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:

5.2.1.1. A copy of this policy.

5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above, the district will provide notice of the additional allegations to the parties whose identities are known.

### 5.3. **Dismissal of Formal Complaint.**

5.3.1. The district will investigate the allegations in a formal complaint.

5.3.2. **Mandatory Dismissals.** The district **must** dismiss a formal complaint if the conduct alleged in the formal complaint:

5.3.2.1. Would not constitute sexual harassment as defined in subsection 2.6 even if proved;

5.3.2.2. Did not occur in the district's education program or activity; or

5.3.2.3. Did not occur against a person in the United States.

5.3.3. **Discretionary Dismissals.** The district **may** dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

5.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

5.3.3.2. The respondent is no longer enrolled in or employed by the district; or

5.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

5.3.4. Upon a dismissal required or permitted pursuant to subsections 5.3.2 or 5.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.

5.3.5. Dismissal of a formal complaint under this policy does not preclude the district from taking action under another provision of the district's code of conduct or pursuant to another district policy.

5.4. **Consolidation of Formal Complaints.** The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same

facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

**5.5. Investigation of Formal Complaint.** When investigating a formal complaint and throughout the grievance process, the district will:

- 5.5.1. Designate and authorize one or more persons (which need not be district employees) as investigator(s) to conduct the district's investigation of a formal complaint;
- 5.5.2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the district will obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- 5.5.3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- 5.5.4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- 5.5.5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

- 5.5.6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- 5.5.7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and
- 5.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

**5.6. Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

## **5.7. Determination Regarding Responsibility**

- 5.7.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.7.2. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:
- 5.7.2.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
  - 5.7.2.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - 5.7.2.3. Findings of fact supporting the determination;
  - 5.7.2.4. Conclusions regarding the application of the district's code of conduct to the facts;
  - 5.7.2.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
  - 5.7.2.6. The district's procedures and permissible bases for the complainant and respondent to appeal.
- 5.7.3. The district will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- 5.7.4. The Title IX Coordinator is responsible for effective implementation of any remedies.

5.8. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, on the grounds identified below.

5.8.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within three calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from subsection 5.8.2 below) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy, 34 C.F.R. part, 106, and Title IX.

5.8.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, are limited to the following grounds:

5.8.2.1. Procedural irregularity that affected the outcome of the matter;

5.8.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

5.8.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

5.8.3. As to all appeals, the district will:

5.8.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

5.8.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or

dismissal, the investigator(s), or the Title IX Coordinator;

- 5.8.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.
- 5.8.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- 5.8.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and
- 5.8.3.6. Provide the written decision simultaneously to both parties.

**5.9. Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

5.9.1. Provides to the parties a written notice disclosing:

- 5.9.1.1. The allegations;
- 5.9.1.2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
- 5.9.1.3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

- 5.9.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- 5.9.2. Obtains the parties' voluntary, written consent to the informal resolution process; and
- 5.9.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**5.10. Recordkeeping.**

- 5.10.1. The district will maintain for a period of seven years records of:
  - 5.10.1.1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
  - 5.10.1.2. Any appeal and the result therefrom;
  - 5.10.1.3. Any informal resolution and the result therefrom; and
  - 5.10.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does not maintain a website then the district will make these materials available upon request for inspection by members of the public.
- 5.10.2. For each response required under section 4, the district will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly

unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

6. **Superintendent Authorized to Contract.** The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

## 7. **Access to Classes and Schools.**

7.1. **General Standard.** Except as provided in this section or otherwise in 34 C.F.R. part 106, the district will not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.

7.1.1. **Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

7.1.2. **Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

7.1.3. **Human sexuality classes.** Classes or portions of classes that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

7.1.4. **Choruses.** The district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

7.2. **Classes and Extracurricular Activities.** The district may provide nonvocational single-sex classes or extracurricular activities as permitted by 34 C.F.R. part 106.

8. **Athletics.** It is the policy of the district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be

treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by the district, and that the district will not provide any such athletics separately on such basis.

8.1. **Separate Teams.** Notwithstanding the foregoing paragraph, the district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

8.2. **Equal opportunity.** The district will provide equal athletic opportunity for members of both sexes. Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams will not constitute noncompliance with this section.

9. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

10. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

10.1. **Specific Circumstances.**

10.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.

- 10.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
11. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district's education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.
12. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).
13. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.
14. **Scope of Policy.** Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district's obligations under this policy shall be deemed to be fulfilled and discharged.

## **AUTHORIZATION AND ACKNOWLEDGEMENT**

### **WARNING: SERIOUS CATASTROPHIC AND PERHAPS FATAL INJURY MAY RESULT FROM ATHLETIC PARTICIPATION**

Dakota Valley has cautionary statements for participation in each sport. As part of the online registration process, each parent must read and acknowledge receipt and understanding of these cautionary statements related to the sport in which their child is participating.

Acknowledgement of receipt and understanding of the Activities Handbook is also completed via the online registration process.

**Note:** The Student Code of Conduct is contained in the Activities Handbook. When acknowledging the handbook, you are also acknowledging that you have read and understood the expectations outlined in the Student Code of Conduct.