



Williamson Central School District

Title IX Grievance Procedures

Williamson Central School District does not discriminate on the basis of sex in its education program or activities, including employment, as is required by Title IX. Furthermore, Williamson Central School District does not discriminate on the basis of race, color, national origin, creed, religion, marital status, age, sexual orientation, or disability in admissions, participation or employment. Inquiries regarding the application of Title IX may be directed to the Assistant Secretary of Civil Rights of the Department of Education or to the District's Title IX Coordinator, Kathryn Avery, who can be reached at Williamson Central School District, 5891 Route 21, P.O. Box 900, Williamson, NY 14589, via email at kavery@williamsoncentral.org, or via telephone at (315) 589-9661.

Table of contents

Procedure	2
Informal resolution of complaint	3
Complaint process	4
Supportive Measures	5
Informal Complaint	6
Emergency Removal	6
Formal Complaint Procedure	7
Investigative Report	11
Determination of Responsibility	11
Appeal	12
Retaliation	13
Reporting to Local Law Enforcement	14

Overview

Any student or employee of the Williamson Central School District (WCSD) who believes that they have been subjected to discrimination on the basis of their sex may file a complaint and/or seek resolution of their claim through the procedures described below. The District is committed to providing prompt and equitable resolution of complaints, formal or informal.

If you think you are the victim of discrimination based on sex, you can make a formal or informal complaint to the following individuals: Title IX coordinator, any administrator, or any counselor. Any complaint, formal or informal, will be responded to by the District in a prompt manner. If a formal complaint is filed, the district will begin an investigation.

Complainants and respondents will be treated equitably and a respondent is presumed not responsible throughout the grievance process until a final determination of responsibility is made, or if appealed, until the appeal is final. Grievance procedures must be followed before imposing any disciplinary sanctions or other actions that are not supportive measures against the respondent. A student or employee may be removed on an emergency basis after an individualized safety and risk analysis is conducted, and it is determined that immediate removal is justified as the student or employee is an immediate threat to physical health or safety of a student or other.

Due to the sensitivity surrounding complaints of unlawful sex discrimination or harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner, generally within fifteen (15) school days of the complaint being received.

Once a complaint is made known, formal or informal, supportive measures will be offered as appropriate, reasonably available and without fee or charge to the complainant or respondent (see page 5). Supportive measures are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures to protect the safety of all parties or the educational environment, or measures to deter sexual harassment. Any supportive measures provided to either party will be kept confidential to the extent possible – the Title IX Coordinator will implement any and all supportive measures. If a complaint is made known, but no formal complaint is filed, the Title IX Coordinator must offer supportive measures and provide some if requested and must explain to the complainant the process to file a formal complaint.

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful sex discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission (“EEOC”) or local law enforcement agencies. **The entire process will be completed within 90 days from start to finish.**

Informal resolution of complaint

The District cannot require parties to participate in the informal resolution process – both parties must consent. The parties may choose to participate in informal resolution any time before a determination of responsibility is made.

Once the parties receive written notice of the allegations, the parties may sign written consent to participate in informal resolution. The District must inform the parties in writing that they may withdraw from the informal

resolution process any time prior to agreeing to a resolution, and then may proceed with the grievance process.

Informal resolution may be an appropriate choice when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through informal means, if possible. The informal complaint procedure is provided as a less formal option for a student or visitor who believes they have been unlawfully discriminated against or harassed. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal resolution process is not available for any case where the allegations are that an employee sexually harassed a student.

Complaint process

Students or employees who believe that they have been unlawfully sexually discriminated against or harassed may initiate a formal complaint.

All complaints involving harassment or discrimination of students by WCSD staff or other adult members of the WCSD community will result in a formal investigation.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without a fee or charge. They are offered to Complainant and Respondent before or after filing a formal complaint, or where no formal complaint is filed. Supportive measures are designed to restore or preserve equal access to the education program or

activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties in the educational environment, or to deter sexual harassment. Any supportive measures provided to the Complainant or Respondent must be kept confidential to the extent that maintaining confidentiality would not impair the ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Supportive measures may include, but are not limited to the following:

- Counseling
- Course-related adjustments to deadlines
- Modification of work or class schedules
- Mutual restrictions on contact between the parties
- Leaves of absence

Informal Complaint

An individual who believes they have been unlawfully discriminated against or harassed may make an informal complaint to a building administrator; directly to the Title IX Coordinator; and/or to any adult member of WCSD faculty or staff. If the District has actual knowledge of sexual harassment, it will respond promptly and in a manner that is not deliberately indifferent.

Emergency Removal

A student or employee accused of sexual harassment may be removed from an education program or activity on an emergency basis only after the following:

- Individualized safety and risk analysis
- Determination that an immediate threat to physical health/safety of a student or other arising from the allegations of sexual harassment justifies emergency removal
- Respondent is provided with notice and an opportunity to challenge the decision immediately following emergency removal.

All materials generated as part of the informal complaint process will be retained by the Title IX Coordinator.

Formal Complaint Procedure

A formal complaint is 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. A formal complaint may be filed in person, by mail, by email, etc.

The Complainant may obtain a Complaint Form from the Title IX Coordinator, School administrator, or the WCSD website.

If a Complainant informs an administrator or other WCSD employee, either orally or in writing, about any complaint of sexual discrimination or harassment, that person must report such information to the Title IX Coordinator within two (2) school days.

Throughout the course of the process, the Title IX Coordinator should keep the parties informed of the status of the investigation and the decision-making process. All parties will be treated equitably and confidentially.

All formal complaints must include the following information to the extent it is available:

- the identity of the individual believed to have engaged in, or be engaging in,
- the sexual discriminatory or harassing conduct;
- a detailed description of the facts upon which the complaint is based;
- a list of potential witnesses;
- and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Title IX Coordinator shall ask for such details in an oral interview. In the event the Complainant is a student with disabilities, the Title IX Coordinator will carefully review the reporting student's IEP or 504 plan to determine what specific accommodations that child should have to aid in their reporting.

Thereafter, the Title IX Coordinator will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Title IX Coordinator will offer supportive measures as discussed above. Consideration will be given to whether any action should be taken in the investigatory phase to protect the Complainant from further sex discrimination or retaliation. In making such a determination, the Title IX Coordinator should consult the Complainant to assess his/her agreement to the proposed action.

Promptly after receiving the complaint, the Title IX Coordinator or a designee will initiate a formal investigation. Simultaneously, the Title IX Coordinator will provide the parties with written notice of the grievance process, including information on resolution options. The parties will also also will be

provided with written notice of the allegations of sexual harassment with sufficient detail including identity of the parties, conduct alleged, date and location of alleged conduct. The Respondent must receive written notice that a respondent is presumed innocent until a determination of responsibility is made at the conclusion of the grievance process. Written notice provided to the parties must also inform the parties of any provision in the Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. If during the course of the investigation, the investigator decides to investigate allegations about the complainant or respondent not included in the formal complaint, written notice of the additional allegations must be provided to both parties. The standard of evidence to be used when determining responsibility will be a preponderance of the evidence.

If the allegations in the formal complaint do not constitute sexual harassment, or did not occur on school grounds or at a school related activity or event, the formal complaint must be dismissed. Dismissal of a formal complaint does not preclude action under another provision of the Code of Conduct. If at any time during the investigation or hearing a complainant notifies the Title IX Coordinator in writing that s/he would like to withdraw the formal complaint, or any allegations therein, the complaint or specific allegations will be dismissed. If the respondent is no longer employed by the District, the complaint will be dismissed. And, if the investigator cannot gather sufficient evidence to make a determination, the complaint will be dismissed. The District will provide written notice to the parties of the dismissal and reasons therefore. Complaints may be consolidated if they arise out of the same facts and circumstances, including consolidation of complaints against more than one respondent, consolidation of more than one complaint against a respondent.

Investigators and decision makers will be free from conflicts of interest with the parties, free from bias against the parties and will avoid prejudgment of the facts and issues. The investigator will be called upon to determine the credibility of witnesses interviewed, including the parties.

During the investigation, the burden of proof and the burden of gathering evidence sufficient to make a determination regarding responsibility is on the District, not the parties. Investigators will provide the parties equal opportunity to present evidence including witnesses, fact and expert witnesses and any other inculpatory or exculpatory evidence. The parties will be provided the opportunity to be accompanied to any meeting or proceeding by legal representation and/or union representation where permitted.

Written notice of hearings, investigative interviews or other meetings will be provided to the parties and the information provided will include the date, time and location of the meeting/interview, the participants and the purpose. Notice will be provided at least 2 school days in advance to allow the parties time to prepare. The investigation will include an investigation of any inculpatory or exculpatory evidence equally and any details specified by the complainant or respondent will be investigated equally. The investigator will provide the parties an equal opportunity to inspect and review evidence obtained during the investigation, including evidence the investigator does not intend to use in reaching a determination. All parties will have an opportunity to examine any inculpatory or exculpatory evidence and each party will have an equal opportunity to respond to the evidence prior to the conclusion of the investigation.

The investigator will send hard copies of all evidence to each party. The parties will have 10 days to submit a written response to the investigator. The

investigator will consider the responses submitted by the parties before completing the investigative report.

Investigative Report

The investigator must prepare an investigative report that summarizes the evidence fairly. After sending the investigative report to the parties and before reaching a determination of responsibility, the decision maker will give each party the opportunity

If a decision maker excludes a question on the basis of relevance, the decision maker must provide an explanation of why the question was excluded.

If a hearing is held, the hearing officer will not be the person who conducted the investigation. Hearings are not mandatory if the respondent is a student.

Determination of Responsibility

Once the investigation is concluded, if no hearing, or once the hearing is concluded, the decision maker will issue a written determination of responsibility, based upon the standard of a preponderance of the evidence.

The written decision will include: the allegations, a description of the procedural steps taken, including but not limited to interviews, site visits, methods used to gather evidence, hearing if one is held. The written decision also will set forth the findings of fact supporting the determination of responsibility and any conclusions regarding violations of the Code of Conduct as related to the facts. The written decision also will include a statement of and rationale for

determining responsibility on each allegation, and disciplinary sanctions, if any, on each allegation. **Disciplinary sanctions will align to the Code of Conduct and may range from restorative circles to long term suspension, depending on the circumstances.** If remedies to restore or preserve equal access to education will be provided to the complainant, that will be set forth in the written decision. The written decision must include an analysis of the evidence including witness interviews and any documentary evidence obtained. The written decision will include statements regarding the decision maker's determination of the credibility of the witnesses. The written decision must also set forth the process and bases for an appeal.

The written decision will be provided to the parties simultaneously. The determination of responsibility is final when the parties time to appeal has expired and no appeal has been filed, or when a written determination of an appeal is provided to the parties.

The investigator will provide the parties, and their chosen advisor if any, with a written report at least 10 days before a hearing or a determination of responsibility. The parties will have 5 days to provide a written response. If a hearing is elected, the hearing officer will determine responsibility. If a hearing is not chosen, the investigator will determine responsibility and will provide a written report determining responsibility to the parties.

Appeal

A Complainant or Respondent who is dissatisfied with the written determination of the decision maker may appeal by providing a written notice of appeal to the Title IX Coordinator no later than five (5) school days of their receipt of the written determination of responsibility. The Title IX Coordinator

will then assign a person to determine the appeal. That person will not be anyone involved, including the Title IX Coordinator, in the underlying investigation, determination or hearing.

A party may bring an appeal on any of the following grounds:

- That there was a procedural irregularity that affected the outcome;
- That there is new evidence that was not reasonably available at the time the determination of responsibility was made and that new evidence may affect the outcome; or
- That there was a conflict of interest or bias for or against a party that affected the outcome.

When an appeal is filed, the District will notify the other party and will provide the other party with a copy of the notice of appeal. Both parties will have 10 days from notification of the appeal to file written statements in support of or against the appeal. The decision maker will issue a written decision on the appeal within 5 days of receipt of the parties' written submissions and will be provided to the parties simultaneously. The decision on appeal will include the result and the rationale for the determination.

Any and all of the time limits contained herein may be waived if a party presents a sufficient reason. Any additional time provided to one party will be provided to all parties.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful sex discrimination/retaliation, or participates as a witness in an investigation is prohibited. Specifically, the WCSD will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person

opposed any act or practice made unlawful by any Federal or State Civil Rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, aided or encouraged any other person in the exercise of any right granted or protected by those laws. **A complaint can be filed under Title IX grievance for any retaliation by anyone, including other students.**

Reporting to Local Law Enforcement

Nothing in these Procedures should in any way be deemed to discourage the Complainant from reporting acts subject to these Procedures, including acts of sexual violence, to local law enforcement. In the event that the Complainant files a criminal complaint, the Title IX Coordinator or designee should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the WCSD's own Title IX investigation.

Although the WCSD may need to temporarily delay the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, the WCSD will take interim measures to protect the Complainant in the educational setting. The WCSD should also continue to update the parties on the status of the investigation and inform the parties when the WCSD resumes its Title IX investigation.

The WCSD must maintain documentation of all proceedings, including, but not limited to, written findings, transcripts and audio recordings.

Terms

Complainant:

Respondent: